



REGIONAL DISTRICT OF CENTRAL KOOTENAY

Development Permit Report

Date of Report: March 16, 2017
Date & Type of Meeting: March 16, 2017 Choose Meeting Type Here
Author: Meeri Durand, Planning Manager
Subject: **DEVELOPMENT PERMIT (BOX LAKE LUMBER)**
File: **4260-20-DP1609K-02581.000//DP000070**

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to recommend the issuance of an Industrial Development Permit as required under the Electoral Area K Official Community Plan Bylaw No. 2022 for land legally described as Crown Land adjoining Lot 2 District Lot 7904 Kootenay Land District Plan NEP64626 (PID 024-541-541) to the east under proposed License of Occupation.

SECTION 2: BACKGROUND / ANALYSIS

GENERAL INFORMATION	
Property Owner: Province of B.C.	Agent: Box Lake Lumber c/o Daniel Wiebe, President
Property Location: Crown Land adjoining 1325 Wilson Lake Road, Nakusp (see Figure 1 below)	
Legal Description: Crown Land adjoining Lot 2, Plan NEP64626, District Lot 7904, Kootenay Land District (PID: 024-541-541) to the east.	
Property Size: ~1.73 hectares (~4.27 acres)	

RELEVANT INFORMATION

Site Context/Purpose of Application

The land under application is Crown Land adjoining Box Lake Lumber Products Ltd. at 1325 Wilson Lake Road in the community of Nakusp in Electoral Area 'K' of the Regional District of Central Kootenay. The land is approximately 1.73 hectares (4.27 acres) in site area and adjoins the Box Lake Lumber Products Ltd. property to the east. The land is accessed via Wilson Lake Road, a short road reserve that is primarily used to access Box Lake Lumber Products Ltd. off Highway 6 (refer to Figure 1 and Figure 2 below).

Land uses on adjoining properties are as follows:

Orientation	Zoning	Land Use
North	Rural Residential K (R3K) & Open Space (OS)	One Rural Residential Property and Crown Land
East	Open Space (OS) & Environmental Reserve (ER)	Crown Land and Wensley Creek

South	Open Space (OS) & Environmental Reserve (ER)	Crown Land, Wensley Creek & Railway Right-of-Way
West	Medium Industrial (M2)	Box Lake Lumber Products Ltd.

The applicant has made application to the Province for a Licence of Occupation over these lands in order to legalise an existing unauthorised use of the lands for log sorting, decking and storage, which has been occurring for a number of years. As part of this application the proponent is requesting authorisation for this activity as well as approximately 0.5 hectares of the additional forested land to the north, which is intended to be reserved for potential future expansion.

