Board Report

Date of Report: May 28, 2024
Date & Type of Meeting: June 13, 2024 – Board Meeting
Author: Zachari Giacomazzo, Planner
Subject: BYLAW AMENDMENT
File: Z2306I – Kalesnikoff Lumber Company Ltd.
Electoral Area/Municipality I

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to present the public hearing minutes for proposed amendments to RDCK Zoning Bylaw No. 1675, 2004 and Kootenay-Columbia Rivers Official Community Plan No. 1157, 1996. Following the Board giving first and second reading to the amendment bylaws (Resolutions 34/24 and 35/24) at the January 18, 2024 meeting, a public hearing was held on May 14, 2024.

The Amendments requested by this application are to facilitate the development of a Business Office and staff parking across the Highway from the sawmill operations at Kalesnikoff Lumber Company in Electoral Area 'I'.

Staff recommend that Amending Bylaw No. 2939, 2024 being a bylaw to amend Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004 and Amending Bylaw No. 2940, 2024 being a bylaw to amend Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996 be given THIRD reading and that Adoption be withheld until the Amendment Bylaw has been approved by the Ministry of Transportation and Infrastructure, pursuant to Section 52 (3)(a) of the Transportation Act.

SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION
Property Owner: Kalesnikoff Lumber Company Ltd.
Agent: Nelson Rocha, Studio 9 Architecture + Planning
Property Location: 2090 Highway 3A, Tarrys, Electoral Area 'I'
Legal Description: LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)
Property Size: 14.5 hectares (36.1 acres)
Area of Property Affected: 1.7 hectares (4.2 acres) west of Highway 3A
Current Zoning: Country Residential I (R2I) in RDCK Zoning Bylaw No. 1675, 2004
Current Official Community Plan Designation: Country Residential (CR2) in Kootenay-Columbia Rivers Official Community Plan No. 1157, 1996

SURROUNDING LAND USES
North: Country Residential (CR2)
East: Industrial (I)
South: Commercial (C)
West: Country Residential (CR2)

Site Context

The subject property is located approximately 10 km north of the City of Castlegar in Electoral Area 'I'. Only the portion of the property on the west side of Highway 3A (orange outline in Figure 1) will be affected by the proposed land use change. This portion of the subject property is bounded by commercial uses (Russell Auction) to the south, a statutory right-of-way and residential uses to the west, Highway 3A and the Kalesnikoff Saw Mill to the east, and the Tarrys Fire Hall to the North. No changes to the existing sawmill operation east of Highway 3A are being proposed through this application. The land associated with this proposal is undeveloped and heavily treed with the exception of a Fortis Sub-station and staff parking at the north end of the subject lands. The existing administrative offices are located at the main entrance to the eastern portion of the property where the saw mill operations are located.



Figure 1 - Location Map

Background
In 2017 a similar application (Z1707I) was submitted by the property owners to rezone the same portion of land from R2I to General Commercial (C2) in order to develop a new office building and additional staff parking on the presently undeveloped portion of the subject property. In October 2018 the Board resolved that further consideration of the application would be withheld until a noise study and a more detailed landscape plan were provided by the applicant. In December 2019, the application lapsed due to inactivity.

Development Proposal
The applicant is proposing to develop a new office building and additional staff parking on the currently undeveloped portion of the property. The proposed structure will be two stories in height and have a gross floor area of approximately 10,000 ft^2 (929 m^2). The site layout as presented will also retain landscaping to screen the development from adjacent properties and the highway (refer to Figures 2 and 3). Further revisions to the concept plan may be undertaken as a result of community feedback and requirements under the subsequent Development Permit process.

This current Land Use Bylaw Amendment application is for the same purpose that was previously considered (a business office and parking area), however the applicants are now proposing a site specific C2 zone with a limited list of permitted uses. The proposed site specific zone will eliminate all of the uses that are permitted in the standard C2 zone except for the following:

- Offices
- Accessory Buildings and Structures
- One Dwelling Unit

The applicant has indicated that the intent of proposing a more limited set of uses for the subject lands is to address the neighbours' concerns from the previous application and further ensure that the site will only be used for an office and not an expansion of the industrial operations.

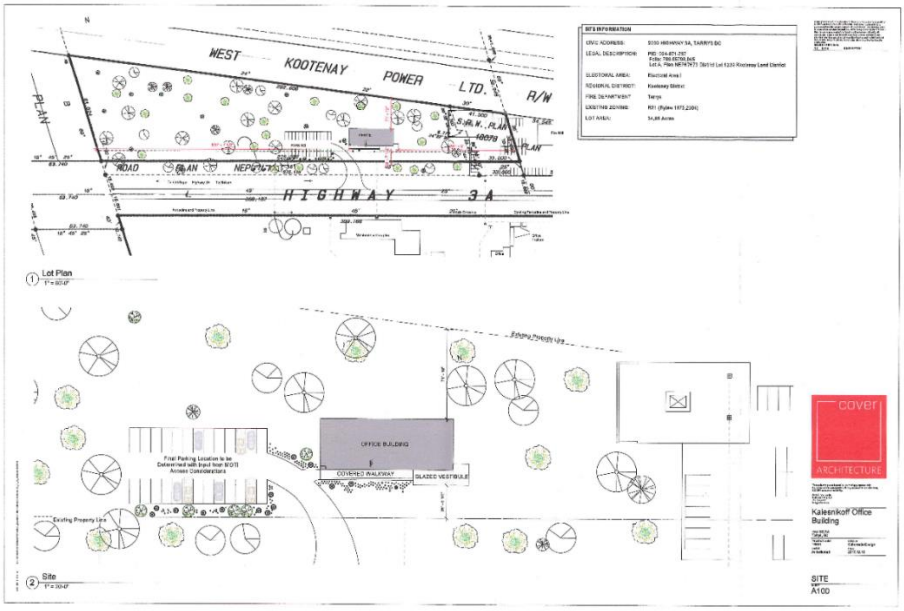


Figure 2 - Conceptual Site Plan

Planning Policy

Kootenay-Columbia Rivers Official Community Plan No. 1157, 1996

2.4 Commercial Objectives

2.4.1 To provide for commercial activities servicing the needs of local communities.

2.4.2 To minimize land use incompatibility between commercial activities and surrounding land uses.

2.4.3 To ensure the scale of all commercial developments harmonize with the natural surroundings and the rural character of the Plan Area.

2.4.5 To protect the character and integrity of quiet residential and rural neighbourhoods.

3.5 Commercial Policies

3.5.1 To provide for commercial activities servicing the needs of local communities.

3.5.2 The minimum lot size shall be one (1) hectare unless serviced by a community water system whereby the minimum lot size shall be .5 hectares.

3.5.3 Existing commercial uses shall be recognized.

3.5.7 A Landscape buffer shall be required to be installed and maintained on commercial properties adjacent to all properties which have a non-commercial or non-industrial designation and shall be in place prior to commencement of operation.

Official Community Plan Consultation, RDCK Policy No. 400-02-19

The purpose of this policy is to establish a consistent process to comply with Local Government Act (LGA) consultation requirements during a minor amendment to an official community plan. A minor amendment to an Official Community Plan is defined as any official community plan amendment application made by the public for a single property or multiple properties functioning as one site. This application meets the definition of a minor amendment to an Official Community Plan.

Based on the fact that the proposed OCP amendment only affects the subject property (site specific), staff have ensured that the consultation requirements for a minor amendment have been satisfied.

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan:	☐ Yes	☒ No	**Financial Plan Amendment:**	☐ Yes	☒ No
Debt Bylaw Required:	☐ Yes	☒ No	**Public/Gov't Approvals Required:**	☐ Yes	☒ No

Pursuant to Planning Fees and Procedures Bylaw No. 2457, 2015 the applicant has paid the joint OCP/Zoning bylaw amendment fee of $1800 in full.

3.2 Legislative Considerations (Applicable Policies and/or Bylaws):

The application was processed in accordance with Planning Fees and Procedures Bylaw No. 2457, 2015.

3.3 Environmental Considerations

The proposed development will require the removal of trees from the subject property. The applicant has indicated that a "treed buffer" or planted hedges along the west side of the property will be maintained or added to provide privacy to adjacent residents.

3.4 Social Considerations:

Potential impacts to the use and enjoyment of land for neighbouring property must be considered. Notification of the proposal was distributed by mail to adjacent property owners within 200 metres of the subject property.

In accordance with Section 464 of the Local Government Act, a notice of public hearing was mailed to a total of 53 households that included neighbouring residents and individuals who indicated that they had an interest in the proposed Bylaw Amendments. The Notice of Public Hearing was also advertised in the May 2nd and May 9th editions of the Castlegar News. 19 written submissions in opposition of the proposed amendments and 1 written submission in support of the proposed amendments were received prior to the Public Hearing.

3.5 Economic Considerations:

Kalesnikoff Lumber Company is recognized as a significant employer within the area. The proposed office building will showcase some of the company's lumber products and will provide for a more suitable building for business administration.

3.6 Communication Considerations:

In accordance with Schedule 'C' of the *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015*, a 'Notice of Development' sign was placed in a visible location on Highway 3A and adjacent property owner notification was sent to 53 properties within 200 metres of the subject property. Two (2) responses were received from neighbouring property owners that identified concerns related to noise and the compatibility of the proposed use with surrounding residential uses.

The application was sent to relevant government agencies and First Nations. The following responses were received from government agencies and First Nations:

Ktunaxa Nation Council – Guardianship Referrals Administrator – Lands & Resources

The Ktunaxa Nation Council has no concerns with this Bylaw Amendment.

Penticton Indian Band – Referrals Coordinator

A Cultural Heritage Resource Assessment (CHRA) is required prior to any site alteration or development activity.

Electoral Area 'I' Advisory Planning and Heritage Commission (APHC)

These comments are from the approved minutes of the November 27, 2023 meeting:

*That the Area I Advisory Planning Commission recommend that the Bylaw Amendment Application from Nelson Rocha, Studio 9 Architecture + Planning for the property located 2090 Highway 3A, Tarrys and legally described as LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 be **REFERRED** to a Public Hearing.*

Ministry of Transportation and Infrastructure – West Kootenay District Development Services Officer

The Ministry will require an access permit to Highway 3A for a commercial access. The Ministry's preference would be for the applicant to utilize existing access points as opposed to creating new ones.

The Ministry is aware there is a high volume of pedestrians crossing Highway 3A between the current employee parking lot and Kalesnikoff Mill. It would be advantageous if the applicant's plans included a way to reduce the amount of foot traffic crossing the road for safety purposes.

Ministry of Water, Land and Resource Stewardship

So long as the land has sufficient water licencing rights associated with it to support the purpose use and volume of water allocated, Water Stewardship, Ministry of Water, Land and Resource Stewardship has no additional concerns.

Ministry of Water, Land and Resource Stewardship – Ecosystems Section Head – Kootenay-Boundary Region

The Kootenay-Boundary Ecosystems Section of the Ministry of Water, Land and Resource Stewardship has received your referral request. We are currently unable to provide a detailed review of the referral but provide the following standard requirements, recommendations and/or comments:

1. *All activities are to follow and comply with all higher-level plans, planning initiatives, agreements, Memorandums of Understanding, etc. that local governments are parties to.*
2. *Changes in and about a "stream" [as defined in the Water Sustainability Act (WSA)] must only be done under a license, use approval or change approval; or be in compliance with an order, or in accordance with Part 3 of the Water Sustainability Regulation. Authorized changes must also be compliant with the Kootenay-Boundary Terms and Conditions and Timing Windows documents. Applications to conduct works in and about streams can be submitted through FrontCounter BC.*
3. *No "development" should occur within 15 m of the "stream boundary" of any "stream" [all as defined in the Riparian Areas Protection Regulation (RAPR)] in the absence of an acceptable assessment, completed by a Qualified Professional (QP), to determine if a reduced riparian setback would adversely affect the natural features, functions and conditions of the stream. Submit the QP assessment to the appropriate Ministry of Water, Land and Resource Stewardship office for potential review. Local governments listed in Section 2(1) of RAPR are required to ensure that all development is compliant with RAPR.*
4. *The federal Species at Risk Act (SARA) protects Endangered, Extirpated or Threatened species listed under Schedule 1 of SARA. Developers are responsible to ensure that no species or ecosystems at risk (SEAR), or Critical Habitat for Federally listed species, are adversely affected by the proposed activities. The BC Species and Ecosystem Explorer website provides information on known SEAR occurrences within BC, although the absence of an observation record does not confirm that a species is not present. Detailed site-specific assessments and field surveys should be conducted by a QP according to Resource Inventory Standard Committee (RISC) standards to ensure all SEAR have been identified and that developments are consistent with any species or ecosystem specific Recovery Strategy or Management Plan documents, and to ensure proposed activities will not adversely affect SEAR or their Critical Habitat for Federally-listed Species at Risk (Posted).*
5. *Development specific Best Management Practices (BMPs) should be applied to help meet necessary legislation, regulations, and policies. Current BC BMPs can be found at: Natural Resource Best Management Practices - Province of British Columbia (gov.bc.ca) and Develop with Care 2014 - Province of British Columbia.*
6. *Vegetation clearing, if required, should adhere to the least risk timing windows for nesting birds (i.e., development activities should only occur during the least risk timing window). Nesting birds and some nests are protected by Section 34 of the provincial Wildlife Act and the federal Migratory Birds*

Convention Act. Guidelines to avoid harm to migratory birds can be found at: Guidelines to avoid harm to migratory birds - Canada.ca. If vegetation clearing is required during the bird nesting period (i.e., outside of the least risk timing window) a pre-clearing bird nest survey should be completed by a QP. The following least risk windows for birds are designed to avoid the bird nesting period:

Bird Species	*Least Risk Timing Windows*
Raptors (eagles, hawks, falcons, & owls)	*Aug 15 – Jan 30*
Herons	*Aug 15 – Jan 30*
Other Birds	*Aug 1 – March 31*

7. *The introduction and spread of invasive species is a concern with all developments. The provincial Weed Control Act requires that an occupier must control noxious weeds growing or located on land and premises, and on any other property located on land and premises, occupied by that person. Information on invasive species can be found at: Invasive species - Province of British Columbia. The Invasive Species Council of BC provides BMPs that should be followed, along with factsheets, reports, field guides, and other useful references. For example, all equipment, including personal equipment such as footwear, should be inspected prior to arrival at the site and prior to each daily use and any vegetative materials removed and disposed of accordingly. If noxious weeds are established as a result of this project or approval, it is the tenure holder's responsibility to manage the site to the extent that the invasive, or noxious plants are contained or removed.*
8. *Section 33.1 of the provincial Wildlife Act prohibits feeding or attracting dangerous wildlife. Measures should be employed to reduce dangerous human-wildlife conflicts. Any food, garbage or organic waste that could attract bears or other dangerous wildlife should be removed from the work area. If this is not feasible and waste is not removed, it should be stored in a bear-proof container to avoid drawing wildlife into the area and increasing the threat of human/wildlife conflict.*
9. *If this referral is in relation to a potential environmental violation it should be reported online at Report All Poachers & Polluters (RAPP) or by phone at 1-877-952-RAPP (7277).*
10. *Developments must be compliant with all other applicable statutes, bylaws, and regulations.*

FortisBC – Property Services

Land Rights Comments

• There are no immediate concerns or requests for additional land rights, however there may be additional land rights requested stemming from changes to the existing FortisBC Electric ("FBC(E)") services, if required.

Operational & Design Comments

• There are FortisBC Electric ("FBC(E)")) primary distribution and transmission facilities along the west side of the subject property and facilities within the boundary of the subject lot.

• All costs and land right requirements associated with changes to the existing servicing are the responsibility of the applicant.

• The applicant and/or property owner are responsible for maintaining safe limits of approach around all existing electrical facilities within and outside the property boundaries.

*• **To proceed, the applicant should contact an FBC(E) designer as noted below for more details regarding design, servicing solutions, and land right requirements.***

***In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847).** Please have the following information available in order for FBC(E) to set up the file when you call.*

• Electrician's Name and Phone number

• FortisBC Total Connected Load Form

• Other technical information relative to electrical servicing

For more information, please refer to FBC(E)'s overhead and underground design requirements:
FortisBC Overhead Design Requirements
http://fortisbc.com/ServiceMeterGuide

FortisBC Underground Design Specification
http://www.fortisbc.com/InstallGuide

3.7 Staffing/Departmental Workplace Considerations:

Should the Board choose to give the Amendment Bylaws Third reading, staff will forward the Bylaws to Ministry of Transportation and Infrastructure for approval.

3.8 Board Strategic Plan/Priorities Considerations:

Not applicable.

SECTION 4: OPTIONS & PROS / CONS

PUBLIC HEARING

At the January 18, 2024 Board meeting the Board of Directors resolved to complete first and second reading of Amendment Bylaws 2939 and 2940 and directed staff to advertise the notice of public hearing in accordance with the requirements of the Local Government Act.

A "Notice of Public Hearing" was advertised in the May 2nd and May 9th editions of the Castlegar News. A letter was also mailed to surrounding property owners notifying them of the date, time and location of the Public Hearing. As of the writing of this report, 19 submissions have been received from neighbouring residents that do not support the proposed bylaw amendments (Attachment C) and 1 submission has been received supporting the proposed bylaw amendments (Attachment D).

The public hearing was held on May 14th at 6:30pm at the Brilliant Cultural Centre in Castlegar. Members of the public attended as did the applicant, and this is noted in the Public Hearing minutes attached to this report. Written submissions received prior to the Public Hearing are included as part of the Public Hearing minutes. Verbal submissions made at the Public Hearing are also included in the Public Hearing minutes. The majority of the comments and concerns that were discussed at the Public Hearing were related to:

- The uncertainty related to how the development would proceed if the Bylaw Amendments were approved by the Board.
- Removal of existing trees/vegetation on the subject property.
- Noise concerns related to existing saw mill operation and how noise would be mitigated through the proposed development of the vacant portion of the subject property on the west side of Highway 3A

PLANNING DISCUSSION

This application proposes to amend the OCP land use designation from Country Residential 2 (CR2) to Commercial (C) and amend the Zoning Designation from Country Residential 'I' (R2I) to General Commercial (C2) Site Specific for a 1.7 hectare portion of the subject property on the west side of Highway 3A in order to permit an Office Building and an employee parking area.

The proposed amendments are intended to ensure that future land use development on the parcel is limited to that of administrative offices and staff parking, which will ensure that industrial land use in the vicinity are

limited to the eastern portion of Highway 3A. The proposed use is consistent with the adjacent commercial land uses to the south and the fire hall use to the north.

The subject property meets minimum site area requirements for the proposed use and conceptual site design has included landscaping and screening in anticipation of Development Permit Area Guidelines. The proposed development of the site must comply with all applicable zoning regulations, including landscaping and screening requirements and this would be confirmed through the review of a Commercial Development Permit application.

PROS:

- The proposed amendments would ensure that the long term use of the property is of a commercial or administrative land use and would not authorize further expansion of industrial activity on the western portion of Highway 3A.
- The proposed land use is of a nature that is not expected to cause conflict with adjacent commercial and residential land uses in the vicinity.
- The location of office buildings and staff parking on this portion of the property may reduce the need for continued staff crossing of Highway 3A and increase safety standards at the saw mill if operational staff is better enabled to park on the eastern portion of the subject property.

CONS:

- There will be a loss of tree cover and potential noise buffering of the saw mill operations for residents along Loff Road.
- There may be concern that further commercial developments in this area will further drive the mixed use nature of the community which has historically been a concern cited by community members.

OPTIONS

Option 1

That *Regional District of Central Kootenay Zoning Amendment Bylaw No. 2939, 2023* being a bylaw to amend the *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* is hereby given THIRD READING.

And further;

That the consideration of adoption BE WITHHELD for *Regional District of Central Kootenay Zoning Amendment Bylaw No. 2939, 2023* being a bylaw to amend the *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* until the following items have been obtained:

i. Approval of *Regional District of Central Kootenay Zoning Amendment Bylaw No. 2939, 2023* by the Ministry of Transportation and Infrastructure, pursuant to Section 52 (3)(a) of the Transportation Act.

That *Kootenay-Columbia Rivers Official Community Plan Amendment Bylaw No. 2940, 2023* being a bylaw to amend the *Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996* is hereby given THIRD READING.

And further;

That the consideration of adoption BE WITHHELD for Kootenay-Columbia Rivers Official Community Plan Amendment Bylaw No. 2940, 2023 being a bylaw to amend the Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996 until the following items have been obtained:

i. Approval of *Kootenay-Columbia Rivers Official Community Plan Amendment Bylaw No. 2940, 2023* by the Ministry of Transportation and Infrastructure, pursuant to Section 52 (3)(a) of the Transportation Act.

Option 2

That *Regional District of Central Kootenay Zoning Amendment Bylaw No. 2939, 2023* being a bylaw to amend the *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* BE REFERRED to the July 18, 2024 Board meeting.

