



REGIONAL DISTRICT OF CENTRAL KOOTENAY

Memo to General Manger of Development Services

Date of Memo: July 13, 2020
Author: Eileen Senyk, Planner
Subject: DEVELOPMENT PERMIT Spearhead Timber – 4655 Highway 3A
File: 09/4260/20/2019/DP1911F

Owner	596324 BC LTD
Civic Address	4655 Highway 3A
Legal Description	Parcel A (Being a consolidation of lots 1 and 2 See CA5564282) District Lot 790 Kootenay District Plan 2449
PID	029-966-574
Lot Size	4.56 acres

PROPOSAL:
<p>The property is currently being used as a design and manufacturing facility for wood and steel based home construction projects. The two buildings on site contain the site office and manufacturing facility. Remaining area on site is used for storage, construction, and parking. The applicant is proposing to expand the existing facility by constructing a new industrial building that will be used for timber frame manufacturing and storage of materials.</p>

Electoral Area	F
Development Permit Area	Industrial Development Permit

Guidelines	Meets?	Comments
Capability of the natural environment to support the proposed development;	Yes	The industrial area devoted to the business is located near the highway. The remainder of the property has been left in a natural state.
Compatibility with adjacent land uses and designations, and the character of the area	Yes	The property is located in an area with mixed residential, light industrial and commercial use in which many land uses pre-date land use regulation in the area.

Susceptibility to natural hazards, including but not limited to flooding, slope instability, or wildfire risk;	Yes	Firesmart measures were put in place in 2018 to thin trees and trim all branches up to a fire smart height.
The size of the property in relation to the proposed activity; Any new development should take into account the overall physical aesthetic, ambience or sense of place, respecting the general scale, quality, eclectic variety of architecture and nature of the streetscape.	Yes	Site is small for the use. Development variance permit has been issued to deal with setbacks from lot lines.
Any new development should take into account the overall physical aesthetic, ambience or sense of place, respecting the general scale, quality, eclectic variety of architecture and nature of the streetscape.	Yes	The street scape is not well screened is not well screened and landscaping is limited to the south western corner of the property.
Creative use of signs is encouraged. Pedestrian scale front lit or neon designs are permitted, while back lit fluorescent and plastic light boxes are discouraged.	Yes	No foreseen issues with signage have been identified.
The Province is requested to ensure 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;	Yes	A dust collection specialist has been retained to help Spearhead measure noise levels. Mechanical drawings show the boiler location in the new building. Therefore, the new boiler will be located in the new building and the old boiler will be removed.
Wherever possible, new activity shall be located in close proximity and with direct access to major roads;	Yes	The whole site is within close proximity to Highway 3A.
Prior to commencement of activity, a landscape buffer shall be required adjacent to non-industrial, non-commercial, and non-high density residential designated properties;	Yes	The RDCK has agreed that work can be performed after the Development Permit has been issued, and that a security deposit will be collected to ensure that works are completed.
All activity; including parking and storage must be screened and wide	Yes	See Schedule 3 of Proposed Development Permit.

buffers shall be left along roads and property lines.		
Can include operational guidelines, including hours of operation, noise restrictions, sign requirements, siting of proposed operations, and other measures as identified to ensure that impacts to adjacent properties are mitigated.	Pending	Compliance Agreement has been drafted to ensure that trucks do not idle on site overnight.

Zoning	The property is split zoned, the north portion is zoned Suburban Residential F (R1F) and the south portion of the property is zoned Light Industrial (M1).
OCP	The northern portion of the property is designated Suburban Residential (SR) and the southern portion of the property is designated Industrial (M).
ALR	Not applicable.
Floodplain	Not applicable.
NSFEA	Not applicable.
Geohazard	Not applicable.
Archeology Sites	Not applicable
Within RDCK Water System	Not applicable.
Relevant Covenants and Reports	None.
Review Title for Miscellaneous Charges	No non-financial miscellaneous charges.

REFERRAL COMMENTS:	
Interior Health Authority	An initial review has been completed and no health impacts associated with this proposal have been identified. As such, our interests are unaffected by this proposal.
Ellisa Bramson & Charles Callis	<p>Please note our comments and concerns re: this this development variance permit request by Spearhead Timber. We received notification from the RDCK because we are in proximity to this facility.</p> <p>1. Our main concern is noise levels. Presently, there is a constant, low frequency sound from we think the dust collector in the Spearhead office building. If Spearhead is expanding etc., we request that they upgrade the existing dust collector with a quieter one. Similarly, and additional buildings in their Phase 1 plan should have adequate state of the art sound suppression systems. There are approximately 30 homes in the vicinity that are directly affected by this. And the new campsites at Kokanee Creek Provincial Park would also be within earshot of industrial</p>