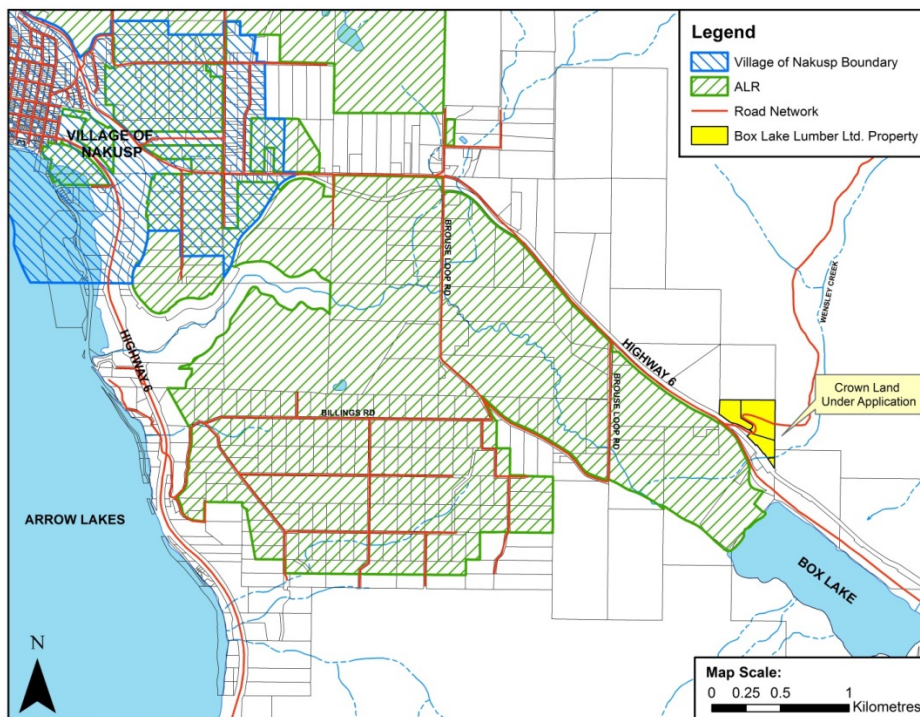


Figure 1: Location Map

During the referral period for this Licence of Occupation application planning staff requested that the Land Officer hold the Licence of Occupation application in abeyance until such time as the applicant had applied for, and been successful, in obtaining an amendment to the OCP and Zoning designation of the property from its current *Open Space* designation to an *Industrial* designation. This would ensure that the existing and proposed use is reconciled with the existing OCP and Zoning bylaws, and would allow the community opportunity to comment on the current use and proposed expansion. This Bylaw amendment was considered by the RDCK Board on March 16th, 2017 for ‘Adoption’.

Under the ‘Medium Industrial’ designation, an Industrial Development Permit in accordance with Section 19.0 of the *Electoral Area ‘K’ – The Arrow Lakes Official Community Plan Bylaw 2022, 2009* is required.