That *Kootenay-Columbia Rivers Official Community Plan Amendment Bylaw No. 2940, 2023* being a bylaw to amend the *Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996* BE REFERRED to the July 18, 2024 Board meeting.

Option 3

That no further action be taken with respect to Regional District of Central Kootenay Zoning Amendment Bylaw No. 2939, 2023 being a bylaw to amend the Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004.

That no further action be taken with respect to Kootenay-Columbia Rivers Official Community Plan Amendment Bylaw No. 2940, 2023 being a bylaw to amend the Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996.

SECTION 5: RECOMMENDATIONS

1. That Regional District of Central Kootenay Zoning Amendment Bylaw No. 2939, 2023 being a bylaw to amend the Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004 is hereby given THIRD READING;

   AND FURTHER, that the consideration of adoption BE WITHHELD for *Regional District of Central Kootenay Zoning Amendment Bylaw No. 2939, 2023* being a bylaw to amend the *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* until the following items have been obtained:

   i. Approval of *Regional District of Central Kootenay Zoning Amendment Bylaw No. 2939, 2023* by the Ministry of Transportation and Infrastructure, pursuant to Section 52 (3)(a) of the Transportation Act.

2. That Kootenay-Columbia Rivers Official Community Plan Amendment Bylaw No. 2940, 2023 being a bylaw to amend the Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996 is hereby given THIRD READING;

   AND FURTHER, that the consideration of adoption BE WITHHELD for Kootenay-Columbia Rivers Official Community Plan Amendment Bylaw No. 2940, 2023 being a bylaw to amend the Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996 until the following items have been obtained:

ii. Approval of *Kootenay-Columbia Rivers Official Community Plan Amendment Bylaw No. 2940, 2023* by the Ministry of Transportation and Infrastructure, pursuant to Section 52 (3)(a) of the Transportation Act.

Respectfully submitted,
Zachari Giacomazzo, Planner

CONCURRENCE

Planning Manager – Nelson Wight	Approved
Manager of Development and Community Sustainability – Sangita Sudan	Approved
Chief Administrative Officer – Stuart Horn	Approved

ATTACHMENTS:
Attachment A – Draft Amendment Bylaw No. 2939, 2023
Attachment B – Draft Amendment Bylaw No. 2940, 2023
Attachment C – Written submissions opposing the proposed Land Use Bylaw Amendments
Attachment D – Written submission supporting the proposed Land Use Bylaw Amendments
Attachment E – Public Hearing Minutes

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 2939, 2024

A Bylaw to amend Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004

WHEREAS it is deemed expedient to amend the Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004, and amendments thereto.

NOW THEREFORE the Board of the Regional District of Central Kootenay, in open meeting assembled, HEREBY ENACTS as follows:

APPLICATION

1 That Schedule 'B' of Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004 be amended by changing the Zoning Designation of a portion of LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682) from Country Residential 'I' (R2I) to General Commercial (C2) Site Specific as shown on Schedule 'A' which is attached hereto and forms part of this bylaw:

A. Division 3300, General Commercial (C2) Permitted Uses by ADDING the following:

Site Specific – LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

- Land, buildings and structures in the General Commercial (C2) zoned portion of the above referenced property shall be used for the following purposes only:
  - Offices
  - Accessory Buildings and Structures
  - One Dwelling Unit

2 This Bylaw shall come into force and effect upon its adoption.

CITATION

3 This Bylaw may be cited as **"Regional District of Central Kootenay Zoning Amendment Bylaw No. 2939, 2024"**

READ A FIRST TIME this 18th day of January, 2024.

READ A SECOND TIME this 18th day of January, 2024.

WHEREAS A PUBLIC HEARING was held this 14th day of May , 2024.

READ A THIRD TIME this [Date] day of [Month] , 20XX.

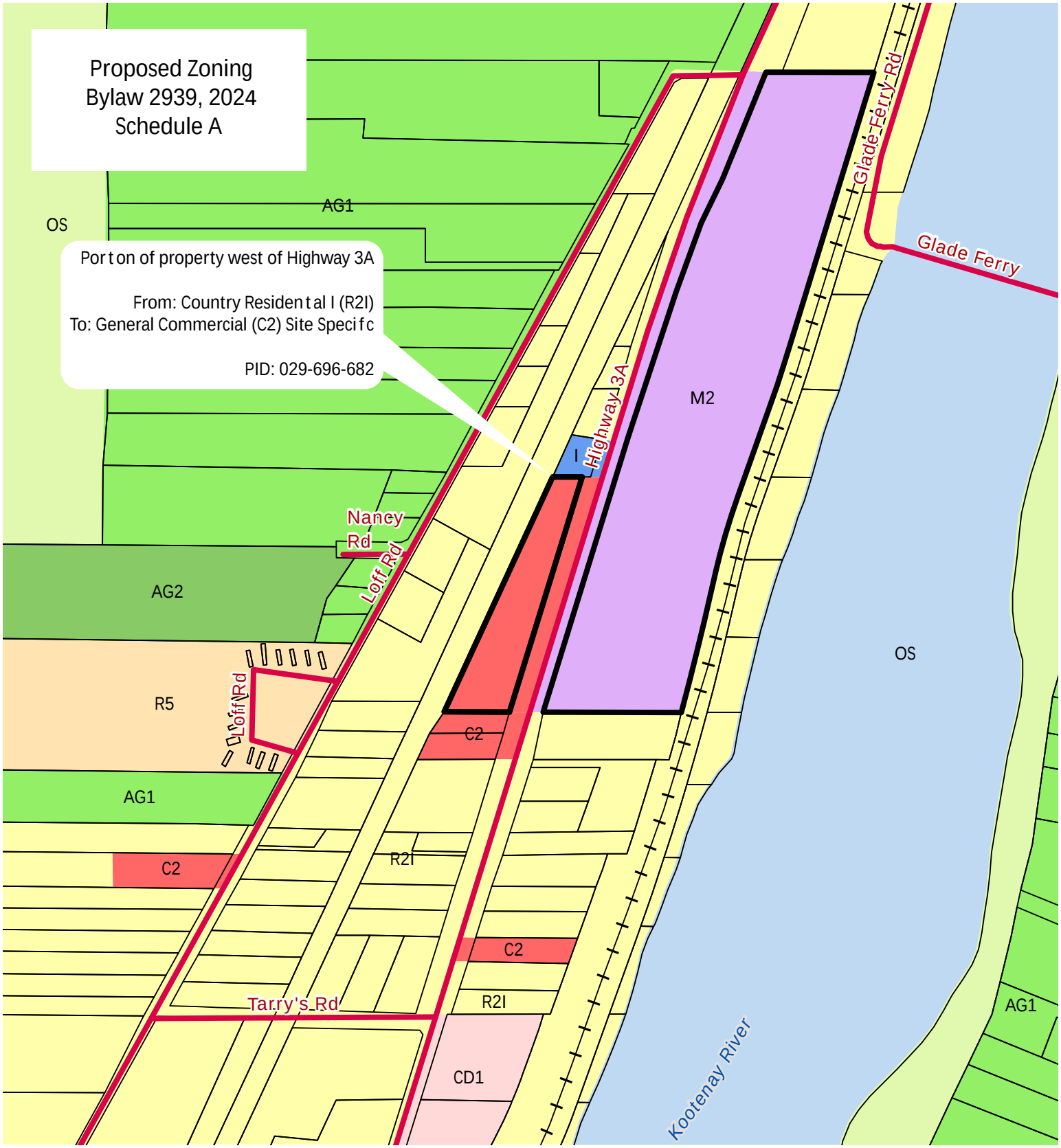
[Controlled Highway or Exceeds 4500 sq.m] APPROVED under **Section 52 (3)(a) of the Transportation Act** this [Date] day of [Month] , 20XX.

_____
Approval Authority,
Ministry of Transportation and Infrastructure

ADOPTED this [Date] day of [Month] , 20XX.

_____ _____

Aimee Watson, Board Chair Mike Morrison, Corporate Officer



Subject Property
Lot Lines
Road
Rail Line
River

Zoning Class

AG1 - Agriculture 1
AG2 - Agriculture 2
C2 - General Commercial
CD1 - Comprehensive Development
I - Institutional
M2 - Medium Industrial
OS - Open Space
R2I - Country Residential I
R5 - Manufactured Home Park

0 100 200
Metres

Scale: 1:6,500
Plotted: Monday, December 18, 2023
Datum/Projection: NAD83/UTM Zone11N

The map data shown are approximate representations for reference purposes only. The Regional District of Central Kootenay is not liable for any errors or omissions on this map nor any loss or damage resulting from the use of this map.

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 2940, 2024

A Bylaw to amend Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996

WHEREAS it is deemed expedient to amend the Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996, and amendments thereto.

NOW THEREFORE the Board of the Regional District of Central Kootenay, in open meeting assembled, HEREBY ENACTS as follows:

APPLICATION

1 That Schedule 'B' of Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996 be amended by changing the Land Use Designation of a portion of LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682) from Country Residential '2' (CR2) to Commercial (C) as shown on Schedule 'A' which is attached hereto and forms part of this bylaw.

2 This Bylaw shall come into force and effect upon its adoption.

CITATION

3 This Bylaw may be cited as **"Kootenay-Columbia Rivers Official Community Plan Amendment Bylaw No. 2940, 2024"**

READ A FIRST TIME this 18th day of January , 2024.

READ A SECOND TIME this 18th day of January , 2024.

WHEREAS A PUBLIC HEARING was held this 14th day of May , 2024.

READ A THIRD TIME this [Date] day of [Month] , 20XX.

[Controlled Highway or Exceeds 4500 sq.m] APPROVED under **Section 52 (3)(a) of the Transportation Act** this [Date] day of [Month] , 20XX.

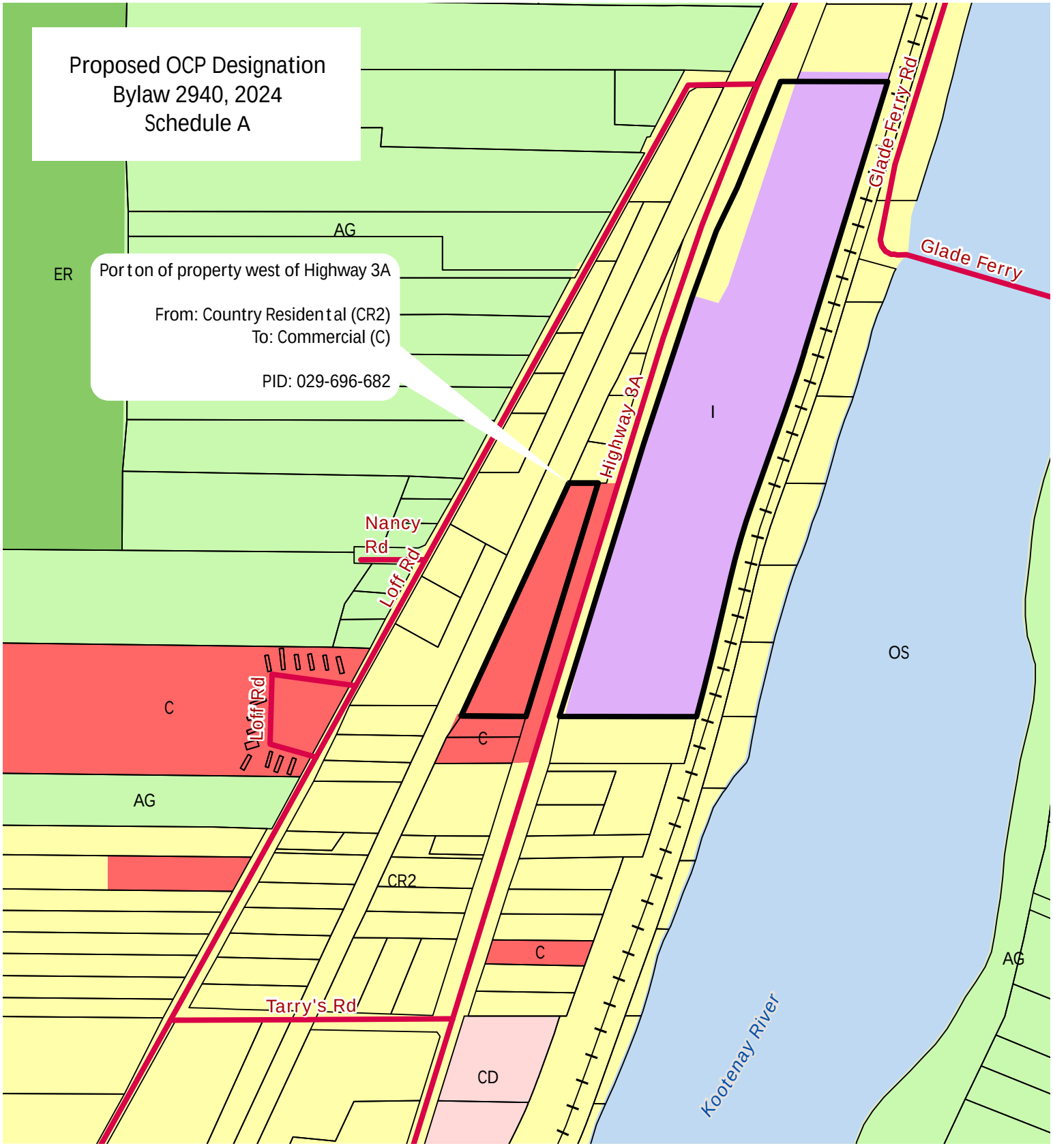
_____

Approval Authority,
Ministry of Transportation and Infrastructure

ADOPTED this [Date] day of [Month] , 20XX.

Aimee Watson, Board Chair

Mike Morrison, Corporate Officer



Subject Property
Lot Lines
Road
Rail Line
River

OCP Designation
AG - Agriculture
C - Commercial
CD - Comprehensive Development
CR2 - Country Residential 2
ER - Environmental Reserve
I - Industrial
OS - Open Space

0 100 200
Metres

Scale: 1:6,500
Plotted: Monday, December 18, 2023
Datum/Projection: NAD83/UTM Zone11N

The map data shown are approximate representations for reference purposes only. The Regional District of Central Kootenay is not liable for any errors or omissions on this map nor any loss or damage resulting from the use of this map.

May 10, 2024

Zachari Giacomazzo
Planner Development and Community Sustainability Services
RDCK Box 590, 202 Lakeside Drive
Nelson, BC V1L 5R4

RE: Kalesnikoff Sawmill, 2090 Hwy 3A, Tarrys, BC
Referral Form – RDCK File Z23061

1. The proposed Commercial Zoning is in direct conflict with the Official Community Plan and the existing Country Residential Zoning. It is also in direct conflict with the RDCK 2016 Tarrys Community Land Use Survey.

2. We live here because we want the Rural Country Residential Lifestyle. Changing the OCP Zoning will completely change the look and feel of our community.

3. This property is heavily treed with mature timber and provides the only noise buffer between the sawmill and our residential properties. Removal of any trees will undoubtedly increase the noise to our property and to the mountain where it creates an additional echo effect in our narrow valley.

4. We are requesting implementing hours of operation of the mill, so evening and night time sleep is protected - and peaceful, quiet enjoyment of our property is guaranteed.

5. The noise from the mill has a direct negative impact on our property values. Any further expansion will only create more noise and a further reduction in the value of our homes.

6. We are experiencing a housing crisis and removing good residential lots and turning them into commercial use is unacceptable.

7. Area I has a noise bylaw in place, and we want to make sure any existing operations, future work, or expansion will be in compliance with the bylaw.

8. We are NOT IN FAVOUR of rezoning or changing the OCP of the 4.2 acres from single family Country Residential to C-2 Commercial.

Attached, please find copy of letter sent to Jordan Dupuis (Supervisor Bylaw Enforcement) and RDCK Team. This letter refers to the sawmill, but it is very relevant to the rezoning application because they are both part of the same lot.

In previous emails with Jordan Dupuis, he wrote, "If specific concerns arise pertaining to a specific noise issue, we will devote the appropriate resources to resolving the issue."

I believe over thirty (30) complaint letters were sent to the RDCK and for over two months not a single reply was returned. After prodding, we received a reply from Jordan stating, in part, "At this time I am unable to devote enforcement resources.."

With over thirty (30) complaints of noise issues and refusal to work with Kalesnikoff Lumber to try and resolve noise issues, we feel we are being ignored and not heard. Now, we are being left with the one option and that is to oppose the rezoning so further noise levels aren't increased.

We feel our noise bylaw should give us the same protection that everyone else has in Area I, which is quiet, peace, rest, enjoyment and comfort of the neighbourhood.

We are NOT IN FAVOUR of changing the OCP, and rezoning the 4.2 acres from single family residential to C-2 Commercial.

Name: Gordon Perepolkin

Address: [redacted]

Signature:

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

Dear all above;

When the mill is in full production, the noise that affects us comes from the south end of the yard and is loud, undesirable, and relentless.

Very specifically:

1. Every 5-10 seconds there is a loud bang that we believe comes from logs hitting a metal stop before they are cut to length;

2. There is a very irritating and loud sound of constant air exhausting from machinery (i.e., air rams?) that is multiple and consecutive;

3. The sound of the large open-air saw that cuts logs to length;

We are aware the north end of the mill site had some visual landscape vegetation, noise-reducing berms/buffers, and enclosures installed to mitigate noise, however, the south end of the mill site which creates the most noise is completely open to Hwy 3A and all the residential neighborhood on Loff and Tarrys Road. Last summer, the vegetation between Hwy 3A and the mill was removed, leaving only a chain link fence which has no visual or noise-reducing value.

4 Early morning, day time, night time Loader noise, Fork lift noise – loud mufflers, banging steel grapples

5 Dry Kiln Fans, squeaky belts

We are asking the RDCK bylaw enforcement to work with KLC to resolve the above issues.

Note: Please find a quoted paragraph from Page 14 of MEMORANDUM DEVELOPMENT PERMIT STAFF REPORT (File #4260-20-D12011-05796.045), dated May 23, 2012, addressed to Sangita Sudan (from Bruce Gunn, Planner at RDCK).

Quote, "While DP 03021 required the entire perimeter of the development site to be fenced, the landscaping provisions only focused on the northerly boundary adjacent to the neighboring residential property. A review of the file records indicates that the RDCK has not, as a condition of any previously issued Development Permit, required KLC to submit a detailed landscaping and buffering plan based on the "General Requirements for Landscaping" of the Zoning Bylaw and OCP Design Guidelines which applies to the **entire development site.**"

If this requirement has been overlooked for any reason and has not been fulfilled, then we ask it to be implemented. This will help not only in dealing with the above-mentioned noise concerns but also reduce the other general noise from the mill such as the sound of logs being dumped onto the deck and the rumbling as they are processed. This will also help protect against any further negative impact on our property values because of the noise.

We are hopeful the final results will be what our noise bylaw ensures -- which is quiet, peace, rest, enjoyment, and comfort of the neighborhood.

Please send us confirmation of your receipt of this letter.

Thank you,

Name: Gord Perepolkin

Address: [redacted]

Signature:

REGIONAL DISTRICT OF CENTRAL KOOTENAY
Box 590, 202 Lakeside Drive, NELSON, B.C., V1L 5R4
Phone: 250-352-6665 Fax: 250-352-9300
Toll Free (within B.C.) 1-800-268-7325 (RDCK)

MEMORANDUM
DEVELOPMENT PERMIT STAFF REPORT

File #4260-20-D1201I-05796.045

Date: May 23, 2012

To: Sangita Sudan, General Manager Development Services

From: Bruce Gunn, Planner

Re: Development Permit: Kalesnikoff Lumber Company
Legal Description: A portion of Lot A, District Lot 1239, KD Plan NEP67673 (PID 024-871-737)
Civic Address: 2090 Highway 3A - Tarrys

BACKGROUND

The Kalesnikoff Lumber Company (KLC) has established its Tarrys lumber operations on a 12.03 ha portion of the subject property situated between Highway 3A and the CPR line adjacent to the bank of the Kootenay River. The Company first began operations on this site in 1971. Over the years the operation has expanded and more and more of the site area has been developed for wood products manufacturing purposes.

Pursuant to Kootenay-Columbia Rivers Official Community Plan Bylaw 1157, 1996 the operations site has been designated a Development Permit Area and as such a Development Permit (DP) is required prior to development. The Regional District has issued five Development Permits during the period 2000 to 2011. The current application represents Development Permit application number six. Following the 'Site Summary' is a review and summary of the history of Development Approvals for the subject property.