	<p>activity from Spearhead. Please take this into consideration.</p> <p>2. Parking: If Spearhead reduces parking spaces as requested, we want to know where additional parking is. Would it be in the lot on the south side of the highway, which they own? If so, this means trees cut, which means less sound insulation, which we would find highly objectionable. It also seems unsafe to have employees (and others?) cross the highway to enter their place of employment</p>
Rob and Peg Hinitt	<p>As per our conversation I would like the following concerns addressed by the Spearhead group.</p> <p>Our main concern is the noise level produced by the dust collection system located on the mill work shop. We feel that any expansion plans need to have commitment in writing that this unit will be replaced .</p> <p>Also we are concerned about extended hours and days of operations with the proposed expansion will they increase. Trucks that arrive after hours should not be allowed to run after the 10 PM.as per the noise bylaw.</p>
Kenneth & Ursula Lowrey	<p>We wish to express our concerns regarding the Application for a Development Permit (DP1911F) by Spearhead Timberworks Inc.</p> <p>When we neighbours were asked to comment on the initial proposal, we had no idea that Spearhead would be so successful and grow as it has. We are proud to have Spearhead as an important contributor to the local economy and I appreciate the efforts being made to accommodate local needs and concerns in their expansion plans. Having said that, however, we do have concerns that their footprint will continue to grow, absorbing neighbouring properties and turning what is already an industrial zone into something akin to heavy industry with the noise, traffic and pollution associated with an operation of this nature. This community including Kokanee Creek Provincial Park is a highly sought after recreation area. We do not wish to encourage any development that will diminish the aesthetics and peaceful nature of this neighbourhood.</p> <p>In the Proposed Variance we notice that Spearhead states that they are a “facility for wood and steel based home construction projects”. This is a misleading statement as the list of projects on their web page attests to. They are</p>

undertaking large industrial projects and we expect this segment of their business will only grow. we don't trust that the whole picture is being presented and we think that their long term projections and plans need to be determined before allowing any further expansion beyond this variance.

We are aware that Spearhead has purchased a building lot across the highway from their property, located next to Starlight Tool. Through neighbourhood networking we understand that they would like to use this lot as a parking and storage area. The lot isn't zoned for this activity but we expect that they will attempt to rezone and to expand into this prime residential neighbourhood. In that the Variance they are applying for reduces the number of parking spaces, what are their plans for accommodating more parking for their employees in the future?

We have observed large delivery trucks coming and going at all hours of the day and night. The diesel fumes and noise disperse throughout the neighbourhood and can be quite bothersome. There have been incidents during the winter when diesel exhaust fumes have nauseated us at home when the driver idles most of the night while sleeping in the truck. We would like to see restriction on the idling of these trucks.

There have been issues over the years such as dust, noise, and noxious fumes from stain, paint or glues. Except for the smoke from their wood fired boiler and noise, these issues have generally disappeared. We are extremely happy to see the wood fired boiler replaced, It has been a major polluter and I feel has contributed to respiratory health issues in our neighbourhood, especially when they were burning the waste ends of glued beams.

Our recommended requirements for approval of this permit are as follows;

1. Is there a longer term business plan with full expansion expectations available for public view? It would be nice to know what their future expectations are.
2. We are very pleased to see that the wood fired boiler is being replaced by a high-efficiency gas boiler. This will greatly improve our local air quality. We ask that the new boiler be inspected annually to ensure clean and continued efficient operation. Can this requirement be put into the permit stipulations?

	<p>3. Implement a No Idling Policy, particularly for diesel vehicles. Install plug-ins for trucks parked over night so that drivers can shut down their engines. The operators should use electric heaters to stay warm while sleeping in the vehicle and to assure the engine starts after a cold night. Or provide an overnight sleeping space.</p> <p>4. Every effort must be made to eliminate the noise from vacuums, dust filters, planers, CNC machines and anything that produces loud penetrating noise. The noise is physiologically and psychologically harmful and has caused me headaches and stomach upsets. The constant drone of these machines must be suppressed. It is particularly noticeable during the summer months when the weather is nice enough to be outdoors and we think it is also the time when Spearhead works with their doors open. Require that any loud noise that is a concern of the neighbours must be dealt with. It will also improve the hearing health of their employees.</p> <p>5. Continue to control dust and limit burning of waste material, particularly that containing glue, paint, preservatives or any banned material.</p> <p>6. Maintain clean and aesthetically pleasing premises. We are all proud of our neighbourhood. Further diminishment such as the unsightly premises of Starlight Tool is unacceptable and reduces our property values.</p>
Fortis BC	There are no FortisBC Inc (Electric) ("FBC(E)") facilities affected by this application. As such FBC(E) has no concerns with this circulation.
Connie Bell	<ol style="list-style-type: none">1. I have lived on Robertson Rd. for forty years and chose to do so for the peace and quiet as it is not a densely populated area.2. Since Spearhead has been next door there has definitely been an increase in noise and with an expansion that would mean more noise.3. Our initial introduction to Spearhead came with many promises by them to be a great neighbour. That did not happen. They did not follow through on what they told the neighbourhood they were going to do. ie: build berms to lessen the noise, landscaping, fencing etc. Also I do believe there has been work hours and days set and that does not seem to matter to them. They work whenever they want.