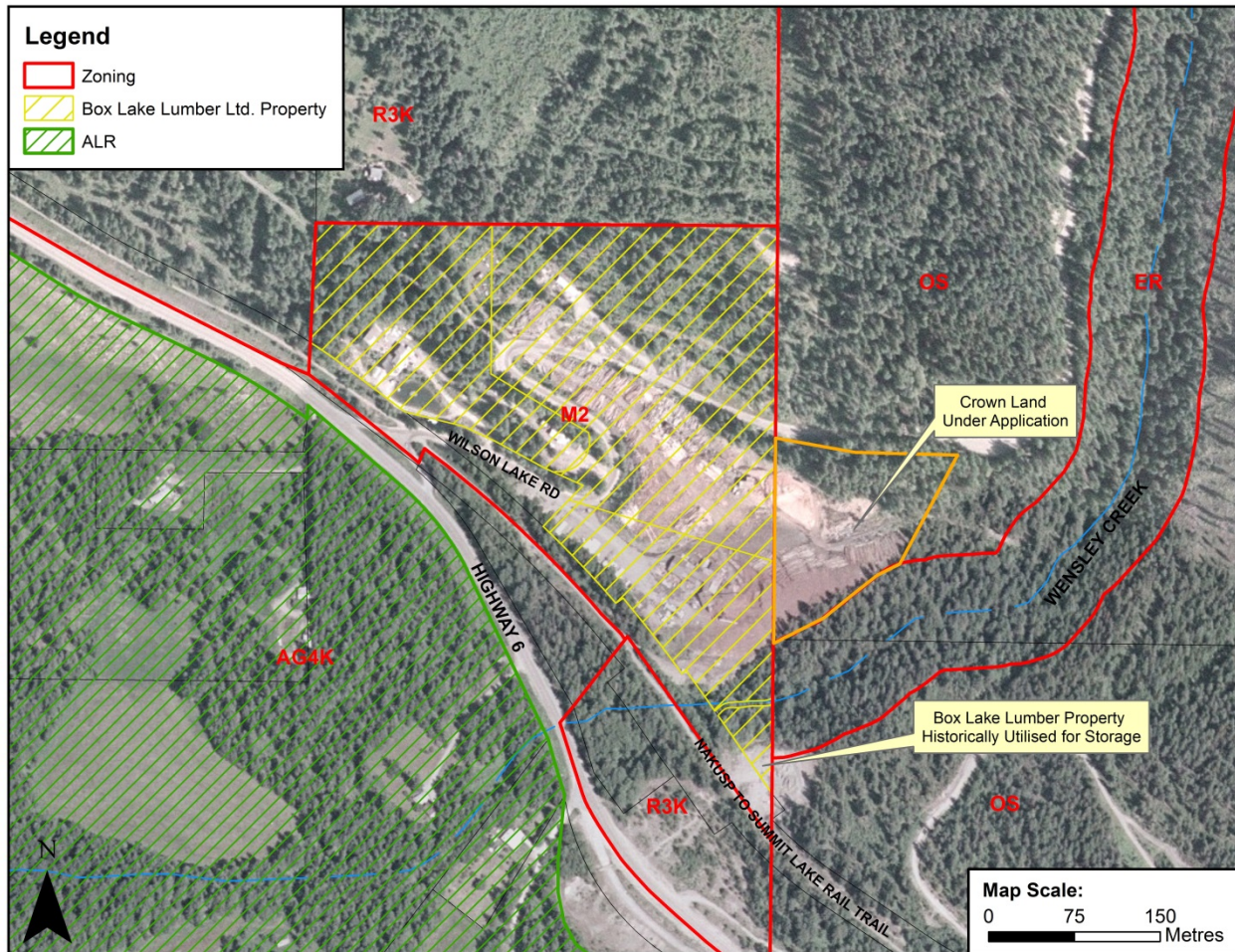


Figure 2: Site Map

Referral Period and Public Input

Two comments were received from adjacent land owners during the referral period for this application, which are detailed in “Attachment C”. In addition to public comment, the proposed development permit was referred to various referral agencies including First Nations, the Director for Electoral Area ‘K’ and other relevant Provincial agencies on November 16th, 2016. Comments from referral agencies are attached to this report as “Attachment C”, and a summary of the key issues brought forward are detailed in Table 1 below.

Key Issues Identified Through Referral Process	
Issue	Staff Response
Erosion and Sediment Control/Slope Stability	The Land Officer handling the Licence of Occupation application has identified that a requirement ensuring appropriate erosion/sediment control will be written into any

	future Licence of Occupation for the land, should this application be approved by the Regional Board.
Unimpeded access to Wilson Lake Road	Access concerns have been addressed within the Development Permit requirements, in addition to maintenance of landscaping adjacent to Wilson Lake Road and Crown lands to the east.

Table 1: Summary of Key Issues with Staff Response

Development Permit Area Guidelines:

Development shall be in accordance with the following guidelines and considerations:

GUIDELINE	CONSIDERATIONS
Impact on farm land.	The proposal will have no impact to agricultural land.
Capability of the natural environment to support the proposed development.	The permittee has submitted a contaminated sites profile indicating that there are no applicable activities that are detrimental in this regard. There will be no storage of materials or equipment on site with the exception of wood.
Compatibility with adjacent land uses and designations, and the character of the area.	Adjacent lands are all Crown.
Susceptibility to natural hazards, including but not limited to flooding, slope instability, or wildfire risk.	There is expressed concern over slope stability adjacent to Wilson Lake Road which has been addressed as part of the License of Occupation.
The size of the property in relation to the proposed industrial activity.	The proposed area is in conjunction with operations on adjacent lands.
The Province is requested to ensure industrial activities involving emission of toxic or irritant material meet the highest standards regarding the protection of groundwater catchment areas, surface water and riparian areas and air-borne industrial pollutants.	There are no contaminants associated with the proposed development.
Wherever possible, new industrial activity shall be located in close proximity and with direct access to major roads.	The subject property is in proximity to Highway 6 and has access from Wilson Lake Road.
Prior to commencement of industrial activity, a landscape buffer shall be required on industrial	Adjacent lands are all Crown.

properties adjacent to non-industrial designated properties.

All industrial activity; including parking and storage must be screened and wide buffers shall be left along roads and property lines. Adjacent lands are buffered through existing landscaping and forest cover.