Site Summary

Owner/Applicant: Kalesnikoff Lumber Company

Location: 2090 Highway 3A, Tarrys BC – Electoral Area I

Legal Description: A portion of Lot A, DL 1239, NEP67673 (PID 024-871-737)

Development Permit Area - Subject Site Size: 12.03 ha (29.7 ac)		
ALR: No	**Floodplain:** No	**Alluvial Fan:** No
OCP Bylaw 1157: Industrial (I)	**Zoning Bylaw 1675:** Medium Industry (M2)	
OCP Bylaw 1157, Development Permit Area #1: all lands designated 'industrial'		

Overview of the History of Development Approvals and related Permit Activity

Development Permit #1 – DP-0002I-5796.045

Date Issued: August 26, 2000

Authorized Development:

- Two new dry kilns
- Expansion to existing kiln

Stated Conditions:

- Maintain existing landscape buffer between fence and property along Highway 3A frontage

Authorized Zoning Variances:

- DP varied front yard setback (Highway 3A) for second kiln from 15m to 5.4m

Development Permit #2 – DP0302I-05796.045

Bylaw Amendments:

In 2003, as part of the review of the DP application it was discovered that a portion of the subject development site involved a small (0.58 ha) separately titled parcel (Lot 1, Plan 14812) designated 'country residential'. Therefore, prior to proceeding with the Development Permit application the Company submitted a Bylaw Amendment Application to change the land use designation. OCP Amendment Bylaw 1627 was adopted November 22, 2003 and changed the designation of Lot 1, Plan 14812 from Country Residential to Industrial. Similarly Zoning Amendment Bylaw 1628, adopted Nov. 22/03 changed the zoning of Lot 1 from Country Residential I (R2I) to Medium Industrial (M2) consistent with the remainder of the operation site. Subsequently Lot 1, Plan 14812 was consolidated as per Plan NEP67673 (Registered Oct. 13/09) which resulted in the creation of the current 12.03 ha wood products manufacturing development site.

DP0302I – Date Issued: - February 20, 2004

Authorized Development:

- Expansion of the log yard operation to the northern portion of the operations site including former Lot 1, Plan 14812.
- New access to Highway 3A for the log yard operation

- New log truck scale and related office trailer
- New office trailer adjacent to lumber storage area
- Expansion of the planer mill building
- New cyclone blower system
- Two new 30 unit shavings bins

Stated Conditions:

- Install a 1.5m high perimeter change link fence
- Concerning the northerly boundary with the adjacent residential lot, install a 1.5m high landscape screen and consult with the adjacent landowner regarding the landscape screen. To further minimize conflict log storage piles to be setback a minimum of 4.5m
- To minimize dust, access from Highway 3A to log yard and scale to be paved and current watering program maintained
- Light glare to be contained on site
- Under normal operating conditions, log yard hours of operation to be 7:00 AM to 1:00 AM Monday to Friday with log truck access to the yard limited to 6:00 AM to 6:00 PM Monday to Friday
- New log yard access subject to Ministry of Transportation requirements
- On-site sewage disposal systems subject to Interior Health Authority requirements
- Company to provide a [redacted] Letter of Credit

Authorized Zoning Variance:

- Maximum site coverage increased from 50% to 75% with maximum building site coverage of 50%
- Lumber storage office trailer minimum front yard setback reduced from 15m to 7.5m
- Cyclone blower and shaving bins rear yard setback reduced from 25m to 15m
- Maximum building height increased from 15m to 20m

Following the issuance of DP03021 the Company subsequently requested various revisions to the Permit, these include:

Revision #1 – Approved April 7, 2004
The approved revision allows for the installation of two additional drying kilns. The request was deemed to be relatively minor in nature and consistent with the scope of the original permit, as such it was not referred to agencies or adjacent landowners prior to approval.

Revision #2 – Approved June 21, 2004
The approved revision allows for the construction of a showroom building to display a vintage log truck to commemorate the KLC founder. Also approved was a variance of the minimum from yard setback from 15m to 7.5m. The request was deemed to be

relatively minor in nature and consistent with the scope of the original permit, as such it was not referred to agencies or adjacent landowners prior to approval.

Revision #3 – Approved May 18, 2007
The approved revision allows for relocation of a previously approved dry kiln site. The request was deemed to be relatively minor in nature and consistent with the scope of the original permit, as such it was not referred to agencies or adjacent landowners prior to approval.

Revision #4 – January/February 2010
KLC requests a revision to the hours of operation provision. The proposed changes were considered to be a significant departure from the existing Permit requirements and in an effort to obtain community comments the proposal was advertised in the local edition of the 'Pennywise' and 'Express'. Largely based on the public comments received, on Feb. 8/10 the RDCK received an email from KLC requesting that the proposed changes to the hours of operation be withdrawn and provided the following commitments to the community;

- KLC commits to abide by the existing log yard hours of operation, 7 AM to 1 AM.
- KLC log trucks and scale operation limited to 7 AM to 5 PM.
- KLC to implement a 'no jake brake' policy within 1 km of the site.
- KLC will continue to erect sound barriers in the milling operations and asks RDCK to periodically check noise levels.
- KLC will set up a community meeting to discuss issues and seek solutions.
- *Relocate existing 30 unit chip bins*
- Build new retaining wall and pad and relocate existing 2.5 MW transformer
- New building to house lumber sorter – building design to be determined but will incorporate noise abatement features
- Extend dry shed storage roof and enclose east wall. Noise abatement features to be incorporated into the construction
- Construct new dry kiln north of existing kiln
- Construct a 220m retaining wall along the east bank to allow for the extension of the log yard for improved safety
- Construct new dry kiln

<u>Development Permit #3 – DP0504I-05796.045</u>

Date Issued: September 22, 2005

Authorized Development:

- Construction of a 9 X 30m building to provide cover for lumber stacking machinery

Stated Conditions:

- Conditions of DP0302I continue to apply.

Authorized Zoning Variance:

- Maximum site coverage increased from 50% to 75% and maximum building site coverage of 50%
- Front yard setback reduced (along Highway 3A) from 15m to 7.5m

Development Permit #4 – 4260-20-D1002-I-05796.045

Date Issued: September 6, 2010

Authorized Development:

- Construction of a 100,000 gallon water tank to improve fire fighting capabilities.

Zoning Variance:

- Minimum front yard setback for the tank reduced from 7.5m to 4.6m

Note: [redacted] Based on an October 7/10 site visit by RDCK planning staff it was confirmed that the outstanding conditions associated with fencing and landscaping adjacent to Highway 3A and the northerly residential lot adjacent to the log yard were satisfactorily completed and KLC should be released from the Letter of Credit. [redacted]

Development Permit #5 – 4260-20-I-05796.045

Date Issued: July 19, 2011

Authorized Development:

- Extend planer mill roof westerly (timeframe June 2011)
- Extend planer mill roof northerly (timeframe July 2011)
- Extend planer mill roof north-easterly (timeframe October 2011)
- Install trailer as an employee lunch room and meeting room (timeframe October 2011)

The Development Permit did not include any specific conditions or requirements and there were no zoning variances.

Description of Current Development Permit – File 4260-20-D120I-05796.045

Date of Receipt of Application: March 2, 2012

Date of application referral:

Agency referrals: March 16/12
Public referrals: March 16/12 (referral package included with KLC newsletter circulated to land owners in the Tarrys, Thrums and Glade area)

223

Listing of proposed development:

- Upgrade existing Fortis substation
- New bin shorter building
- Install primary distribution switching gear and concrete pad
- Remove and replace existing overhead high voltage cables with underground cables
- Extend mill roof to cover debarking machinery
- Extend mill roof east and north and enclose northeast corner of building. Noise abatement features to be incorporated into the design and construction
- Build new retaining wall and pad and install a new 3.7 MW transformer
- Relocate existing 30 unit chip bins
- Build new retaining wall and pad and relocate existing 2.5 MW transformer
- New building to house lumber sorter – building design to be determined but will incorporate noise abatement features
- Extend dry shed storage roof and enclose east wall. Noise abatement features to be incorporated into the construction
- Construct new dry kiln north of existing kiln
- Construct a 220m retaining wall along the east bank to allow for the extension of the log yard for improved safety
- Construct new dry kiln

Please see attached KLC's March 14/12 Development Description and March 14/12 Site Plan for a complete description of the proposed development.

224

Referral Comments

On March 16/12, in accordance with RDCK Land Development Applications Procedures Bylaw 2238, 2011, the development proposal was referred to public agencies with a request to provide comments within 30 days. Concurrent with the public agencies referral, the Company included the RDCK development permit referral information package with its March 16/12 community newsletter. Based on KLC's mailing list, 350 information referrals were distributed to landowners in Tarrys, Thrums and Glade. This referral extends beyond the required 100m adjacent landowner requirement of Procedures Bylaw 2238.

In addition to the distribution of the referral information the March 16/12 KLC newsletter included an invitation for the public to attend an 'open house' on April 26/12 between 6:00 PM and 8:00 PM at Tarrys Hall. The event to be hosted by KLC staff with participation by RDCK planning staff and is intended to provide the public with an opportunity to review and discuss the Company's development proposal.

Presented below are the comments received from the public agencies as well as members of the public.

Government and Public Agency Comments (Response deadline April 20/12):

Ministry of Forests, Lands & Natural Resources – date received, March 21/12
Interests unaffected.

[redacted]

RDCK Building Department – date received, March 21/12
Approval recommended – Building permit must be in place for all construction and all applicable Bylaws must be adhered to.

[redacted]

Columbia Power Corporation – date received, April 2/12
Interests unaffected.

[redacted]

Tarrys Fire Department – date received, April 5/12
Interests unaffected.

[redacted]

Area I Advisory Planning Commission – date received April 19/12
The application was discussed with staff from Kalesnikoff Lumber Company at the APC meeting of April 16/12 afterwhich the APC advises the RDCK Board as follows:

DP 4260-20-D12011-05796.045 – Kalesnikoff Lumber:

1. Be referred to a public information meeting prior to approval and that all potentially impacted community members be given written notice of this meeting.
2. That staff incorporate all noise, dust and light pollution abatement measures possible into the provisions of the development permit during construction and for all equipment and infrastructure to be installed.
3. That significant vegetative screens be placed along the highway boundary and that current vegetative screens on the river side of the property be maintained and enhanced.
4. That the development be as 'neighbour –friendly' as possible.
5. That pre-construction tours be made possible for any potentially impacted community members.

Ministry of Transportation – date received April 19/12
Please be advised that we have no concerns regarding the proposed improvements to the Kalesnikoff property.

[redacted]

Landowner and Public Comments (Response deadline April 20/12):

[redacted]

Approval recommended – no objection from this land owner, great news. Less noise, better workplace conditions for employees.

[redacted]

- concern expressed regarding noise
- concern about the steady hum of equipment
- concern about the general aesthetics of the site
- recommends a treed buffer

[redacted]

Approval not recommended:

- leaching of by-products into the soil and subsequently into the river affects fish, wildlife and humans,
- large health risks due to chemicals used in operations, impacts to fish, wildlife and humans,
- environmental risks; environmental study should first be conducted to identify necessary steps to prevent contamination and appropriate measures be taken by owner to ensure safety of environment, humans, fish and wildlife,
- noise pollution/air pollution: increased pollution to the residents of the Glade community,
- depreciation of property values due to proximity of an industrial sawmill,
- overall negative impact to the Glade community and the lives of the residents due to increased traffic, noise, unsightly industrial sawmill at your doorstep,
- the province of B.C. should take the necessary steps to identify and ensure the surrounding community is protected first.

226

[redacted]

This is my home it's not a rental and has a feature side facing the river and the Kalesnikoff mill. When I bought the property in 1992 the mill was isolated by a stand of trees along the edge of the mill that blocked lights and noise. At some point the tree barrier was removed fully exposing the east side of the mill. I was unofficially told they were removed for their fire insurance policy. The mill has since expanded its log yard north also clearing the trees along the crest of the hill. I have as my west horizon the full lights and sounds of the mill and log handling. The lights and sounds are annoying especially at night if the mill is running.

I request that the sound and visual impact on our community be heavily considered as part of the proposed project. Cutting down the tree barrier without regard to the community across the river was the way things use to be done. I would like to see a sound and visual barrier be engineered and erected as phase one of their project permit as the way things are done today. They have proposed sound insulating and lumber movement trucks and even voices in certain conditions. Item #8 and #13 implies moving the mill closer to the east side without consideration of any thing. I might suggest a tall green camouflage coloured fence along the river side. (They can paint the fire proof sound insulation on the mill side any colour they want). The fence would

block the lights, bring the noise to an acceptable level from the whole mill, provide a safety barrier for the edge of the hill for their employees and provide a fire break. The Kalesnikoff Lumber Company does employee many neighbours and they support our community. They have endured the economic roller coaster when many have failed or given up. I am glad to see they have decided to expand their operation and I do hope they continue to prosper. I don't think it's unreasonable to ask them to correct an oversight that has happened in the past so they can move forward.

[redacted]

Development Description 2012 Item #10 – Build a new building to house a lumber sorter:
It is indicated that only the West wall will be completely enclosed. My understanding is that a lumber sorter can have two walls completely enclosed and fully insulated. Lumber sorters can emit very loud 'banging' noises. If this is not properly attended to the noise across the river and down the valley will be very loud and disruptive. I am not in agreement with the current description to how this building will be done. There is no indication that any further trees along the river bank will be removed. If this is the case, then the above is the only issue I have with this application.

Comments arising from the April 26/12 Open House

Approximately 30 members of the public attended the open house. A comment sheet was included with the RDCK's information handout and people were asked to drop-off their comments at the end of the evening or forward comments to the RDCK Planning Department by May 11/12. Comments received arising from the Open House include:

[redacted]

At present the mill is traditionally a two shift operation. If this is to change to three shifts, the community must be consulted.

[redacted]n provided the RDCK with an email which included an enhanced photograph of the road access to the log yard showing what it could look like if a treed landscape buffer had been planted in 2004 as per DP0302I and allowed to grow until the present time. She writes, "this is what it (treed landscape buffer) should have looked like 8 years later and we would have been very happy with it."

[redacted]

Presented below is a PDF copy of a letter addressed to Sangita Sudan, Manager of Development Services from the above named persons on behalf of the Glade-Tarrys Working Group. The letter refers to a 'questions & answers' report derived from discussions with KLC officials at the April 26/12 Open House. The 'Q & A' report is attached to this Staff Report as additional referral information.

Please accept this letter in response to the March 14, 2012 Application for a Development Permit submitted by the Kalesnikoff Lumber Co. I realize we are now two weeks after the April 26th open house, however, we trust the community concerns laid out in this letter will still be considered as part of the DPA assessment and approval process

At the open house you asked if you could have a copy of the Working Group's Question and Answers. I am enclosing five pages of Q&A for your perusal. I don't propose to go through all of the notes, rather, I expect that the notes will be considered an attachment to this letter and hope the RDCK will consider the notes in their entirety.

Although we obtained much valuable information from [redacted] at the open house, I would qualify our comments as follows: although [redacted] was very helpful and clearly did his best to answer our questions, he didn't have the answers to all of our questions, we were interrupted numerous times which really took us off track, and we ran out of time even though we stayed until around 9pm. Further, we didn't have a chance to ask RDCK staff any of the RDCK questions on our list.

With respect to this Development Permit Application, there are really two major concerns. First is that the "Development Description 2012" simply does not provide enough information about certain items, especially items 10, 12, 14. Second, as you will see from the Q&A notes, although the DPA does contain certain measures that will ideally lessen the noise coming from the mill, for the most part community concerns about noise, dust and light are not addressed. Further, as can be seen in the notes, KLC has other projects planned that don't require a development permit. Does the RDCK have information about the comprehensive effects of all the projects combined?

With respect to #10, the description states "building type is yet to be determined." We do know that the purpose of that building is to house another lumber sorter; my understanding is that it will be a drop sorter but whether it is a drop or bin sorter would have to be clarified with KLC. Until KLC can identify what kind of building they are proposing and what type of sorter the building will house, it is our position that the RDCK does not have enough information to approve #10 and it should be severed from this DPA.

With respect to #12 and 14, the proposed addition of two kilns is of great concern. #14 is huge at 11m wide X 37 m long X 7.5 m high. The 5 existing kilns are a major source of noise from the mill and, as mentioned in the notes, it is this noise that residents hear even when the mill is not operating. If the mill is, indeed, going to focus on specialty wood products that have to be in the kiln for 7 days, as opposed to 36 hours, 2 more kilns could greatly increase the noise caused by the mill. Because we ran out of time, [redacted] wasn't able to tell us about the types of kilns that could be constructed and the noise abatement that is available with the kilns. It is

228

our position that the RDCK does not have enough information to approve 12 and 14 at this time and these items should be severed from this DPA.

With respect to Item 2, a new bin sorter is something that community would be cautiously optimistic about. Although there will still be a noise from a bin sorter, the community will no longer be subjected to 16,000. boards dropping per shift.

With respect to the transformer- related items (# 1,3,4,7), these are really a Fortis issue. Our understanding from [redacted] that there are possibilities for a reduction of noise from the transformer fans.

We have already expressed, and would like to reiterate, our concern about the choice of an open house as opposed to an actual public information meeting. We understand that a public meeting was not required, however, that does not mean a meeting was not appropriate in this particular circumstance, especially given the erroneous April 18 deadline set out in the notice of DPA.

There are residents of this community who feel that the mill should not be allowed any further development until they have addressed the noise, dust and light issues that affect the community in a profound way and which KLC has been aware of for many years. This is not the current position of the working group and we hope to continue working with KLC to address the issues.

In addition to this DPA , the community remains concerned about the operating hours of the mill and the *potential for new construction/additions to be used for purposes other than those stated in the DPA.* There is also concern about lowered property values as a result of various expansions at the mill. And, of course, we would be remiss in not mentioning the two sawmill explosions that have occurred in BC in the past three months – Burns Lake and Prince George. This community can't help but be concerned about the real possibility for disaster in their midst. As you are aware, in 2006 KLC had a major fire which started in one of the kilns. Has the RDCK considered postponing a decision on the DPA until any provincial and WorkSafe BC comprehensive safety inspections are completed?

If you wish to discuss these comments or require additional information, please feel free to contact us. If it would be helpful for you to have information on the specific noise, dust and light effects experienced by the community, we would be pleased to provide that information.

Thank you very much for your consideration.

229

Issues and Analysis

Based on a review of the file record as well as the information pertaining to the current application a number of key issue areas have been identified.

Issues Derived from Public Comments

Throughout the history of Development Permit approvals for this property, including comments received regarding this DP application, the public has consistently identified the following community issues:

- noise
- dust
- light glare
- visual aesthetics
- hours of operation

Noise:

As there is no applicable RDCK Noise Bylaw in effect for this portion of Electoral Area I the RDCK has had limited success in regulating noise levels against a predetermined bylaw standard. Noise abatement has principally been achieved through KLC's ongoing efforts to reduce noise through operational protocols and building improvements. In this regard KLC has retained the services of BKL Acoustic Consulting Ltd to provide ongoing advice and assistance.

Nothwithstanding the reference to "...measures to reduce noise" as stated in Kootenay-Columbia Rivers Official Community Plan Bylaw 1157, 1996, Policy 3.10.3.2.4 [redacted] While recognizing that 'noise' is perhaps the single most important and pervasive community issue, Planning Department staff suggests that the RDCK encourage KLC to build on the goodwill currently being developed between the Company and community by recommending that the Company:

- Continue to provide the community with updates on progress on its noise abatement program through the community Newsletter.
- Host an annual community 'open house' similar to the April 26/12 forum to review progress and foster community dialogue.
- Continue to incorporate noise abatement features into building design and operational protocols as per the recommendations of BKL Acoustic Consulting.

In support of this effort **Planning Department Staff Recommends** that the RDCK provide KLC with the noise standards prescribed for industrial zoned land as per Section 6 of RDCK Noise Bylaw 2016. This would allow the Company to develop and evaluate the efficacy of its noise abatement program against established RDCK standards in the event that one day the Bylaw may apply.

230

the efficacy of its noise abatement program against established RDCK standards in the event that one day the Bylaw may apply.

Dust Control:

Condition 5.3 of DP0302I (issued Feb.20/04) required that the log yard access from Highway 3A to the log scale be paved and the Company be encouraged to continue its log yard watering program. KLC has subsequently completed the required paving and continues to employ a log yard watering program. Based on correspondence on file the Company has indicate a willingness to respond to adjacent landowner concerns and modify the watering program were appropriate. **Planning Department Staff Recommende** that no further action is required as the current dust abatement measures appear to adequately address the situation.

Light Glare:

Condition 5.5 of DP0302I (issued Feb. 20/04) required lighting of the site to be designed and install so as to contain light glare on-site. There is no evidence on file to indicate that the RDCK has adequately followed-up with the Company to insure that this condition has been appropriately meet. As a condition of this Development Permit **Planning Department Staff Recommends** that KLC prepare and submit a light glare abatement plan for the entire Development Permit site area keeping in mind the need to provide lighting necessary for worker safety while identifying opportunities to reduce impacts on the surrounding community.