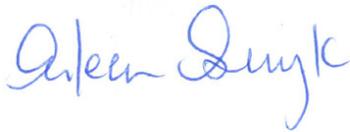
	<ol style="list-style-type: none">4. I don't feel having them expand is going to do much for property values in our neighbourhood. Who wants to live next door to an on going noise from a private business.5. The heating system they have set-up where they burn scraps is deplorable. The smoke that belches out of there is darn nasty. What type of waste is being disposed in the burner? (perhaps treated wood) Not good.6. I think the people who are studying this proposal by Spearhead should consider how they would feel if they lived next door.
Lloyd Hetherington	<p>Regarding the Spearhead Timber development at 11-mile on the North Shore, I had thought of submitting nothing after having a nice visit from a representative of Spearhead who assuaged some of my concerns. But given that the development which actually took place originally which turned out to look quite dissimilar to the park-like designs presented to the community, I figured I should put something in writing.</p> <p>Some of the residents have had a big issue with the drone from the dust collector in their millwork shop. I know that Spearhead did attempt to address this, and apparently have continued to do so. While I do hear the drone, on a scale of 1 to 10 with '10' being a monstrous problem and '1' being no issue at all, I'd rate it on my property as a 3 or 4. Others across the highway would unquestionably place that figure much higher.</p> <p>But my greatest concern, apparently going to be a thing of the past (?), is the discharge of smoke from their continual burning of waste. The latter half of April this year and the entire month of May had numerous days in which I had to close open windows at night, and twice well after midnight when the smoke was so onerous that it woke me from sleep. As May also had several cool evenings and cooler nights, the furnace was still going periodically, and on several occasions I was choking on the smoke in my own house as the make-up air for the furnace was drawing in what was supposed to be clean outside air that was anything but. The number of times this happened was so high that I had considered contacting the RDCK at that time, but did not.</p> <p>At 1:30 AM on Sunday, May 26 I even had to call the paramedics as I couldn't seem to draw a proper breath. I don't know if this was related to Spearhead or not, but the outside air was particularly fetid when I opened the door</p>

	<p>for the paramedics after the ambulance arrived. Fortunately, that night pretty much seemed to be the end of both issues - I've had neither a recurrence of breathing difficulties nor has there been any noticeable smoke. I might add that I do not nor have I ever had any cardiac problems, nor issues with either allergies or asthma. This episode was just a very scary one-off with its cause perhaps or perhaps not being related to Spearhead's continual discharge.</p>
Rob Hinitt	<p>As a follow up to my list of concerns regarding the proposed Spearhead expansion. Last week I met with Ted Hall and his key people that are heading up the expansion plan. It was a very positive meeting we addressed all my issues and I feel that they will correct these problems. The main issue being the dust collection system on the mill work building, Ted made a commitment of reducing the sound by 50 % by what ever means necessary. I now feel that the expansion will be a positive step forward.</p>
Karl Masewich	<p>We've been neighbors with Spearhead for more than 15 years and have had nothing but excellent relations with them the entire time. They are an important member of the community and we want to make sure they stay long term. As far as owning property next to any type of commercial business, Spearhead is the best we could possibly hope for. Please add our support for their proposed development to your files. Thanks.</p>
Eugene Josay	<p>I am the owner of the property next to spearhead on the Balfour side. In response to your letter dated August 6, 20019. I have read the letter several times and would like to say I am all for the proposed expansion. This will bring more employment into the area and is a plus for Nelson. I have lived on this parcel since 1987. When spearhead first started there was a problem with the smoke from there wood fired boiler. This was caused by burning the scrap cut offs, some of which were treated. I had contacted them at this time, and they have changed to proper firewood. The new system will be natural gas fired so this will not be a problem in the future. As for any other problems, we hear very little noise from there facility during the day or night. Again, we are all for the proposed expansion.</p>

	<p>There property is zoned industrial and, they should be allowed to expand, as there customers range from all over the world or country. There present facility will not keep up with the demand for there product.</p> <p>I would recommend the locals visit there facility or, go on the internet to see the high quality and the complexity of there designs. I was impressed to say the least. This company is putting nelson on the map. This will not only supply more much needed employment to the community it will bring more people into the area, which will provided a stronger tax bases.</p>
Ministry of Transportation and Infrastructure	Ministry of Transportation and Infrastructure will require an updated access permit. Application available from our Nelson office or online. The new use may, at some point, require a traffic impact analysis study which may identify necessary improvements to Hwy 3A.

Respectfully submitted,

Signature



Name: Eileen Senyk

CONCURRENCE

Initials:

Planning Manager
General Manager of Development Services

ATTACHMENTS:

Attachment A – Development Permit