SECTION 3: DETAILED ANALYSIS

a. Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Financial Plan Amendment: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Debt Bylaw Required: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Public/Gov’t Approvals req’d: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

The \$500 application fee for a Development Permit was received in accordance with the *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015*.

b. Legislative Considerations (Applicable Policies and/or Bylaws):

A Development Permit will be considered in accordance with the Guidelines contained within the *Electoral Area ‘K’ – The Arrow Lakes Official Community Plan Bylaw 2022, 2009*.

c. Environmental Considerations:

The applicant has indicated that no activities specified in Schedule 2 of the *Contaminated Sites Regulation* have occurred on the subject property and has elected to not complete and submit a site profile in accordance with Section 40 (1) of the *Environmental Management Act*.

d. Social Considerations:

Potential impacts to the use and enjoyment of land for neighbouring property must be considered. Notice of the Development Permit was given to owners and tenants of all parcels within a minimum distance of 300 metres of the property. Two comments were received from adjacent property owners. One in support of the proposal and the other voicing concern over slope stability.

e. Economic Considerations:

Box Lake Lumber employs approximately 40 people within the local area. Expansion of the land use may see increase employment opportunities within the local area.

f. Communication Considerations:

The Development Permit application was sent on referral in accordance with the *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015*. Comments received to date include as follows:

Jill Carruthers, Ministry of Transportation, dated November 29th, 2016

As per the Ministry referral response from Nov. 28, 2016, the Ministry of Transportation and Infrastructure has jurisdiction over Wilson Lake Road (10 meters either side of what would be considered the centre line). The Ministry has no concerns with this rezoning so land as Wilson Lake Road remains unaffected by the use intended, and

	that the applicant is fully aware that this road is public and is not to be restricted or impeded in any way with the applicant's proposed use.
Ian Wiles, Stewardship Officer, Selkirk Forest District, dated November 24th, 2016	I do not have any concerns with this application and have previously commented on the proponent's license of occupation application this spring.
Adjacent Landowner, dated November 21st, 2016.	We have no problem with this application and totally support anything Daniel proposes to do to develop and improve his business.
Curt Nixon, Tenures and Lands Forester, dated November 18th, 2016	The Ministry of Forests, Lands and Natural Resource Operations have no issue and have been working with the applicant and the RDCK in moving this application forward. Should this application for a Development Permit be approved, we will proceed to grant the License of Occupation for Log Sorting and Handling.
Adjacent Landowner, dated December 1st, 2016	The area to be developed at a later date is not level land. Clearing it could/would result in slope instability.

g. Staffing/Departmental Work Plan Considerations:

Upon receipt of an application accompanied by the required fees and attachments, Planning Department staff follows the 'Development Permit Procedure' identified under the *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015*.

h. Board Strategic Plan/Priorities Considerations:

Not applicable.

SECTION 4: OPTIONS & PROS / CONS

PROS

- The proposed development is approximately 50 metres from Wensley Creek, exceeding the 30 metre setback requested by the Ministry of Forests, Lands and Natural Resource Operations.
- The proposed development is not located within close proximity to any adjoining residential land uses, ensuring that conflict with local residences will not occur. No concerns about the existing use of Crown Land were received by adjoining land owners, and concerns about erosion and sediment control will be addressed by the Land Officer as part of any future Licence of Occupation.
- Should the application be approved as proposed, the Box Lake Lumber will no longer need to utilise lands adjoining, and accessed via, the rail trail use to the south. This would reduce potential conflicts with recreational trail users.
- The proposed expansion of the use, if successful, may result in additional employment opportunities in the local area.

CONS

- The property owner has been utilising Crown Land without authorisation for a number of years.
- Any future expansion may see increased heavy truck traffic along Wilson Lake Road.

SECTION 5: RECOMMENDATION(S)

That the General Manager of Development Services APPROVE the issuance of Development Permit 4260-20-DP1609K-02581.000 for property legally described as Crown Land adjoining Lot 2 District Lot 7904 Kootenay Land District Plan NEP64626 (PID 024-541-541) to the east under proposed License of Occupation.

Respectfully submitted,

Signature:



Name: Meeri Durand, Planning Manager

CONCURRENCE

Initials:

General Manager of Development Services

ATTACHMENTS:

Attachment A – Proposal Summary

Attachment B – DRAFT Development Permit DP1609K