231

Visual Aesthetics – Landscaping and Buffering:

Public comments indicate a concern with the lack of appropriate visual screening of the development site from the surrounding community. In particular comments have been received regarding the removal of existing trees from the perimeter of the site which in the past provided a natural landscape screen as well as assisting with the mitigation of light glare, dust and noise.

Section 5.2 a & b of DP 0302I (Feb.20/04) addressed fencing and landscaping as follows:

5.2 Perimeter fencing and/or landscaping shall be installed in the location shown on Schedule 2, Site Plan subject to Schedule 'B' Landscaping Requirements (please see attached) of Kootenay-Columbia Rivers Zoning Bylaw No. 1373, 1999 as amended and in accordance with the following,
a) A minimum 1.5 m (5 ft.) high standard security chain link fence shall be installed along the entire perimeter of the sawmill site, and
b) To provide additional screening for a residentially zoned property at the northerly boundary of the sawmill site, the Permittee is required to install a landscape screen with an initial height of 1.5 m (5 ft.) which in time shall be allowed to grow to a height of 3 m (10 ft.) or higher. The

Permittee is encouraged to consult with the adjacent landowner with respect to the installation and on-going development of the landscape screen. In addition to this landscaping requirement, to further minimize conflicts with the adjacent residential lot, log storage piles shall maintain a minimum setback of 4.5 m (15 ft.).

While DP 0302I required the entire perimeter of the development site to be fenced, the landscaping provisions only focused on the northerly boundary adjacent to the neighbouring residential property. A review of the file records indicates that the RDCK has not, as a condition of any previously issued Development Permit, required KLC to submit a detail landscaping and buffering plan based on the "General Requirements for Landscaping" of the Zoning Bylaw and OCP Design Guidelines which applies to the entire development site.

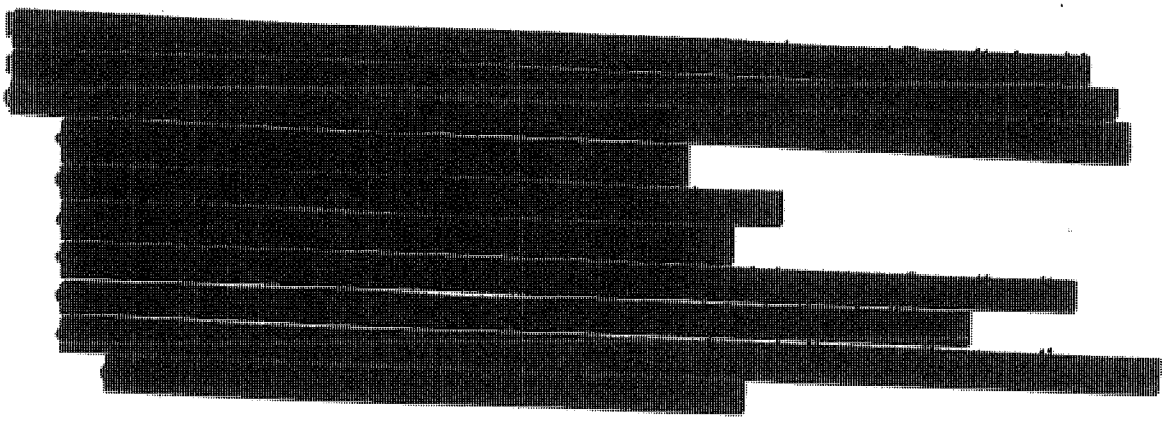
To address this matter in the context of the current Development Permit **Planning Department Staff Recommends** that KLC be required to submit a landscaping and buffering plan prepared by a Landscape Architect or other similarly qualified professional for the entire Development Permit site area based on the requirements of Section 622, General Regulations for Landscaping, RDCK Zoning Bylaw 1675, 2004 and Section 4.1.3 Design Guideline; Landscaping and Screening, Kootenay-Columbia River Official Community Plan Bylaw 1157, 1996. The plan should focus primarily on landscaping and buffering options for land within a minimum distance of 4.5m of the perimeter of the site. The plan should include the use of existing natural vegetation; identify areas requiring new plantings and/or landscape buffers (e.x. landscape berms) as well as areas requiring supplemental planting and/or landscape buffers. Particular attention should be paid to options for planting and screening adjacent to the top-of-bank along the easterly site boundary opposite the community of Glade.

232

Please Note: Based on the October 2010 site visit by Planning Department staff and the subsequent release of the Letter of Credit in January 2011 the RDCK acknowledges that the Company has satisfactorily completed the requirements for perimeter fencing and landscaping adjacent to the northerly site area boundary as per condition 5.2 a & b of DP0302I. These existing approved fencing and landscaping features should be incorporated into the landscaping and buffering plan noted above.

Hours of Operation:

Perhaps as an approach to deal with the issue of noise, the community has expressed interest in the RDCK regulating the hours of operation. Section 5.6 of DP0302I (issued Feb. 20/04) specifies normal hours of operation for the log yard as 7:00 AM to 1:00 AM Monday to Friday and log truck access to the log yard as 6:00 AM to 6:00 PM Monday to Friday. It should be noted that these hours of operation apply to the log yard operation only and do not extend to the milling operation in general. Furthermore, they do not address operations on the weekend or statutory holidays.



Design Guideline and Zoning Regulations

Pursuant to Kootenay-Columbia Rivers Official Community Plan Bylaw 1157, 1996 a Development Permit is required for all land designated Industrial. OCP Policy 3.10.3.2.4 identifies matters such road access, potential impacts on ground water, *fencing, screening, buffering and landscaping*, size and mass of buildings, site lighting, parking and loading areas, hours of operation, measures to control dust and reduce noise, signage and other relevant related matters. Section 4.1 of OCP Bylaw 1157 outlines the Development Permit Design Guidelines which includes matters pertaining to the form and character of buildings, landscaping and screening and utility services.

RDCK Zoning Bylaw 1675, 2004 zones the development site 'Medium Industrial (M2)' *which identifies 'Wood Product Manufacturing'* as a Permitted Use. The Bylaw further specifies various development regulations including matters associated with building height, site coverage, building site coverage, setbacks to lot lines, parking and loading requirements as well as general landscaping and screening regulations.

The RDCK has granted several zoning variances as conditions of previously issued Development Permits. In summary these include:

- Minimum front yard setback from 15m to 7.5m and 4.5m for water tank
- Minimum rear yard setback from 25m to 15m
- Minimum interior lot line setback at 4.5m
- Maximum building height from 15m to 20m
- Maximum site coverage for all activities set a 75% with a maximum site coverage for all buildings and structures at 50%

In recognition of the previously approved zoning regulation variances, Planning Department Staff Recommends that within the Development Permit site area the Permit include the following variances to Medium Industrial (M2) zoning regulations:

- Minimum setback for all buildings and industrial related activity is limited to 4.5m from all lot lines and adjacent to Highway 3A.

- Maximum height for all buildings and structures except power poles, antenna and other similar utility structures is limited to 20m.
- Maximum site coverage for all buildings and industrial activity is limited to 75% and maximum site coverage for all buildings and structures is limited to 50%.

Authorized Development

The development authorized under previously issued Development Permits has been limited to specifically identified works and buildings. Therefore a revision to a Permit or an entirely new Permit has been required prior to the approval of future development. This has resulted in a cumbersome and potentially confusing and conflicting approach to Permit administration. In order to simplify the Development Permit process **Planning Department Staff Recommends** that the Development Permit authorize all development within the meaning of 'wood product manufacturing' as defined under Zoning Bylaw 1675, subject to compliance with all other conditions of the Permit.

Security Deposit

As per Section 6 of DP0302I (issued Feb. 20/04) KLC was required to provide a Letter of Credit in the amount of [redacted] to ensure compliance with the requirements of the Permit. Based on the recommended requirements for a landscaping and buffering plan as well as a light glare abatement plan **Planning Department Staff Recommends** that KLC be required to provide a security deposit in the form of a Letter of Credit in the amount of [redacted].

Staff Recommendations

In accordance with the provisions of Kootenay-Columbia Rivers Official Community Plan Bylaw 1157, 1996, Regional District of Central Kootenay Zoning Bylaw 1675, 2004, RDCK Land Development Applications Procedures Bylaw 2238, 2011 and RDCK Bylaw 1808 delegation of authority bylaw **Planning Department Staff Recommends** that the attached DRAFT Development Permit, #4260-20-D1201I-05796.045 be referred to Kaleanikoff Lumber Company for review and comment.

Respectfully submitted,

Bruce Gunn, Planner

Attachments: Glade-Tarrys Working Group, 'Questions & Answers' report of discussions with Kootenay Lumber Company Officials at the April 26/12 Public Open House, Tarrys Community Hall

DRAFT Development Permit #4260-20-D1201I-05796.045

234

May 10, 2024

Zachari Giacomazzo
Planner Development and Community Sustainability Services
RDCK Box 590, 202 Lakeside Drive
Nelson, BC V1L 5R4

RE: Kalesnikoff Sawmill, 2090 Hwy 3A, Tarrys, BC
Referral Form – RDCK File Z23061

1. The proposed Commercial Zoning is in direct conflict with the Official Community Plan and the existing Country Residential Zoning. It is also in direct conflict with the RDCK 2016 Tarrys Community Land Use Survey.

2. We live here because we want the Rural Country Residential Lifestyle. Changing the OCP Zoning will completely change the look and feel of our community.

3. This property is heavily treed with mature timber and provides the only noise buffer between the sawmill and our residential properties. Removal of any trees will undoubtedly increase the noise to our property and to the mountain where it creates an additional echo effect in our narrow valley.

4. We are requesting implementing hours of operation of the mill, so evening and night time sleep is protected - and peaceful, quiet enjoyment of our property is guaranteed.

5. The noise from the mill has a direct negative impact on our property values. Any further expansion will only create more noise and a further reduction in the value of our homes.

6. We are experiencing a housing crisis and removing good residential lots and turning them into commercial use is unacceptable.

7. Area I has a noise bylaw in place, and we want to make sure any existing operations, future work, or expansion will be in compliance with the bylaw.

8. We are NOT IN FAVOUR of rezoning or changing the OCP of the 4.2 acres from single family Country Residential to C-2 Commercial.

Attached, please find copy of letter sent to Jordan Dupuis (Supervisor Bylaw Enforcement) and RDCK Team. This letter refers to the sawmill, but it is very relevant to the rezoning application because they are both part of the same lot.

In previous emails with Jordan Dupuis, he wrote, "If specific concerns arise pertaining to a specific noise issue, we will devote the appropriate resources to resolving the issue."

I believe over thirty (30) complaint letters were sent to the RDCK and for over two months not a single reply was returned. After prodding, we received a reply from Jordan stating, in part, "At this time I am unable to devote enforcement resources.."

With over thirty (30) complaints of noise issues and refusal to work with Kalesnikoff Lumber to try and resolve noise issues, we feel we are being ignored and not heard. Now, we are being left with the one option and that is to oppose the rezoning so further noise levels aren't increased.

We feel our noise bylaw should give us the same protection that everyone else has in Area I, which is quiet, peace, rest, enjoyment and comfort of the neighbourhood.

We are NOT IN FAVOUR of changing the OCP, and rezoning the 4.2 acres from single family residential to C-2 Commercial.

Name: FRED SHERBINO

Address: [redacted]

Signature:

Please see letter below.

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

Hi Jordan,

Upon reading your response to our inquiry dated January 31, 2024, you wrote "if specific concerns arise pertaining to a specific noise issue, we will devote the appropriate resources to resolving the issue."

We previously tried engaging in a dialogue with KLC to address noise issues in writing and also in person with Dwane Sorenson, their Vice President of Operations. Dwane happened to stop by our residence this summer and we spoke at length and in detail on the specifics of the noise coming from the site which disturbs the quiet, peace, rest, enjoyment, and comfort of our neighborhood – especially, in the early evenings and nighttime sleeping hours. To date, we received no response.

When the mill is in full production, the noise that affects us comes from the south end of the yard and is loud, undesirable, and relentless.

Very specifically:

1. Every 5-10 seconds there is a loud bang that we believe comes from logs hitting a metal stop before they are cut to length;

2. There is a very irritating and loud sound of constant air exhausting from machinery (i.e., air rams?) that is multiple and consecutive;

3. The sound of the large open-air saw that cuts logs to length;

We are aware the north end of the mill site had some visual landscape vegetation, noise-reducing berms/buffers, and enclosures installed to mitigate noise, however, the south end of the mill site which creates the most noise is completely open to Hwy 3A and all the residential neighborhood on Loff and Tarrys Road. Last summer, the vegetation between Hwy 3A and the mill was removed, leaving only a chain link fence which has no visual or noise-reducing value.

We are asking the RDCK bylaw enforcement to work with KLC to resolve the above issues.

Note: Please find a quoted paragraph from Page 14 of MEMORANDUM DEVELOPMENT PERMIT STAFF REPORT (File #4260-20-D1201I-05796.045), dated May 23, 2012, addressed to Sangita Sudan (from Bruce Gunn, Planner at RDCK).

Quote, "While DP 03021 required the entire perimeter of the development site to be fenced, the landscaping provisions only focused on the northerly boundary adjacent to the neighboring residential property. A review of the file records indicates that the RDCK has not, as a condition of any previously issued Development Permit, required KLC to submit a detailed landscaping and buffering plan based on the "General Requirements for Landscaping" of the Zoning Bylaw and OCP Design Guidelines which applies to the **entire development site**."

If this requirement has been overlooked for any reason and has not been fulfilled, then we ask it to be implemented. This will help not only in dealing with the above-mentioned noise concerns but also reduce the other general noise from the mill such as the sound of logs being dumped onto the deck and the rumbling as they are processed. This will also help protect against any further negative impact on our property values because of the noise.

We are assuming our requests will be dealt with in a timely manner, therefore, to ensure transparency, we are requesting updates on the progress. These updates (possibly monthly) can be sent through our Area I Director Andy Davidoff or however you think is best.

Could you please respond with your plan, and how you will best keep us in the loop?

We are hopeful the final results will be what our noise bylaw ensures, which is quiet, peace, rest, enjoyment, and comfort of our neighborhood.

Thank you,

Fred & Leona

FRED SHERBININ

[redacted]

MAY 10, 2024

REGIONAL DISTRICT OF CENTRAL KOOTENAY
Box 590, 202 Lakeside Drive, NELSON, B.C., V1L 5R4
Phone: 250-352-6665 Fax: 250-352-9300
Toll Free (within B.C.) 1-800-268-7325 (RDCK)

MEMORANDUM
DEVELOPMENT PERMIT STAFF REPORT

File #4260-20-D1201I-05796.045

Date: May 23, 2012

To: Sangita Sudan, General Manager Development Services

From: Bruce Gunn, Planner

Re: Development Permit: Kalesnikoff Lumber Company
Legal Description: A portion of Lot A, District Lot 1239, KD Plan NEP67673 (PID 024-871-737)
Civic Address: 2090 Highway 3A - Tarrys

239

BACKGROUND

The Kalesnikoff Lumber Company (KLC) has established its Tarrys lumber operations on a 12.03 ha portion of the subject property situated between Highway 3A and the CPR line adjacent to the bank of the Kootenay River. The Company first began operations on this site in 1971. Over the years the operation has expanded and more and more of the site area has been developed for wood products manufacturing purposes.

Pursuant to Kootenay-Columbia Rivers Official Community Plan Bylaw 1157, 1996 the operations site has been designated a Development Permit Area and as such a Development Permit (DP) is required prior to development. The Regional District has issued five Development Permits during the period 2000 to 2011. The current application represents Development Permit application number six. Following the 'Site Summary' is a review and summary of the history of Development Approvals for the subject property.

Site Summary

Owner/Applicant: Kalesnikoff Lumber Company
Location: 2090 Highway 3A, Tarrys BC – Electoral Area I
Legal Description: A portion of Lot A, DL 1239, NEP67673 (PID 024-871-737)

Development Permit Area - Subject Site Size: 12.03 ha (29.7 ac)		
ALR: No	**Floodplain:** No	**Alluvial Fan:** No
OCP Bylaw 1157: Industrial (I)	**Zoning Bylaw 1675:** Medium Industry (M2)	
OCP Bylaw 1157, Development Permit Area #1: all lands designated 'industrial'		

Overview of the History of Development Approvals and related Permit Activity

Development Permit #1 – DP-0002I-5796.045

Date Issued: August 26, 2000

Authorized Development:

- Two new dry kilns
- Expansion to existing kiln

Stated Conditions:

- Maintain existing landscape buffer between fence and property along Highway 3A frontage

Authorized Zoning Variances:

- DP varied front yard setback (Highway 3A) for second kiln from 15m to 5.4m

Development Permit #2 – DP0302I-05796.045

Bylaw Amendments:

In 2003, as part of the review of the DP application it was discovered that a portion of the subject development site involved a small (0.58 ha) separately titled parcel (Lot 1, Plan 14812) designated 'country residential'. Therefore, prior to proceeding with the Development Permit application the Company submitted a Bylaw Amendment Application to change the land use designation. OCP Amendment Bylaw 1627 was adopted November 22, 2003 and changed the designation of Lot 1, Plan 14812 from Country Residential to Industrial. Similarly Zoning Amendment Bylaw 1628, adopted Nov. 22/03 changed the zoning of Lot 1 from Country Residential I (R2I) to Medium Industrial (M2) consistent with the remainder of the operation site. Subsequently Lot 1, Plan 14812 was consolidated as per Plan NEP67673 (Registered Oct. 13/09) which resulted in the creation of the current 12.03 ha wood products manufacturing development site.

DP0302I – Date Issued: - February 20, 2004

Authorized Development:

- Expansion of the log yard operation to the northern portion of the operations site including former Lot 1, Plan 14812.
- New access to Highway 3A for the log yard operation

240

- New log truck scale and related office trailer
- New office trailer adjacent to lumber storage area
- Expansion of the planer mill building
- New cyclone blower system
- Two new 30 unit shavings bins

Stated Conditions:

- Install a 1.5m high perimeter change link fence
- Concerning the northerly boundary with the adjacent residential lot, install a 1.5m high landscape screen and consult with the adjacent landowner regarding the landscape screen. To further minimize conflict log storage piles to be setback a minimum of 4.5m
- To minimize dust, access from Highway 3A to log yard and scale to be paved and current watering program maintained
- Light glare to be contained on site
- Under normal operating conditions, log yard hours of operation to be 7:00 AM to 1:00 AM Monday to Friday with log truck access to the yard limited to 6:00 AM to 6:00 PM Monday to Friday
- New log yard access subject to Ministry of Transportation requirements
- On-site sewage disposal systems subject to Interior Health Authority requirements
- Company to provide a [redacted] Letter of Credit

241

Authorized Zoning Variance:

- Maximum site coverage increased from 50% to 75% with maximum building site coverage of 50%
- Lumber storage office trailer minimum front yard setback reduced from 15m to 7.5m
- Cyclone blower and shaving bins rear yard setback reduced from 25m to 15m
- Maximum building height increased from 15m to 20m

Following the issuance of DP0302I the Company subsequently requested various revisions to the Permit, these include:

Revision #1 – Approved April 7, 2004

The approved revision allows for the installation of two additional drying kilns. The request was deemed to be relatively minor in nature and consistent with the scope of the original permit, as such it was not referred to agencies or adjacent landowners prior to approval.

Revision #2 – Approved June 21, 2004

The approved revision allows for the construction of a showroom building to display a vintage log truck to commemorate the KLC founder. Also approved was a variance of the minimum from yard setback from 15m to 7.5m. The request was deemed to be

relatively minor in nature and consistent with the scope of the original permit, as such it was not referred to agencies or adjacent landowners prior to approval.

Revision #3 – Approved May 16, 2007
The approved revision allows for relocation of a previously approved dry kiln site. The request was deemed to be relatively minor in nature and consistent with the scope of the original permit, as such it was not referred to agencies or adjacent landowners prior to approval.

Revision #4 – January/February 2010
KLC requests a revision to the hours of operation provision. The proposed changes were considered to be a significant departure from the existing Permit requirements and in an effort to obtain community comments the proposal was advertised in the local edition of the 'Pennywise' and 'Express'. Largely based on the public comments received, on Feb. 8/10 the RDCK received an email from KLC requesting that the proposed changes to the hours of operation be withdrawn and provided the following commitments to the community;

- KLC commits to abide by the existing log yard hours of operation, 7 AM to 1 AM.
- KLC log trucks and scale operation limited to 7 AM to 5 PM.
- KLC to implement a 'no jake brake' policy within 1 km of the site.
- KLC will continue to erect sound barriers in the milling operations and asks RDCK to periodically check noise levels.
- KLC will set up a community meeting to discuss issues and seek solutions.
- *Relocate existing 30 unit chip bins*
- Build new retaining wall and pad and relocate existing 2.5 MW transformer
- New building to house lumber sorter – building design to be determined but will incorporate noise abatement features
- Extend dry shed storage roof and enclose east wall. Noise abatement features to be incorporated into the construction
- Construct new dry kiln north of existing kiln
- Construct a 220m retaining wall along the east bank to allow for the extension of the log yard for improved safety
- Construct new dry kiln

<u>Development Permit #3 – DP0504I-05796.045</u>

Date Issued: September 22, 2005

Authorized Development:

- Construction of a 9 X 30m building to provide cover for lumber stacking machinery

Stated Conditions:

- Conditions of DP0302I continue to apply.

Authorized Zoning Variance:

- Maximum site coverage increased from 50% to 75% and maximum building site coverage of 50%
- Front yard setback reduced (along Highway 3A) from 15m to 7.5m

Development Permit #4 – 4260-20-D1002-I-05796.045

Date Issued: September 6, 2010

Authorized Development:

- Construction of a 100,000 gallon water tank to improve fire fighting capabilities.

Zoning Variance:

- Minimum front yard setback for the tank reduced from 7.5m to 4.6m

Note: [redacted] Based on an October 7/10 site visit by RDCK planning staff it was confirmed that the outstanding conditions associated with fencing and landscaping adjacent to Highway 3A and the northerly residential lot adjacent to the log yard were satisfactorily completed and KLC should be released from the Letter of Credit. [redacted]

Development Permit #5 – 4260-20-I-05796.045

Date Issued: July 19, 2011

Authorized Development:

- Extend planer mill roof westerly (timeframe June 2011)
- Extend planer mill roof northerly (timeframe July 2011)
- Extend planer mill roof north-easterly (timeframe October 2011)
- Install trailer as an employee lunch room and meeting room (timeframe October 2011)

The Development Permit did not include any specific conditions or requirements and there were no zoning variances.

Description of Current Development Permit – File 4260-20-D120I-05796.045

Date of Receipt of Application: March 2, 2012

Date of application referral:

Agency referrals: March 16/12
Public referrals: March 16/12 (referral package included with KLC newsletter circulated to land owners in the Tarrys, Thrums and Glade area)

243

Listing of proposed development:

- Upgrade existing Fortis substation
- New bin shorter building
- Install primary distribution switching gear and concrete pad
- Remove and replace existing overhead high voltage cables with underground cables
- Extend mill roof to cover debarking machinery
- Extend mill roof east and north and enclose northeast corner of building. Noise abatement features to be incorporated into the design and construction
- Build new retaining wall and pad and install a new 3.7 MW transformer
- Relocate existing 30 unit chip bins
- Build new retaining wall and pad and relocate existing 2.5 MW transformer
- New building to house lumber sorter – building design to be determined but will incorporate noise abatement features
- Extend dry shed storage roof and enclose east wall. Noise abatement features to be incorporated into the construction
- Construct new dry kiln north of existing kiln
- Construct a 220m retaining wall along the east bank to allow for the extension of the log yard for improved safety
- Construct new dry kiln

Please see attached KLC's March 14/12 Development Description and March 14/12 Site Plan for a complete description of the proposed development.

Referral Comments

On March 16/12, in accordance with RDCK Land Development Applications Procedures Bylaw 2239, 2011, the development proposal was referred to public agencies with a request to provide comments within 30 days. Concurrent with the public agencies referral, the Company included the RDCK development permit referral information package with its March 16/12 community newsletter. Based on KLC's mailing list, 350 information referrals were distributed to landowners in Tarrys, Thrums and Glade. This referral extends beyond the required 100m adjacent landowner requirement of Procedures Bylaw 2238.

In addition to the distribution of the referral information the March 16/12 KLC newsletter included an invitation for the public to attend an 'open house' on April 26/12 between 6:00 PM and 8:00 PM at Tarrys Hall. The event to be hosted by KLC staff with participation by RDCK planning staff and is intended to provide the public with an opportunity to review and discuss the Company's development proposal.

Presented below are the comments received from the public agencies as well as members of the public.

Government and Public Agency Comments (Response deadline April 20/12):

Ministry of Forests, Lands & Natural Resources – date received, March 21/12
Interests unaffected.

[redacted]

RDCK Building Department – date received, March 21/12
Approval recommended – Building permit must be in place for all construction and all applicable Bylaws must be adhered to.

[redacted]

Columbia Power Corporation – date received, April 2/12
Interests unaffected.

[redacted]

Tarrys Fire Department – date received, April 5/12
Interests unaffected.

[redacted]

Area I Advisory Planning Commission – date received April 19/12
The application was discussed with staff from Kalesnikoff Lumber Company at the APC meeting of April 16/12 afterwhich the APC advises the RDCK Board as follows:

DP 4260-20-D1201I-05796.045 – Kalesnikoff Lumber:

1. Be referred to a public information meeting prior to approval and that all potentially impacted community members be given written notice of this meeting.
2. That staff incorporate all noise, dust and light pollution abatement measures possible into the provisions of the development permit during construction and for all equipment and infrastructure to be installed.
3. That significant vegetative screens be placed along the highway boundary and that current vegetative screens on the river side of the property be maintained and enhanced.
4. That the development be as 'neighbour –friendly' as possible.
5. That pre-construction tours be made possible for any potentially impacted community members.

Ministry of Transportation – date received April 19/12
Please be advised that we have no concerns regarding the proposed improvements to the Kalesnikoff property.

[redacted]

Landowner and Public Comments (Response deadline April 20/12):

[redacted]

245

Approval recommended – no objection from this land owner, great news. Less noise, better workplace conditions for employees.

[redacted]

- concern expressed regarding noise
- concern about the steady hum of equipment
- concern about the general aesthetics of the site
- recommends a treed buffer

[redacted]

Approval not recommended:

- leaching of by-products into the soil and subsequently into the river affects fish, wildlife and humans,
- large health risks due to chemicals used in operations, impacts to fish, wildlife and humans,
- environmental risks; environmental study should first be conducted to identify necessary steps to prevent contamination and appropriate measures be taken by owner to ensure safety of environment, humans, fish and wildlife,
- noise pollution/air pollution: increased pollution to the residents of the Glade community,
- depreciation of property values due to proximity of an industrial sawmill,
- overall negative impact to the Glade community and the lives of the residents due to increased traffic, noise, unsightly industrial sawmill at your doorstep,
- the province of B.C. should take the necessary steps to identify and ensure the surrounding community is protected first.

[redacted]

This is my home it's not a rental and has a feature side facing the river and the Kalesnikoff mill. When I bought the property in 1992 the mill was isolated by a stand of trees along the edge of the mill that blocked lights and noise. At some point the tree barrier was removed fully exposing the east side of the mill. I was unofficially told they were removed for their fire insurance policy. The mill has since expanded its log yard north also clearing the trees along the crest of the hill. I have as my west horizon the full lights and sounds of the mill and log handling. The lights and sounds are annoying especially at night if the mill is running.

I request that the sound and visual impact on our community be heavily considered as part of the proposed project. Cutting down the tree barrier without regard to the community across the river was the way things use to be done. I would like to see a sound and visual barrier be engineered and erected as phase one of their project permit as the way things are done today. They have proposed sound insulating and lumber movement trucks and even voices in certain conditions. Item #8 and #13 implies moving the mill closer to the east side without consideration of any thing. I might suggest a tall green camouflage coloured fence along the river side. (They can paint the fire proof sound insulation on the mill side any colour they want). The fence would

block the lights, bring the noise to an acceptable level from the whole mill, provide a safety barrier for the edge of the hill for their employees and provide a fire break. The Kalesnikoff Lumber Company does employee many neighbours and they support our community. They have endured the economic roller coaster when many have failed or given up. I am glad to see they have decided to expand their operation and I do hope they continue to prosper. I don't think it's unreasonable to ask them to correct an oversight that has happened in the past so they can move forward.

[redacted]

Development Description 2012 item #10 – Build a new building to house a lumber sorter:
It is indicated that only the West wall will be completely enclosed. My understanding is that a lumber sorter can have two walls completely enclosed and fully insulated. Lumber sorters can emit very loud 'banging' noises. If this is not properly attended to the noise across the river and down the valley will be very loud and disruptive. I am not in agreement with the current description to how this building will be done. There is no indication that any further trees along the river bank will be removed. If this is the case, then the above is the only issue I have with this application.

Comments arising from the April 26/12 Open House

Approximately 30 members of the public attended the open house. A comment sheet was included with the RDCK's information handout and people were asked to drop-off their comments at the end of the evening or forward comments to the RDCK Planning Department by May 11/12. Comments received arising from the Open House include:

[redacted]

At present the mill is traditionally a two shift operation. If this is to change to three shifts, the community must be consulted.

[redacted]n provided the RDCK with an email which included an enhanced photograph of the road access to the log yard showing what it could look like if a treed landscape buffer had been planted in 2004 as per DP03021 and allowed to grow until the present time. She writes, "this is what it (treed landscape buffer) should have looked like 8 years later and we would have been very happy with it."

[redacted]

Presented below is a PDF copy of a letter addressed to Sangita Sudan, Manager of Development Services from the above named persons on behalf of the Glade-Tarrys Working Group. The letter refers to a 'questions & answers' report derived from discussions with KLC officials at the April 26/12 Open House. The 'Q & A' report is attached to this Staff Report as additional referral information.

Please accept this letter in response to the March 14, 2012 Application for a Development Permit submitted by the Kalesnikoff Lumber Co. I realize we are now two weeks after the April 26th open house, however, we trust the community concerns laid out in this letter will still be considered as part of the DPA assessment and approval process

At the open house you asked if you could have a copy of the Working Group's Question and Answers. I am enclosing five pages of Q&A for your perusal. I don't propose to go through all of the notes, rather, I expect that the notes will be considered an attachment to this letter and hope the RDCK will consider the notes in their entirety.

Although we obtained much valuable information from [redacted] at the open house, I would qualify our comments as follows: although [redacted] was very helpful and clearly did his best to answer our questions, he didn't have the answers to all of our questions, we were interrupted numerous times which really took us off track, and we ran out of time even though we stayed until around 9pm. Further, we didn't have a chance to ask RDCK staff any of the RDCK questions on our list.

With respect to this Development Permit Application, there are really two major concerns. First is that the "Development Description 2012" simply does not provide enough information about certain items, especially items 10, 12, 14. Second, as you will see from the Q&A notes, although the DPA does contain certain measures that will ideally lessen the noise coming from the mill, for the most part community concerns about noise, dust and light are not addressed. Further, as can be seen in the notes, KLC has other projects planned that don't require a development permit. Does the RDCK have information about the comprehensive effects of all the projects combined?

With respect to #10, the description states "building type is yet to be determined." We do know that the purpose of that building is to house another lumber sorter; my understanding is that it will be a drop sorter but whether it is a drop or bin sorter would have to be clarified with KLC. Until KLC can identify what kind of building they are proposing and what type of sorter the building will house, it is our position that the RDCK does not have enough information to approve #10 and it should be severed from this DPA.

With respect to #12 and 14, the proposed addition of two kilns is of great concern. #14 is huge at 11m wide X 37 m long X 7.5 m high. The 5 existing kilns are a major source of noise from the mill and, as mentioned in the notes, it is this noise that residents hear even when the mill is not operating. If the mill is, indeed, going to focus on specialty wood products that have to be in the kiln for 7 days, as opposed to 36 hours, 2 more kilns could greatly increase the noise caused by the mill. Because we ran out of time, [redacted] wasn't able to tell us about the types of kilns that could be constructed and the noise abatement that is available with the kilns. It is

248

our position that the RDCK does not have enough information to approve 12 and 14 at this time and these items should be severed from this DPA.

With respect to Item 2, a new bin sorter is something that community would be cautiously optimistic about. Although there will still be a noise from a bin sorter, the community will no longer be subjected to 16,000. boards dropping per shift.

With respect to the transformer- related items (# 1,3,4,7), these are really a Fortis issue. Our understanding from [redacted] that there are possibilities for a reduction of noise from the transformer fans.

We have already expressed, and would like to reiterate, our concern about the choice of an open house as opposed to an actual public information meeting. We understand that a public meeting was not required, however, that does not mean a meeting was not appropriate in this particular circumstance, especially given the erroneous April 18 deadline set out in the notice of DPA.

There are residents of this community who feel that the mill should not be allowed any further development until they have addressed the noise, dust and light issues that affect the community in a profound way and which KLC has been aware of for many years. This is not the current position of the working group and we hope to continue working with KLC to address the issues.

In addition to this DPA , the community remains concerned about the operating hours of the mill and the potential for new construction/additions to be used for purposes other than those stated in the DPA. There is also concern about lowered property values as a result of various expansions at the mill. And, of course, we would be remiss in not mentioning the two sawmill explosions that have occurred in BC in the past three months – Burns Lake and Prince George. This community can't help but be concerned about the real possibility for disaster in their midst. As you are aware, in 2006 KLC had a major fire which started in one of the kilns. Has the RDCK considered postponing a decision on the DPA until any provincial and WorkSafe BC comprehensive safety inspections are completed?

If you wish to discuss these comments or require additional information, please feel free to contact us. If it would be helpful for you to have information on the specific noise, dust and light effects experienced by the community, we would be pleased to provide that information.

Thank you very much for your consideration.

Issues and Analysis

Based on a review of the file record as well as the information pertaining to the current application a number of key issue areas have been identified.

Issues Derived from Public Comments

Throughout the history of Development Permit approvals for this property, including comments received regarding this DP application, the public has consistently identified the following community issues:

- noise
- dust
- light glare
- visual aesthetics
- hours of operation

Noise:

As there is no applicable RDCK Noise Bylaw in effect for this portion of Electoral Area I the RDCK has had limited success in regulating noise levels against a predetermined bylaw standard. Noise abatement has principally been achieved through KLC's ongoing efforts to reduce noise through operational protocols and building improvements. In this regard KLC has retained the services of BKL Acoustic Consulting Ltd to provide ongoing advice and assistance.

Nothwithstanding the reference to "...measures to reduce noise" as stated in Kootenay-Columbia Rivers Official Community Plan Bylaw 1157, 1996, Policy 3.10.3.2.4 [redacted] While recognizing that 'noise' is perhaps the single most important and pervasive community issue, Planning Department staff suggests that the RDCK encourage KLC to build on the goodwill currently being developed between the Company and community by recommending that the Company:

- Continue to provide the community with updates on progress on its noise abatement program through the community Newsletter.
- Host an annual community 'open house' similar to the April 26/12 forum to review progress and foster community dialogue.
- Continue to incorporate noise abatement features into building design and operational protocols as per the recommendations of BKL Acoustic Consulting.

In support of this effort **Planning Department Staff Recommends** that the RDCK provide KLC with the noise standards prescribed for industrial zoned land as per Section 6 of RDCK Noise Bylaw 2016. This would allow the Company to develop and evaluate the efficacy of its noise abatement program against established RDCK standards in the event that one day the Bylaw may apply.

250

the efficacy of its noise abatement program against established RDCK standards in the event that one day the Bylaw may apply.

Dust Control:

Condition 5.3 of DP0302I (issued Feb.20/04) required that the log yard access from Highway 3A to the log scale be paved and the Company be encouraged to continue its log yard watering program. KLC has subsequently completed the required paving and continues to employ a log yard watering program. Based on correspondence on file the Company has indicate a willingness to respond to adjacent landowner concerns and modify the watering program were appropriate. **Planning Department Staff Recommends** that no further action is required as the current dust abatement measures appear to adequately address the situation.

Light Glare:

Condition 5.5 of DP0302I (issued Feb. 20/04) required lighting of the site to be designed and install so as to contain light glare on-site. There is no evidence on file to indicate that the RDCK has adequately followed-up with the Company to insure that this condition has been appropriately meet. As a condition of this Development Permit **Planning Department Staff Recommends** that KLC prepare and submit a light glare abatement plan for the entire Development Permit site area keeping in mind the need to provide lighting necessary for worker safety while identifying opportunities to reduce impacts on the surrounding community.

251

Visual Aesthetics – Landscaping and Buffering:

Public comments indicate a concern with the lack of appropriate visual screening of the development site from the surrounding community. In particular comments have been received regarding the removal of existing trees from the perimeter of the site which in the past provided a natural landscape screen as well as assisting with the mitigation of light glare, dust and noise.

Section 5.2 a & b of DP 0302I (Feb.20/04) addressed fencing and landscaping as follows:

5.2 Perimeter fencing and/or landscaping shall be installed in the location shown on Schedule 2, Site Plan subject to Schedule 'B' Landscaping Requirements (please see attached) of Kootenay-Columbia Rivers Zoning Bylaw No. 1373, 1999 as amended and in accordance with the following,
a) A minimum 1.5 m (5 ft.) high standard security chain link fence shall be installed along the entire perimeter of the sawmill site, and
b) To provide additional screening for a residentially zoned property at the northerly boundary of the sawmill site, the Permittee is required to install a landscape screen with an initial height of 1.5 m (5 ft.) which in time shall be allowed to grow to a height of 3 m (10 ft.) or higher. The

Permittee is encouraged to consult with the adjacent landowner with respect to the installation and on-going development of the landscape screen. In addition to this landscaping requirement, to further minimize conflicts with the adjacent residential lot, log storage piles shall maintain a minimum setback of 4.5 m (15 ft.).

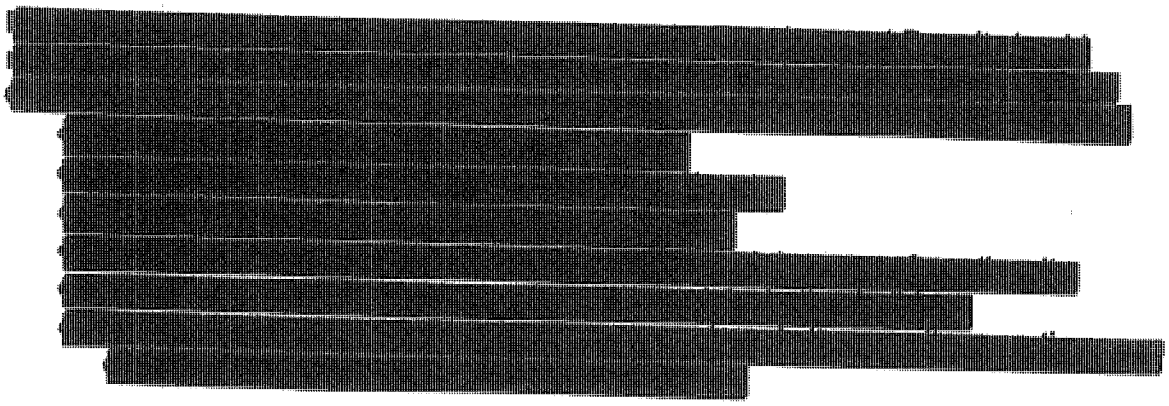
While DP 0302I required the entire perimeter of the development site to be fenced, the landscaping provisions only focused on the northerly boundary adjacent to the neighbouring residential property. A review of the file records indicates that the RDCK has not, as a condition of any previously issued Development Permit, required KLC to submit a detail landscaping and buffering plan based on the "General Requirements for Landscaping" of the Zoning Bylaw and OCP Design Guidelines which applies to the entire development site.

To address this matter in the context of the current Development Permit **Planning Department Staff Recommends** that KLC be required to submit a landscaping and buffering plan prepared by a Landscape Architect or other similarly qualified professional for the entire Development Permit site area based on the requirements of Section 622, General Regulations for Landscaping, RDCK Zoning Bylaw 1675, 2004 and Section 4.1.3 Design Guideline; Landscaping and Screening, Kootenay-Columbia River Official Community Plan Bylaw 1157, 1996. The plan should focus primarily on landscaping and buffering options for land within a minimum distance of 4.5m of the perimeter of the site. The plan should include the use of existing natural vegetation; identify areas requiring new plantings and/or landscape buffers (e.x. landscape berms) as well as areas requiring supplemental planting and/or landscape buffers. Particular attention should be paid to options for planting and screening adjacent to the top-of-bank along the easterly site boundary opposite the community of Glade.

Please Note: Based on the October 2010 site visit by Planning Department staff and the subsequent release of the Letter of Credit in January 2011 the RDCK acknowledges that the Company has satisfactorily completed the requirements for perimeter fencing and landscaping adjacent to the northerly site area boundary as per condition 5.2 a & b of DP0302I. These existing approved fencing and landscaping features should be incorporated into the landscaping and buffering plan noted above.

Hours of Operation:

Perhaps as an approach to deal with the issue of noise, the community has expressed interest in the RDCK regulating the hours of operation. Section 5.6 of DP0302I (issued Feb. 20/04) specifies normal hours of operation for the log yard as 7:00 AM to 1:00 AM Monday to Friday and log truck access to the log yard as 6:00 AM to 6:00 PM Monday to Friday. It should be noted that these hours of operation apply to the log yard operation only and do not extend to the milling operation in general. Furthermore, they do not address operations on the weekend or statutory holidays.



Design Guideline and Zoning Regulations

Pursuant to Kootenay-Columbia Rivers Official Community Plan Bylaw 1157, 1996 a Development Permit is required for all land designated Industrial. OCP Policy 3.10.3.2.4 identifies matters such road access, potential impacts on ground water, fencing, screening, buffering and landscaping, size and mass of buildings, site lighting, parking and loading areas, hours of operation, measures to control dust and reduce noise, signage and other relevant related matters. Section 4.1 of OCP Bylaw 1157 outlines the Development Permit Design Guidelines which includes matters pertaining to the form and character of buildings, landscaping and screening and utility services.

RDCK Zoning Bylaw 1675, 2004 zones the development site 'Medium Industrial (M2)' which identifies 'Wood Product Manufacturing' as a Permitted Use. The Bylaw further specifies various development regulations including matters associated with building height, site coverage, building site coverage, setbacks to lot lines, parking and loading requirements as well as general landscaping and screening regulations.

253

The RDCK has granted several zoning variances as conditions of previously issued Development Permits. In summary these include:

- Minimum front yard setback from 15m to 7.5m and 4.5m for water tank
- Minimum rear yard setback from 25m to 15m
- Minimum interior lot line setback at 4.5m
- Maximum building height from 15m to 20m
- Maximum site coverage for all activities set a 75% with a maximum site coverage for all buildings and structures at 50%

In recognition of the previously approved zoning regulation variances, Planning Department Staff Recommends that within the Development Permit site area the Permit include the following variances to Medium Industrial (M2) zoning regulations:

- Minimum setback for all buildings and industrial related activity is limited to 4.5m from all lot lines and adjacent to Highway 3A.

- Maximum height for all buildings and structures except power poles, antenna and other similar utility structures is limited to 20m.
- Maximum site coverage for all buildings and industrial activity is limited to 75% and maximum site coverage for all buildings and structures is limited to 50%.

Authorized Development

The development authorized under previously issued Development Permits has been limited to specifically identified works and buildings. Therefore a revision to a Permit or an entirely new Permit has been required prior to the approval of future development. This has resulted in a cumbersome and potentially confusing and conflicting approach to Permit administration. In order to simplify the Development Permit process **Planning Department Staff Recommends** that the Development Permit authorize all development within the meaning of 'wood product manufacturing' as defined under Zoning Bylaw 1675, subject to compliance with all other conditions of the Permit.

Security Deposit

As per Section 6 of DP0302I (issued Feb. 20/04) KLC was required to provide a Letter of Credit in the amount of [redacted] to ensure compliance with the requirements of the Permit. Based on the recommended requirements for a landscaping and buffering plan as well as a light glare abatement plan **Planning Department Staff Recommends** that KLC be required to provide a security deposit in the form of a Letter of Credit in the amount of [redacted].

Staff Recommendations

In accordance with the provisions of Kootenay-Columbia Rivers Official Community Plan Bylaw 1157, 1996, Regional District of Central Kootenay Zoning Bylaw 1675, 2004, RDCK Land Development Applications Procedures Bylaw 2238, 2011 and RDCK Bylaw 1808 delegation of authority bylaw **Planning Department Staff Recommends** that the attached DRAFT Development Permit, #4260-20-D1201I-o5796.045 be referred to Kalesnikoff Lumber Company for review and comment.

Respectfully submitted,

Bruce Gunn, Planner

Attachments: Glade-Tarrys Working Group, 'Questions & Answers' report of discussions with Kootenay Lumber Company Officials at the April 26/12 Public Open House, Tarrys Community Hall

DRAFT Development Permit #4260-20-D1201I-05796.045

254

From: Gordon Perepolkin
To: Zachari Giacomazzo
Subject: RDCK file # Z2306I
Date: May 7, 2024 9:15:40 AM

CAUTION **This email originated from outside the organization. Please proceed only if you trust the sender.**

Hi Zachari
I live on the north end of loff rd, and I oppose this rezoning development.
Please respond if this has been recorded.
--
Best Regards Gord

Kootenay Home Inspections
Gord Perepolkin, *CHI*

I consider referrals from my friends, clients and associates to be the greatest compliment that I could receive. Thank you for keeping my company in mind whenever a referral opportunity presents itself.

From: Nina Perepolkin
To: Planning
Subject: Kalesnkoff Lumber CO.
Date: May 9, 2024 10:05:17 AM

CAUTION This email originated from outside the organization. Please proceed only if you trust the sender.

I say NO TO THE REZONING APPLICATION THIS IS A RESIDENTIAL COMMUNITY

16 copies of this letter were signed in response to Z23061-

May 10, 2024

Zachari Giacomazzo
Planner Development and Community Sustainability Services
RDCK Box 590, 202 Lakeside Drive
Nelson, BC V1L 5R4

RE: Kalesnikoff Sawmill, 2090 Hwy 3A, Tarrys, BC
Referral Form – RDCK File Z23061

1. The proposed Commercial Zoning is in direct conflict with the Official Community Plan and the existing Country Residential Zoning. It is also in direct conflict with the RDCK 2016 Tarrys Community Land Use Survey.

2. We live here because we want the Rural Country Residential Lifestyle. Changing the OCP Zoning will completely change the look and feel of our community.

3. This property is heavily treed with mature timber and provides the only noise buffer between the sawmill and our residential properties. Removal of any trees will undoubtedly increase the noise to our property and to the mountain where it creates an additional echo effect in our narrow valley.

4. We are requesting implementing hours of operation of the mill, so evening and night time sleep is protected - and peaceful, quiet enjoyment of our property is guaranteed.

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6. We are experiencing a housing crisis and removing good residential lots and turning them into commercial use is unacceptable.

7. Area I has a noise bylaw in place, and we want to make sure any existing operations, future work, or expansion will be in compliance with the bylaw.

8. We are NOT IN FAVOUR of rezoning or changing the OCP of the 4.2 acres from single family Country Residential to C-2 Commercial.

Attached, please find copy of letter sent to Jordan Dupuis (Supervisor Bylaw Enforcement) and RDCK Team. This letter refers to the sawmill, but it is very relevant to the rezoning application because they are both part of the same lot.

In previous emails with Jordan Dupuis, he wrote, "If specific concerns arise pertaining to a specific noise issue, we will devote the appropriate resources to resolving the issue."

I believe over thirty (30) complaint letters were sent to the RDCK and for over two months not a single reply was returned. After prodding, we received a reply from Jordan stating, in part, "At this time I am unable to devote enforcement resources.."

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We feel our noise bylaw should give us the same protection that everyone else has in Area I, which is quiet, peace, rest, enjoyment and comfort of the neighbourhood.

We are NOT IN FAVOUR of changing the OCP, and rezoning the 4.2 acres from single family residential to C-2 Commercial.

Name: Lenny Davidoff

Address: [redacted]

Signature: Lenny Davidoff

May 10, 2024

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Name: MATTHEW KALESNIKOV

Address: [redacted]

Signature:

May 10, 2024

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Nelson, BC V1L 5R4

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Name: Janet Maloff

Address: [redacted]

Signature: J Maloff

May 10, 2024

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Name: Bev Makaroff

Address: [redacted]

Signature: [redacted] B. Makaroff

May 10, 2024

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Planner Development and Community Sustainability Services
RDCK Box 590, 202 Lakeside Drive
Nelson, BC V1L 5R4

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Name: Dale Makaroff

Address: [redacted]

Signature: 

May 10, 2024

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Planner Development and Community Sustainability Services
RDCK Box 590, 202 Lakeside Drive
Nelson, BC V1L 5R4

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We are NOT IN FAVOUR of changing the OCP, and rezoning the 4.2 acres from single family residential to C-2 Commercial.

Name: Jenna Makaroff

Address: [redacted]

Signature: J. Makaroff

May 10, 2024

Zachari Giacomazzo
Planner Development and Community Sustainability Services
RDCK Box 590, 202 Lakeside Drive
Nelson, BC V1L 5R4

RE: Kalesnikoff Sawmill, 2090 Hwy 3A, Tarrys, BC
Referral Form – RDCK File Z23061

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Name: Rick Makaroff

Address: [redacted]

Signature: R. Makaroff

May 10, 2024

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Planner Development and Community Sustainability Services
RDCK Box 590, 202 Lakeside Drive
Nelson, BC V1L 5R4

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Name: Robert Makaroff

Address: [redacted]

Signature: Robert Makaroff

May 10, 2024

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Name: Barbara Denoskoff Barbara Denoskoff

Address: [redacted]

Signature: Barbara Denoskoff

May 10, 2024

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RDCK Box 590, 202 Lakeside Drive
Nelson, BC V1L 5R4

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Name: Jason Ozzioff

Address: [redacted]

Signature:

May 10, 2024

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Planner Development and Community Sustainability Services
RDCK Box 590, 202 Lakeside Drive
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Name: Lawrence Perepolkin

Address: [redacted]

Signature: Lawrence Perepolkin

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Name: Nina Perepolkin Nina Perepolkin

Address: [redacted]

Signature: Nina Perepolkin

May 10, 2024

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RDCK Box 590, 202 Lakeside Drive
Nelson, BC V1L 5R4

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Name: Adriadna Quintero

Address: [redacted]

Signature:

May 10, 2024

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Planner Development and Community Sustainability Services
RDCK Box 590, 202 Lakeside Drive
Nelson, BC V1L 5R4

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Name: Bill Sheard – BILL SHEARD

Address: [redacted]

Signature: Bill Sheard

May 10, 2024

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Planner Development and Community Sustainability Services
RDCK Box 590, 202 Lakeside Drive
Nelson, BC V1L 5R4

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Name: L. Sherbinin (LEONA SHERBININ)

Address: [redacted]

Signature: L. Sherbinin

May 10, 2024

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Name: Jodi Tompkins

Address: [redacted]

Signature: Jodi Tompkins

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Name: MARCIA VERNON

Address: [redacted]

Signature: Marcia Vernon

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

Dear all above;

When the mill is in full production, the noise that affects us comes from the south end of the yard and is loud, undesirable, and relentless.

Very specifically:

1. Every 5-10 seconds there is a loud bang that we believe comes from logs hitting a metal stop before they are cut to length;

2. There is a very irritating and loud sound of constant air exhausting from machinery (i.e., air rams?) that is multiple and consecutive;

3. The sound of the large open-air saw that cuts logs to length;

We are aware the north end of the mill site had some visual landscape vegetation, noise-reducing berms/buffers, and enclosures installed to mitigate noise, however, the south end of the mill site which creates the most noise is completely open to Hwy 3A and all the residential neighborhood on Loff and Tarrys Road. Last summer, the vegetation between Hwy 3A and the mill was removed, leaving only a chain link fence which has no visual or noise-reducing value.

We are asking the RDCK bylaw enforcement to work with KLC to resolve the above issues.

Note: Please find a quoted paragraph from Page 14 of MEMORANDUM DEVELOPMENT PERMIT STAFF REPORT (File #4260-20-D1201I-05796.045), dated May 23, 2012, addressed to Sangita Sudan (from Bruce Gunn, Planner at RDCK).

Quote, "While DP 03021 required the entire perimeter of the development site to be fenced, the landscaping provisions only focused on the northerly boundary adjacent to the neighboring residential property. A review of the file records indicates that the RDCK has not, as a condition of any previously issued Development Permit, required KLC to submit a detailed landscaping and buffering plan based on the "General Requirements for Landscaping" of the Zoning Bylaw and OCP Design Guidelines which applies to the **entire development site.**"

If this requirement has been overlooked for any reason and has not been fulfilled, then we ask it to be implemented. This will help not only in dealing with the above-mentioned noise concerns but also reduce the other general noise from the mill such as the sound of logs being dumped onto the deck and the rumbling as they are processed. This will also help protect against any further negative impact on our property values because of the noise.

We are hopeful the final results will be what our noise bylaw ensures -- which is quiet, peace, rest, enjoyment, and comfort of the neighborhood.

Please send us confirmation of your receipt of this letter.

Thank you,

Name: Janet Maloff

Address: [redacted]

Signature: J Maloff

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

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We are hopeful the final results will be what our noise bylaw ensures -- which is quiet, peace, rest, enjoyment, and comfort of the neighborhood.

Please send us confirmation of your receipt of this letter.

Thank you,

Name: Jodi Tompkins

Address: [redacted]

Signature: Jodi Tompkins

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

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We are aware the north end of the mill site had some visual landscape vegetation, noise-reducing berms/buffers, and enclosures installed to mitigate noise, however, the south end of the mill site which creates the most noise is completely open to Hwy 3A and all the residential neighborhood on Loff and Tarrys Road. Last summer, the vegetation between Hwy 3A and the mill was removed, leaving only a chain link fence which has no visual or noise-reducing value.

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We are hopeful the final results will be what our noise bylaw ensures -- which is quiet, peace, rest, enjoyment, and comfort of the neighborhood.

Please send us confirmation of your receipt of this letter.

Thank you,

Name: Jenna Makaroff

Address: [redacted]

Signature: J. Makaroff

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

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We are hopeful the final results will be what our noise bylaw ensures -- which is quiet, peace, rest, enjoyment, and comfort of the neighborhood.

Please send us confirmation of your receipt of this letter.

Thank you,

Name: LLOYD EVANS

Address: [redacted]

Signature:

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

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We are aware the north end of the mill site had some visual landscape vegetation, noise-reducing berms/buffers, and enclosures installed to mitigate noise, however, the south end of the mill site which creates the most noise is completely open to Hwy 3A and all the residential neighborhood on Loff and Tarrys Road. Last summer, the vegetation between Hwy 3A and the mill was removed, leaving only a chain link fence which has no visual or noise-reducing value.

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Please send us confirmation of your receipt of this letter.

Thank you,

Name: Bill Sheard

Address: [redacted]

Signature: Bill Sheard

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

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We are aware the north end of the mill site had some visual landscape vegetation, noise-reducing berms/buffers, and enclosures installed to mitigate noise, however, the south end of the mill site which creates the most noise is completely open to Hwy 3A and all the residential neighborhood on Loff and Tarrys Road. Last summer, the vegetation between Hwy 3A and the mill was removed, leaving only a chain link fence which has no visual or noise-reducing value.

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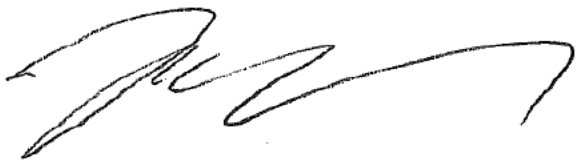
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Please send us confirmation of your receipt of this letter.

Thank you,

Name: Jason Ozeroff

Address: [redacted]

Signature: 

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

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We are aware the north end of the mill site had some visual landscape vegetation, noise-reducing berms/buffers, and enclosures installed to mitigate noise, however, the south end of the mill site which creates the most noise is completely open to Hwy 3A and all the residential neighborhood on Loff and Tarrys Road. Last summer, the vegetation between Hwy 3A and the mill was removed, leaving only a chain link fence which has no visual or noise-reducing value.

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Please send us confirmation of your receipt of this letter.

Thank you,

Name: Ricky Makaroff

Address: [redacted]

Signature: R. Makaroff

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

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We are aware the north end of the mill site had some visual landscape vegetation, noise-reducing berms/buffers, and enclosures installed to mitigate noise, however, the south end of the mill site which creates the most noise is completely open to Hwy 3A and all the residential neighborhood on Loft and Tarrys Road. Last summer, the vegetation between Hwy 3A and the mill was removed, leaving only a chain link fence which has no visual or noise-reducing value.

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Please send us confirmation of your receipt of this letter.

Thank you,

Name: Barbara Denoskoff

Address: [redacted]

Signature: Barbara Denoskoff

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

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Please send us confirmation of your receipt of this letter.

Thank you,

Name: Evelyn (Lenny) Davidoff

Address: [redacted]

Signature: Evelyn (Lenny) Davidoff

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

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Please send us confirmation of your receipt of this letter.

Thank you,

Name: Susan Evans

Address: [redacted]

Signature:

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

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We are aware the north end of the mill site had some visual landscape vegetation, noise-reducing berms/buffers, and enclosures installed to mitigate noise, however, the south end of the mill site which creates the most noise is completely open to Hwy 3A and all the residential neighborhood on Loff and Tarrys Road. Last summer, the vegetation between Hwy 3A and the mill was removed, leaving only a chain link fence which has no visual or noise-reducing value.

We are asking the RDCK bylaw enforcement to work with KLC to resolve the above issues.

Note: Please find a quoted paragraph from Page 14 of MEMORANDUM DEVELOPMENT PERMIT STAFF REPORT (File #4260-20-D1201-05796.045), dated May 23, 2012, addressed to Sangita Sudan (from Bruce Gunn, Planner at RDCK).

Quote, "While DP 03021 required the entire perimeter of the development site to be fenced, the landscaping provisions only focused on the northerly boundary adjacent to the neighboring residential property. A review of the file records indicates that the RDCK has not, as a condition of any previously issued Development Permit, required KLC to submit a detailed landscaping and buffering plan based on the "General Requirements for Landscaping" of the Zoning Bylaw and OCP Design Guidelines which applies to the **entire development site**."

If this requirement has been overlooked for any reason and has not been fulfilled, then we ask it to be implemented. This will help not only in dealing with the above-mentioned noise concerns but also reduce the other general noise from the mill such as the sound of logs being dumped onto the deck and the rumbling as they are processed. This will also help protect against any further negative impact on our property values because of the noise.

We are hopeful the final results will be what our noise bylaw ensures -- which is quiet, peace, rest, enjoyment, and comfort of the neighborhood.

Please send us confirmation of your receipt of this letter.

Thank you,

Name: Katelynn Horton

Address: [redacted]

Signature: Katelynn Horton

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

Dear all above;

When the mill is in full production, the noise that affects us comes from the south end of the yard and is loud, undesirable, and relentless.

Very specifically:

1. Every 5-10 seconds there is a loud bang that we believe comes from logs hitting a metal stop before they are cut to length;

2. There is a very irritating and loud sound of constant air exhausting from machinery (i.e., air rams?) that is multiple and consecutive;

3. The sound of the large open-air saw that cuts logs to length;

We are aware the north end of the mill site had some visual landscape vegetation, noise-reducing berms/buffers, and enclosures installed to mitigate noise, however, the south end of the mill site which creates the most noise is completely open to Hwy 3A and all the residential neighborhood on Loff and Tarrys Road. Last summer, the vegetation between Hwy 3A and the mill was removed, leaving only a chain link fence which has no visual or noise-reducing value.

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We are hopeful the final results will be what our noise bylaw ensures -- which is quiet, peace, rest, enjoyment, and comfort of the neighborhood.

Please send us confirmation of your receipt of this letter.

Thank you,

Name: MATTHEW KALMAKOV

Address: [redacted]

Signature: Matt Kalmakov

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

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We are aware the north end of the mill site had some visual landscape vegetation, noise-reducing berms/buffers, and enclosures installed to mitigate noise, however, the south end of the mill site which creates the most noise is completely open to Hwy 3A and all the residential neighborhood on Loff and Tarrys Road. Last summer, the vegetation between Hwy 3A and the mill was removed, leaving only a chain link fence which has no visual or noise-reducing value.

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We are hopeful the final results will be what our noise bylaw ensures -- which is quiet, peace, rest, enjoyment, and comfort of the neighborhood.

Please send us confirmation of your receipt of this letter.

Thank you,

Name: Sharon Burns

Address: [redacted]

Signature: Sharon Burns

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

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We are aware the north end of the mill site had some visual landscape vegetation, noise-reducing berms/buffers, and enclosures installed to mitigate noise, however, the south end of the mill site which creates the most noise is completely open to Hwy 3A and all the residential neighborhood on Loff and Tarrys Road. Last summer, the vegetation between Hwy 3A and the mill was removed, leaving only a chain link fence which has no visual or noise-reducing value.

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Please send us confirmation of your receipt of this letter.

Thank you,

Name: Jill Seacott

Address: [redacted]

Signature:

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

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We are hopeful the final results will be what our noise bylaw ensures -- which is quiet, peace, rest, enjoyment, and comfort of the neighborhood.

Please send us confirmation of your receipt of this letter.

Thank you,

Name: Janet Maloff

Address: [redacted]

Signature: J Maloff

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

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Please send us confirmation of your receipt of this letter.

Thank you,

Name: Dale Makaroff

Address: [redacted]

Signature:

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

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We are aware the north end of the mill site had some visual landscape vegetation, noise-reducing berms/buffers, and enclosures installed to mitigate noise, however, the south end of the mill site which creates the most noise is completely open to Hwy 3A and all the residential neighborhood on Loff and Tarrys Road. Last summer, the vegetation between Hwy 3A and the mill was removed, leaving only a chain link fence which has no visual or noise-reducing value.

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Please send us confirmation of your receipt of this letter.

Thank you,

Name: Donald A. Allenby

Address: [redacted]

Signature:

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

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Please send us confirmation of your receipt of this letter.

Thank you,

Name: Bev Makaroff

Address: [redacted]

Signature: B. Makaroff

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

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Please send us confirmation of your receipt of this letter.

Thank you,

Name: MARCIA VERNON

Address: [redacted]

Signature: Marcia Vernon

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

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Please send us confirmation of your receipt of this letter.

Thank you,

Name: VAL EVANS

Address: [redacted]

Signature:

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

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Please send us confirmation of your receipt of this letter.

Thank you,

Name: Robert Makaroff

Address: [redacted]

Signature: Robert Makaroff.

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

Dear all above;

When the mill is in full production, the noise that affects us comes from the south end of the yard and is loud, undesirable, and relentless.

Very specifically:

1. Every 5-10 seconds there is a loud bang that we believe comes from logs hitting a metal stop before they are cut to length;

2. There is a very irritating and loud sound of constant air exhausting from machinery (i.e., air rams?) that is multiple and consecutive;

3. The sound of the large open-air saw that cuts logs to length;

We are aware the north end of the mill site had some visual landscape vegetation, noise-reducing berms/buffers, and enclosures installed to mitigate noise, however, the south end of the mill site which creates the most noise is completely open to Hwy 3A and all the residential neighborhood on Loff and Tarrys Road. Last summer, the vegetation between Hwy 3A and the mill was removed, leaving only a chain link fence which has no visual or noise-reducing value.

We are asking the RDCK bylaw enforcement to work with KLC to resolve the above issues.

Note: Please find a quoted paragraph from Page 14 of MEMORANDUM DEVELOPMENT PERMIT STAFF REPORT (File #4260-20-D1201I-05796.045), dated May 23, 2012, addressed to Sangita Sudan (from Bruce Gunn, Planner at RDCK).

Quote, "While DP 03021 required the entire perimeter of the development site to be fenced, the landscaping provisions only focused on the northerly boundary adjacent to the neighboring residential property. A review of the file records indicates that the RDCK has not, as a condition of any previously issued Development Permit, required KLC to submit a detailed landscaping and buffering plan based on the "General Requirements for Landscaping" of the Zoning Bylaw and OCP Design Guidelines which applies to the **entire development site.**"

If this requirement has been overlooked for any reason and has not been fulfilled, then we ask it to be implemented. This will help not only in dealing with the above-mentioned noise concerns but also reduce the other general noise from the mill such as the sound of logs being dumped onto the deck and the rumbling as they are processed. This will also help protect against any further negative impact on our property values because of the noise.

We are hopeful the final results will be what our noise bylaw ensures -- which is quiet, peace, rest, enjoyment, and comfort of the neighborhood.

Please send us confirmation of your receipt of this letter.

Thank you,

Name: Kathy Allenby

Address: [redacted]

Signature: Kathy Allenby

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

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Please send us confirmation of your receipt of this letter.

Thank you,

Name: LEONA SHERBININ

Address: [redacted]

Signature: L. Sherbinin

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

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Please send us confirmation of your receipt of this letter.

Thank you,

Name: Aparicio Quinteros

Address: [redacted]

Signature: 

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

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Please send us confirmation of your receipt of this letter.

Thank you,

Name: LAWRENCE PEREPOLKIN

Address: [redacted]

Signature: Lawrence Perepolkin

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

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4. Early morning, day time, night time Loader noise, Fork lift noise – loud mufflers, bansing steel grapples

5 Dry Kiln Fans, squeaky belts

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Please send us confirmation of your receipt of this letter.

Thank you,

Name: Nina Perepolkin

Address: [redacted]

Signature: Nina Perepolkin

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

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Berms are not effective
noise does not recognize stop signs

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Please send us confirmation of your receipt of this letter.

Thank you,

Name: Richard Christiansen

Address [redacted]

Signature:

KALESNIKOFF LUMBER PUBLIC HEARING

My name is Phil Markin. My wife and I live at [redacted]
We fully support Kalesnikoff Lumber's application to rezone the 1.7 Ha (4.2 acre) portion of the 14.6 Ha (36.1 acre) parent parcel.

I have reviewed the RDCK staff report and have the following comments:
These words stood out to me :

" Being a Good Neighbour"
I have lived at this address for over 70 years and have always found the Kalesnikoffs to be a good neighbour. I happened to run into one of their company's employees whom I haven't seen in a number of years and asked him if he was retired. He said he was still working for Kalesnikoff's . When I asked him how he liked his job he volunteered the words "Ken is good people!"

"Economic considerations"
Kalesnikoff Lumber is a significant employer within the area and needs the opportunity to assist in the growth of our region. Prior to retiring I had worked for the City of Castlegar for over 30 years. One thing that stood out to me is that the area needs a varied tax base to help support the residents and taxpayers.

Summary
For our area to grow we need to allow our local businesses to grow as well. After all this application is for an office and parking area which I do not see having a huge impact on the local residents. The RDCK also has several tools to assist in this regard. (Development Permits). We live across the highway from Kalesnikoff's CPR loading facility and do not have any concern with the activities at this location.

Respectfully submitted.
Phil Markin

REGIONAL DISTRICT OF CENTRAL KOOTENAY

PUBLIC HEARING MINUTES

AMENDMENT BYLAW NO. 2939 and 2940

A Public Hearing for Bylaws No. 2939 and No. 2940, a proposed amendment to *Zoning Bylaw No. 1675* and *Kooteany-Columbia Rivers Official Community Plan No. 1157*, was held on May 14, 2024 at 6:30 p.m. remotely via Webex and at the Brilliant Cultural Centre in Brilliant, BC. The Hearing commenced at 6:30 p.m. There were 9 members of the public in attendance including the applicant.

PRESENT

Director Andy Davidoff	Chair of Public Hearing
Zachari Giacomazzo	Planner
Sadie Chezenko	Public Hearing Secretary

CALL TO ORDER

Director Davidoff called the meeting to order at 6:30 p.m.

INTRODUCTIONS

Director Davidoff introduced himself and the RDCK staff to the public.

OVERVIEW OF PROPOSAL

Planner, Zachari Giacomazzo gave an overview of the proposal.

PRESENTATION BY APPLICANT

The applicant introduced himself and welcomed questions regarding the proposal.

QUESTIONS and ANSWERS

The public asked questions which were answered by the Chair, Zachari Giacomazzo and the applicant.

Questions and concerns are summarized as follows:

Question: Where are the employees parking now, what is going to happen with the existing parking lot? Applicant answer: There will still be some parking there.
Question: How is the amount of required parking determined?

Staff Answer: It is based on the GFA of the building.
Question: The size of building lot and parking is not determined yet? Applicant Answer: The building size is approximately 10,000 sqft, but the size or location could be altered depending on the outcome of the archaeological assessment.
Question: If the current vegetation is removed and noise levels increase, is there anything to mitigate that? Staff Answer: If the rezoning was successful vegetation removal could be partially addressed through the Development Permit that the applicant would have to apply for prior to construction of an office building.
Question: What is the plan for the vegetation on this site? Staff Answer: There are requirements to retain vegetation, but when and where will depend on archaeological information.
Question: Are there plans to develop on the southern portion of the property and would you retain vegetation on the west side of the property? Applicant Answer: Part of the development will require vegetation on the sides
Question: Is the mill site and the proposed site different? Staff Answer: No, they are one fee simple lot.
Question: Why aren't these being considered together then? Staff Answer: This application only refers to the portion of the lot on the west side of Hwy 3A and only that portion is being considered because it is the only part considered to change.
Question: How will our noise concerns will be met, or is it not going to be addressed? The sound was not addressed in the past. Applicant Answer: We built a hedge.
Question: Can the general noise concerns be addressed prior to the rezoning, rather than at the Development Permit stage? Staff Answer: Screening, vegetation and fence heights are considered as part of the development permit application. The development permit cannot happen until the use is approved in principal. This is the "use" stage, the DP is the "design" stage. Applicant Answer: This rezoning actually increases your protection in terms of protection of landscaping. We could remove all of the vegetation today based on the current zoning.
Question: How many noise complaints have we heard on this property? Staff Answer: I don't have that answer. We would have to ask the bylaw department.
Question: Can we know the number of complaints? Staff Answer: Yes, but I don't have that number at this time. I would have to ask Bylaw Enforcement.
Question: How much vegetation removal would be permitted? Staff Answer: The maximum site coverage on the lot is 50% where site coverage means the area of a lot covered by structures, buildings, driveways, parking areas and outdoor storage.
Question: How much public input is required at the DP stage? Staff Answer: There isn't really more public consultation for the DP or BP applications.
Question: How does noise get addressed; is it different for residential vs commercial or industrial? Staff Answer: It is bylaw enforcements bylaw, not planning, so you will need to ask that question of bylaw enforcement.
Question: Why didn't previous requirements get met on previous applications for this site? Staff Answer: To my knowledge, all of the previous development permits were completed.
Question: Could other requirements (such as those from previous applications) be met as part of this application?

Staff Answer: I would have to check with my manager to see if that is possible but it has not been considered as part of this application as it is outside of the scope of the proposed land use bylaw amendments.
Question: Has the applicant considered building the office on the sawmill side of the road or anywhere else? Applicant Answer: Yes, but this is our preferred site.

FORMAL SUBMISSIONS FOR OR AGAINST PROPOSED BYLAW No. 2939 and 2940

Written Formal Submissions received prior to the Public Hearing are attached and form part of these minutes. See attached letters from:

Lenny Davidoff
Fred Sherbinnin
Phil Markin
Matthew Kalmakov
Janet Malhoff
Bev Makaroff
Dale Makaroff
Jenna Makaroff
Rick Makaroff
Robert Makaroff
Barbara Demoskoff
Jason Ozeroff
Lawrence Perepolkin
Nina Perepolkin (2)
Gord Perepolkin (2)
Ariadna Quinteso
Bill Sheard
Leona Sherbinnin
Jodi Tompkins
Marcia Vernon

Also received were copies of previous letters regarding noise from the property dated February 09, 2024 from:

Lenny Davidoff
Matthew Kalmakov
Janet Malhoff
Bev Makaroff
Dale Makaroff
Jenna Makaroff
Rick Makaroff
Robert Makaroff
Barbara Demoskoff
Jason Ozeroff
Lawrence Perepolkin

Nina Perepolkin
Ariadna Quinteso
Bill Sheard
Leona Sherbinnin
Jodi Tompkins
Marcia Vernon
Susan Evans
Lloyd Evans
Val Evans
Katelyn Horton
Sharon Burns
Jai Sequoia
Donald Allenby
Kathy Allenby
Richard Christiansen

VERBAL and WRITTEN formal submissions received during the Public Hearing:

Arwen Schiva	I just have concerns about the future noise with the vegetation that will be removed. I have concerns about where the parking lot will be. Just concerned about noise overall.
John Russel	Right now we don't have the size of the parking lot. The architect's drawings and everything for the building has already been decided. I am just interested in knowing the purpose of the office in the first place.
Fred Sherbinnin	To me, what I don't like is that the Regional District wants us to approve something without knowing what is going to happen with noise, berms and everything else. This feels like putting the cart before the horse and is just wrong. I don't know how much noise can be made before someone will do something. What has happened before is neglect. The things have not been done.

APPLICANT REBUTTAL

Applicant: For the people that are right there, the neighbours, we can include you in the process as we go along. We are happy to include our immediate neighbours in the process if the rezoning is adopted and as the development permit proceeds.

ADJOURNMENT OF PUBLIC HEARING

The hearing was adjourned at 7:31 p.m.

Andy Davidoff, Director
Electoral Area I

Zachari Giacomazzo, Planner

May 10, 2024

Zachari Giacomazzo
Planner Development and Community Sustainability Services
RDCK Box 590, 202 Lakeside Drive
Nelson, BC V1L 5R4

RE: Kalesnikoff Sawmill, 2090 Hwy 3A, Tarrys, BC
Referral Form – RDCK File Z23061

1. The proposed Commercial Zoning is in direct conflict with the Official Community Plan and the existing Country Residential Zoning. It is also in direct conflict with the RDCK 2016 Tarrys Community Land Use Survey.

2. We live here because we want the Rural Country Residential Lifestyle. Changing the OCP Zoning will completely change the look and feel of our community.

3. This property is heavily treed with mature timber and provides the only noise buffer between the sawmill and our residential properties. Removal of any trees will undoubtedly increase the noise to our property and to the mountain where it creates an additional echo effect in our narrow valley.

4. We are requesting implementing hours of operation of the mill, so evening and night time sleep is protected - and peaceful, quiet enjoyment of our property is guaranteed.

5. The noise from the mill has a direct negative impact on our property values. Any further expansion will only create more noise and a further reduction in the value of our homes.

6. We are experiencing a housing crisis and removing good residential lots and turning them into commercial use is unacceptable.

7. Area I has a noise bylaw in place, and we want to make sure any existing operations, future work, or expansion will be in compliance with the bylaw.

8. We are NOT IN FAVOUR of rezoning or changing the OCP of the 4.2 acres from single family Country Residential to C-2 Commercial.

Attached, please find copy of letter sent to Jordan Dupuis (Supervisor Bylaw Enforcement) and RDCK Team. This letter refers to the sawmill, but it is very relevant to the rezoning application because they are both part of the same lot.

In previous emails with Jordan Dupuis, he wrote, "If specific concerns arise pertaining to a specific noise issue, we will devote the appropriate resources to resolving the issue."

I believe over thirty (30) complaint letters were sent to the RDCK and for over two months not a single reply was returned. After prodding, we received a reply from Jordan stating, in part, "At this time I am unable to devote enforcement resources.."

With over thirty (30) complaints of noise issues and refusal to work with Kalesnikoff Lumber to try and resolve noise issues, we feel we are being ignored and not heard. Now, we are being left with the one option and that is to oppose the rezoning so further noise levels aren't increased.

We feel our noise bylaw should give us the same protection that everyone else has in Area I, which is quiet, peace, rest, enjoyment and comfort of the neighbourhood.

We are NOT IN FAVOUR of changing the OCP, and rezoning the 4.2 acres from single family residential to C-2 Commercial.

Name: Gordon Perepolkin

Address: [redacted]

Signature:

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

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Note: Please find a quoted paragraph from Page 14 of MEMORANDUM DEVELOPMENT PERMIT STAFF REPORT (File #4260-20-D1201I-05796.045), dated May 23, 2012, addressed to Sangita Sudan (from Bruce Gunn, Planner at RDCK).

Quote, "While DP 03021 required the entire perimeter of the development site to be fenced, the landscaping provisions only focused on the northerly boundary adjacent to the neighboring residential property. A review of the file records indicates that the RDCK has not, as a condition of any previously issued Development Permit, required KLC to submit a detailed landscaping and buffering plan based on the "General Requirements for Landscaping" of the Zoning Bylaw and OCP Design Guidelines which applies to the **entire development site.**"

If this requirement has been overlooked for any reason and has not been fulfilled, then we ask it to be implemented. This will help not only in dealing with the above-mentioned noise concerns but also reduce the other general noise from the mill such as the sound of logs being dumped onto the deck and the rumbling as they are processed. This will also help protect against any further negative impact on our property values because of the noise.

We are hopeful the final results will be what our noise bylaw ensures -- which is quiet, peace, rest, enjoyment, and comfort of the neighborhood.

Please send us confirmation of your receipt of this letter.

Thank you,

Name: Gord Porepolkin

Address: [redacted]

Signature:

REGIONAL DISTRICT OF CENTRAL KOOTENAY
Box 590, 202 Lakeside Drive, NELSON, B.C., V1L 5R4
Phone: 250-352-6665 Fax: 250-352-9300
Toll Free (within B.C.) 1-800-268-7325 (RDCK)

MEMORANDUM
DEVELOPMENT PERMIT STAFF REPORT

File #4260-20-D1201I-05796.045

Date: May 23, 2012

To: Sangita Sudan, General Manager Development Services

From: Bruce Gunn, Planner

Re: Development Permit: Kalesnikoff Lumber Company
Legal Description: A portion of Lot A, District Lot 1239, KD Plan NEP67673 (PID 024-871-737)
Civic Address: 2090 Highway 3A - Tarrys

BACKGROUND

The Kalesnikoff Lumber Company (KLC) has established its Tarrys lumber operations on a 12.03 ha portion of the subject property situated between Highway 3A and the CPR line adjacent to the bank of the Kootenay River. The Company first began operations on this site in 1971. Over the years the operation has expanded and more and more of the site area has been developed for wood products manufacturing purposes.

Pursuant to Kootenay-Columbia Rivers Official Community Plan Bylaw 1157, 1996 the operations site has been designated a Development Permit Area and as such a Development Permit (DP) is required prior to development. The Regional District has issued five Development Permits during the period 2000 to 2011. The current application represents Development Permit application number six. Following the 'Site Summary' is a review and summary of the history of Development Approvals for the subject property.

Site Summary

Owner/Applicant: Kalesnikoff Lumber Company
Location: 2090 Highway 3A, Tarrys BC – Electoral Area I
Legal Description: A portion of Lot A, DL 1239, NEP67673 (PID 024-871-737)

Development Permit Area - Subject Site Size: 12.03 ha (29.7 ac)		
ALR: No	**Floodplain:** No	**Alluvial Fan:** No
OCP Bylaw 1157: Industrial (I)	**Zoning Bylaw 1675:** Medium Industry (M2)	
OCP Bylaw 1157, Development Permit Area #1: all lands designated 'industrial'		

Overview of the History of Development Approvals and related Permit Activity

Development Permit #1 – DP-0002I-5796.045

Date Issued: August 26, 2000

Authorized Development:

- Two new dry kilns
- Expansion to existing kiln

Stated Conditions:

- Maintain existing landscape buffer between fence and property along Highway 3A frontage

Authorized Zoning Variances:

- DP varied front yard setback (Highway 3A) for second kiln from 15m to 5.4m

Development Permit #2 – DP0302I-05796.045

Bylaw Amendments:

In 2003, as part of the review of the DP application it was discovered that a portion of the subject development site involved a small (0.58 ha) separately titled parcel (Lot 1, Plan 14812) designated 'country residential'. Therefore, prior to proceeding with the Development Permit application the Company submitted a Bylaw Amendment Application to change the land use designation. OCP Amendment Bylaw 1627 was adopted November 22, 2003 and changed the designation of Lot 1, Plan 14812 from Country Residential to Industrial. Similarly Zoning Amendment Bylaw 1628, adopted Nov. 22/03 changed the zoning of Lot 1 from Country Residential I (R2I) to Medium Industrial (M2) consistent with the remainder of the operation site. Subsequently Lot 1, Plan 14812 was consolidated as per Plan NEP67673 (Registered Oct. 13/09) which resulted in the creation of the current 12.03 ha wood products manufacturing development site.

DP0302I – Date Issued: - February 20, 2004

Authorized Development:

- Expansion of the log yard operation to the northern portion of the operations site including former Lot 1, Plan 14812.
- New access to Highway 3A for the log yard operation

- New log truck scale and related office trailer
- New office trailer adjacent to lumber storage area
- Expansion of the planer mill building
- New cyclone blower system
- Two new 30 unit shavings bins

Stated Conditions:

- Install a 1.5m high perimeter change link fence
- Concerning the northerly boundary with the adjacent residential lot, install a 1.5m high landscape screen and consult with the adjacent landowner regarding the landscape screen. To further minimize conflict log storage piles to be setback a minimum of 4.5m
- To minimize dust, access from Highway 3A to log yard and scale to be paved and current watering program maintained
- Light glare to be contained on site
- Under normal operating conditions, log yard hours of operation to be 7:00 AM to 1:00 AM Monday to Friday with log truck access to the yard limited to 6:00 AM to 6:00 PM Monday to Friday
- New log yard access subject to Ministry of Transportation requirements
- On-site sewage disposal systems subject to Interior Health Authority requirements
- Company to provide a [redacted] Letter of Credit

Authorized Zoning Variance:

- Maximum site coverage increased from 50% to 75% with maximum building site coverage of 50%
- Lumber storage office trailer minimum front yard setback reduced from 15m to 7.5m
- Cyclone blower and shaving bins rear yard setback reduced from 25m to 15m
- Maximum building height increased from 15m to 20m

Following the issuance of DP03021 the Company subsequently requested various revisions to the Permit, these include:

Revision #1 – Approved April 7, 2004
The approved revision allows for the installation of two additional drying kilns. The request was deemed to be relatively minor in nature and consistent with the scope of the original permit, as such it was not referred to agencies or adjacent landowners prior to approval.

Revision #2 – Approved June 21, 2004
The approved revision allows for the construction of a showroom building to display a vintage log truck to commemorate the KLC founder. Also approved was a variance of the minimum from yard setback from 15m to 7.5m. The request was deemed to be

relatively minor in nature and consistent with the scope of the original permit, as such it was not referred to agencies or adjacent landowners prior to approval.

Revision #3 – Approved May 18, 2007
The approved revision allows for relocation of a previously approved dry kiln site. The request was deemed to be relatively minor in nature and consistent with the scope of the original permit, as such it was not referred to agencies or adjacent landowners prior to approval.

Revision #4 – January/February 2010
KLC requests a revision to the hours of operation provision. The proposed changes were considered to be a significant departure from the existing Permit requirements and in an effort to obtain community comments the proposal was advertised in the local edition of the 'Pennywise' and 'Express'. Largely based on the public comments received, on Feb. 8/10 the RDCK received an email from KLC requesting that the proposed changes to the hours of operation be withdrawn and provided the following commitments to the community;

- KLC commits to abide by the existing log yard hours of operation, 7 AM to 1 AM.
- KLC log trucks and scale operation limited to 7 AM to 5 PM.
- KLC to implement a 'no jake brake' policy within 1 km of the site.
- KLC will continue to erect sound barriers in the milling operations and asks RDCK to periodically check noise levels.
- KLC will set up a community meeting to discuss issues and seek solutions.
- *Relocate existing 30 unit chip bins*
- Build new retaining wall and pad and relocate existing 2.5 MW transformer
- New building to house lumber sorter – building design to be determined but will incorporate noise abatement features
- Extend dry shed storage roof and enclose east wall. Noise abatement features to be incorporated into the construction
- Construct new dry kiln north of existing kiln
- Construct a 220m retaining wall along the east bank to allow for the extension of the log yard for improved safety
- Construct new dry kiln

<u>Development Permit #3 – DP0504I-05796.045</u>

Date Issued: September 22, 2005

Authorized Development:

- Construction of a 9 X 30m building to provide cover for lumber stacking machinery

Stated Conditions:

- Conditions of DP0302I continue to apply.

Authorized Zoning Variance:

- Maximum site coverage increased from 50% to 75% and maximum building site coverage of 50%
- Front yard setback reduced (along Highway 3A) from 15m to 7.5m

Development Permit #4 – 4260-20-D1002-I-05796.045

Date Issued: September 6, 2010

Authorized Development:

- Construction of a 100,000 gallon water tank to improve fire fighting capabilities.

Zoning Variance:

- Minimum front yard setback for the tank reduced from 7.5m to 4.6m

Note: [redacted] Based on an October 7/10 site visit by RDCK planning staff it was confirmed that the outstanding conditions associated with fencing and landscaping adjacent to Highway 3A and the northerly residential lot adjacent to the log yard were satisfactorily completed and KLC should be released from the Letter of Credit. [redacted]

Development Permit #5 – 4260-20-I-05796.045

Date Issued: July 19, 2011

Authorized Development:

- Extend planer mill roof westerly (timeframe June 2011)
- Extend planer mill roof northerly (timeframe July 2011)
- Extend planer mill roof north-easterly (timeframe October 2011)
- Install trailer as an employee lunch room and meeting room (timeframe October 2011)

The Development Permit did not include any specific conditions or requirements and there were no zoning variances.

Description of Current Development Permit – File 4260-20-D120I-05796.045

Date of Receipt of Application: March 2, 2012

Date of application referral:

Agency referrals: March 16/12
Public referrals: March 16/12 (referral package included with KLC newsletter circulated to land owners in the Tarrys, Thrums and Glade area)

358

Listing of proposed development:

- Upgrade existing Fortis substation
- New bin shorter building
- Install primary distribution switching gear and concrete pad
- Remove and replace existing overhead high voltage cables with underground cables
- Extend mill roof to cover debarking machinery
- Extend mill roof east and north and enclose northeast corner of building. Noise abatement features to be incorporated into the design and construction
- Build new retaining wall and pad and install a new 3.7 MW transformer
- Relocate existing 30 unit chip bins
- Build new retaining wall and pad and relocate existing 2.5 MW transformer
- New building to house lumber sorter – building design to be determined but will incorporate noise abatement features
- Extend dry shed storage roof and enclose east wall. Noise abatement features to be incorporated into the construction
- Construct new dry kiln north of existing kiln
- Construct a 220m retaining wall along the east bank to allow for the extension of the log yard for improved safety
- Construct new dry kiln

Please see attached KLC's March 14/12 Development Description and March 14/12 Site Plan for a complete description of the proposed development.

359

Referral Comments

On March 16/12, in accordance with RDCK Land Development Applications Procedures Bylaw 2238, 2011, the development proposal was referred to public agencies with a request to provide comments within 30 days. Concurrent with the public agencies referral, the Company included the RDCK development permit referral information package with its March 16/12 community newsletter. Based on KLC's mailing list, 350 information referrals were distributed to landowners in Tarrys, Thrums and Glade. This referral extends beyond the required 100m adjacent landowner requirement of Procedures Bylaw 2238.

In addition to the distribution of the referral information the March 16/12 KLC newsletter included an invitation for the public to attend an 'open house' on April 26/12 between 6:00 PM and 8:00 PM at Tarrys Hall. The event to be hosted by KLC staff with participation by RDCK planning staff and is intended to provide the public with an opportunity to review and discuss the Company's development proposal.

Presented below are the comments received from the public agencies as well as members of the public.

Government and Public Agency Comments (Response deadline April 20/12):

Ministry of Forests, Lands & Natural Resources – date received, March 21/12
Interests unaffected.

[redacted]

RDCK Building Department – date received, March 21/12
Approval recommended – Building permit must be in place for all construction and all applicable Bylaws must be adhered to.

[redacted]

Columbia Power Corporation – date received, April 2/12
Interests unaffected.

[redacted]

Tarrys Fire Department – date received, April 5/12
Interests unaffected.

[redacted]

Area I Advisory Planning Commission – date received April 19/12
The application was discussed with staff from Kalesnikoff Lumber Company at the APC meeting of April 16/12 afterwhich the APC advises the RDCK Board as follows:

DP 4260-20-D12011-05796.045 – Kalesnikoff Lumber:

1. Be referred to a public information meeting prior to approval and that all potentially impacted community members be given written notice of this meeting.
2. That staff incorporate all noise, dust and light pollution abatement measures possible into the provisions of the development permit during construction and for all equipment and infrastructure to be installed.
3. That significant vegetative screens be placed along the highway boundary and that current vegetative screens on the river side of the property be maintained and enhanced.
4. That the development be as 'neighbour –friendly' as possible.
5. That pre-construction tours be made possible for any potentially impacted community members.

Ministry of Transportation – date received April 19/12
Please be advised that we have no concerns regarding the proposed improvements to the Kalesnikoff property.

[redacted]

Landowner and Public Comments (Response deadline April 20/12):

[redacted]

Approval recommended – no objection from this land owner, great news. Less noise, better workplace conditions for employees.

[redacted]

- concern expressed regarding noise
- concern about the steady hum of equipment
- concern about the general aesthetics of the site
- recommends a treed buffer

[redacted]

Approval not recommended:

- leaching of by-products into the soil and subsequently into the river affects fish, wildlife and humans,
- large health risks due to chemicals used in operations, impacts to fish, wildlife and humans,
- environmental risks; environmental study should first be conducted to identify necessary steps to prevent contamination and appropriate measures be taken by owner to ensure safety of environment, humans, fish and wildlife,
- noise pollution/air pollution: increased pollution to the residents of the Glade community,
- depreciation of property values due to proximity of an industrial sawmill,
- overall negative impact to the Glade community and the lives of the residents due to increased traffic, noise, unsightly industrial sawmill at your doorstep,
- the province of B.C. should take the necessary steps to identify and ensure the surrounding community is protected first.

361

[redacted]

This is my home it's not a rental and has a feature side facing the river and the Kalesnikoff mill. When I bought the property in 1992 the mill was isolated by a stand of trees along the edge of the mill that blocked lights and noise. At some point the tree barrier was removed fully exposing the east side of the mill. I was unofficially told they were removed for their fire insurance policy. The mill has since expanded its log yard north also clearing the trees along the crest of the hill. I have as my west horizon the full lights and sounds of the mill and log handling. The lights and sounds are annoying especially at night if the mill is running.

I request that the sound and visual impact on our community be heavily considered as part of the proposed project. Cutting down the tree barrier without regard to the community across the river was the way things use to be done. I would like to see a sound and visual barrier be engineered and erected as phase one of their project permit as the way things are done today. They have proposed sound insulating and lumber movement trucks and even voices in certain conditions. Item #8 and #13 implies moving the mill closer to the east side without consideration of any thing. I might suggest a tall green camouflage coloured fence along the river side. (They can paint the fire proof sound insulation on the mill side any colour they want). The fence would

block the lights, bring the noise to an acceptable level from the whole mill, provide a safety barrier for the edge of the hill for their employees and provide a fire break. The Kalesnikoff Lumber Company does employee many neighbours and they support our community. They have endured the economic roller coaster when many have failed or given up. I am glad to see they have decided to expand their operation and I do hope they continue to prosper. I don't think it's unreasonable to ask them to correct an oversight that has happened in the past so they can move forward.

[redacted]

Development Description 2012 Item #10 – Build a new building to house a lumber sorter:
It is indicated that only the West wall will be completely enclosed. My understanding is that a lumber sorter can have two walls completely enclosed and fully insulated. Lumber sorters can emit very loud 'banging' noises. If this is not properly attended to the noise across the river and down the valley will be very loud and disruptive. I am not in agreement with the current description to how this building will be done. There is no indication that any further trees along the river bank will be removed. If this is the case, then the above is the only issue I have with this application.

Comments arising from the April 26/12 Open House

Approximately 30 members of the public attended the open house. A comment sheet was included with the RDCK's information handout and people were asked to drop-off their comments at the end of the evening or forward comments to the RDCK Planning Department by May 11/12. Comments received arising from the Open House include:

[redacted]

At present the mill is traditionally a two shift operation. If this is to change to three shifts, the community must be consulted.

[redacted]n provided the RDCK with an email which included an enhanced photograph of the road access to the log yard showing what it could look like if a treed landscape buffer had been planted in 2004 as per DP0302I and allowed to grow until the present time. She writes, "this is what it (treed landscape buffer) should have looked like 8 years later and we would have been very happy with it."

[redacted]

Presented below is a PDF copy of a letter addressed to Sangita Sudan, Manager of Development Services from the above named persons on behalf of the Glade-Tarrys Working Group. The letter refers to a 'questions & answers' report derived from discussions with KLC officials at the April 26/12 Open House. The 'Q & A' report is attached to this Staff Report as additional referral information.

Please accept this letter in response to the March 14, 2012 Application for a Development Permit submitted by the Kalesnikoff Lumber Co. I realize we are now two weeks after the April 26th open house, however, we trust the community concerns laid out in this letter will still be considered as part of the DPA assessment and approval process

At the open house you asked if you could have a copy of the Working Group's Question and Answers. I am enclosing five pages of Q&A for your perusal. I don't propose to go through all of the notes, rather, I expect that the notes will be considered an attachment to this letter and hope the RDCK will consider the notes in their entirety.

Although we obtained much valuable information from [redacted] at the open house, I would qualify our comments as follows: although [redacted] was very helpful and clearly did his best to answer our questions, he didn't have the answers to all of our questions, we were interrupted numerous times which really took us off track, and we ran out of time even though we stayed until around 9pm. Further, we didn't have a chance to ask RDCK staff any of the RDCK questions on our list.

With respect to this Development Permit Application, there are really two major concerns. First is that the "Development Description 2012" simply does not provide enough information about certain items, especially items 10, 12, 14. Second, as you will see from the Q&A notes, although the DPA does contain certain measures that will ideally lessen the noise coming from the mill, for the most part community concerns about noise, dust and light are not addressed. Further, as can be seen in the notes, KLC has other projects planned that don't require a development permit. Does the RDCK have information about the comprehensive effects of all the projects combined?

With respect to #10, the description states "building type is yet to be determined." We do know that the purpose of that building is to house another lumber sorter; my understanding is that it will be a drop sorter but whether it is a drop or bin sorter would have to be clarified with KLC. Until KLC can identify what kind of building they are proposing and what type of sorter the building will house, it is our position that the RDCK does not have enough information to approve #10 and it should be severed from this DPA.

With respect to #12 and 14, the proposed addition of two kilns is of great concern. #14 is huge at 11m wide X 37 m long X 7.5 m high. The 5 existing kilns are a major source of noise from the mill and, as mentioned in the notes, it is this noise that residents hear even when the mill is not operating. If the mill is, indeed, going to focus on specialty wood products that have to be in the kiln for 7 days, as opposed to 36 hours, 2 more kilns could greatly increase the noise caused by the mill. Because we ran out of time, [redacted] wasn't able to tell us about the types of kilns that could be constructed and the noise abatement that is available with the kilns. It is

363

our position that the RDCK does not have enough information to approve 12 and 14 at this time and these items should be severed from this DPA.

With respect to Item 2, a new bin sorter is something that community would be cautiously optimistic about. Although there will still be a noise from a bin sorter, the community will no longer be subjected to 16,000. boards dropping per shift.

With respect to the transformer- related items (# 1,3,4,7), these are really a Fortis issue. Our understanding from [redacted] that there are possibilities for a reduction of noise from the transformer fans.

We have already expressed, and would like to reiterate, our concern about the choice of an open house as opposed to an actual public information meeting. We understand that a public meeting was not required, however, that does not mean a meeting was not appropriate in this particular circumstance, especially given the erroneous April 18 deadline set out in the notice of DPA.

There are residents of this community who feel that the mill should not be allowed any further development until they have addressed the noise, dust and light issues that affect the community in a profound way and which KLC has been aware of for many years. This is not the current position of the working group and we hope to continue working with KLC to address the issues.

In addition to this DPA , the community remains concerned about the operating hours of the mill and the *potential for new construction/additions to be used for purposes other than those stated in the DPA.* There is also concern about lowered property values as a result of various expansions at the mill. And, of course, we would be remiss in not mentioning the two sawmill explosions that have occurred in BC in the past three months – Burns Lake and Prince George. This community can't help but be concerned about the real possibility for disaster in their midst. As you are aware, in 2006 KLC had a major fire which started in one of the kilns. Has the RDCK considered postponing a decision on the DPA until any provincial and WorkSafe BC comprehensive safety inspections are completed?

If you wish to discuss these comments or require additional information, please feel free to contact us. If it would be helpful for you to have information on the specific noise, dust and light effects experienced by the community, we would be pleased to provide that information.

Thank you very much for your consideration.

364

Issues and Analysis

Based on a review of the file record as well as the information pertaining to the current application a number of key issue areas have been identified.

Issues Derived from Public Comments

Throughout the history of Development Permit approvals for this property, including comments received regarding this DP application, the public has consistently identified the following community issues:

- noise
- dust
- light glare
- visual aesthetics
- hours of operation

Noise:

As there is no applicable RDCK Noise Bylaw in effect for this portion of Electoral Area I the RDCK has had limited success in regulating noise levels against a predetermined bylaw standard. Noise abatement has principally been achieved through KLC's ongoing efforts to reduce noise through operational protocols and building improvements. In this regard KLC has retained the services of BKL Acoustic Consulting Ltd to provide ongoing advice and assistance.

Nothwithstanding the reference to "...measures to reduce noise" as stated in Kootenay-Columbia Rivers Official Community Plan Bylaw 1157, 1996, Policy 3.10.3.2.4 [redacted] While recognizing that 'noise' is perhaps the single most important and pervasive community issue, Planning Department staff suggests that the RDCK encourage KLC to build on the goodwill currently being developed between the Company and community by recommending that the Company:

- Continue to provide the community with updates on progress on its noise abatement program through the community Newsletter.
- Host an annual community 'open house' similar to the April 26/12 forum to review progress and foster community dialogue.
- Continue to incorporate noise abatement features into building design and operational protocols as per the recommendations of BKL Acoustic Consulting.

In support of this effort **Planning Department Staff Recommends** that the RDCK provide KLC with the noise standards prescribed for industrial zoned land as per Section 6 of RDCK Noise Bylaw 2016. This would allow the Company to develop and evaluate the efficacy of its noise abatement program against established RDCK standards in the event that one day the Bylaw may apply.

365

the efficacy of its noise abatement program against established RDCK standards in the event that one day the Bylaw may apply.

Dust Control:

Condition 5.3 of DP0302I (issued Feb.20/04) required that the log yard access from Highway 3A to the log scale be paved and the Company be encouraged to continue its log yard watering program. KLC has subsequently completed the required paving and continues to employ a log yard watering program. Based on correspondence on file the Company has indicate a willingness to respond to adjacent landowner concerns and modify the watering program were appropriate. **Planning Department Staff Recommende** that no further action is required as the current dust abatement measures appear to adequately address the situation.

Light Glare:

Condition 5.5 of DP0302I (issued Feb. 20/04) required lighting of the site to be designed and install so as to contain light glare on-site. There is no evidence on file to indicate that the RDCK has adequately followed-up with the Company to insure that this condition has been appropriately meet. As a condition of this Development Permit **Planning Department Staff Recommends** that KLC prepare and submit a light glare abatement plan for the entire Development Permit site area keeping in mind the need to provide lighting necessary for worker safety while identifying opportunities to reduce impacts on the surrounding community.

366

Visual Aesthetics – Landscaping and Buffering:

Public comments indicate a concern with the lack of appropriate visual screening of the development site from the surrounding community. In particular comments have been received regarding the removal of existing trees from the perimeter of the site which in the past provided a natural landscape screen as well as assisting with the mitigation of light glare, dust and noise.

Section 5.2 a & b of DP 0302I (Feb.20/04) addressed fencing and landscaping as follows:

5.2 Perimeter fencing and/or landscaping shall be installed in the location shown on Schedule 2, Site Plan subject to Schedule 'B' Landscaping Requirements (please see attached) of Kootenay-Columbia Rivers Zoning Bylaw No. 1373, 1999 as amended and in accordance with the following,
a) A minimum 1.5 m (5 ft.) high standard security chain link fence shall be installed along the entire perimeter of the sawmill site, and
b) To provide additional screening for a residentially zoned property at the northerly boundary of the sawmill site, the Permittee is required to install a landscape screen with an initial height of 1.5 m (5 ft.) which in time shall be allowed to grow to a height of 3 m (10 ft.) or higher. The

Permittee is encouraged to consult with the adjacent landowner with respect to the installation and on-going development of the landscape screen. In addition to this landscaping requirement, to further minimize conflicts with the adjacent residential lot, log storage piles shall maintain a minimum setback of 4.5 m (15 ft.).

While DP 0302I required the entire perimeter of the development site to be fenced, the landscaping provisions only focused on the northerly boundary adjacent to the neighbouring residential property. A review of the file records indicates that the RDCK has not, as a condition of any previously issued Development Permit, required KLC to submit a detail landscaping and buffering plan based on the "General Requirements for Landscaping" of the Zoning Bylaw and OCP Design Guidelines which applies to the entire development site.

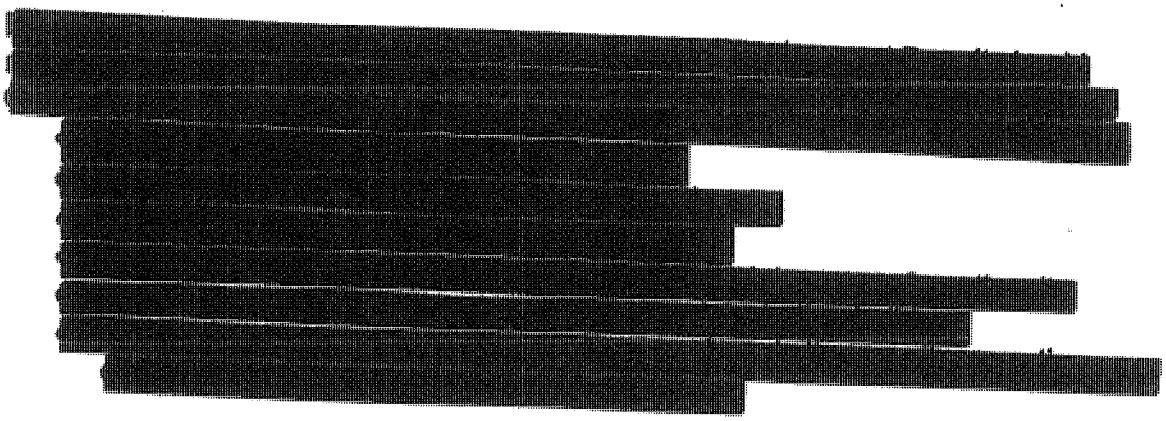
To address this matter in the context of the current Development Permit **Planning Department Staff Recommends** that KLC be required to submit a landscaping and buffering plan prepared by a Landscape Architect or other similarly qualified professional for the entire Development Permit site area based on the requirements of Section 622, General Regulations for Landscaping, RDCK Zoning Bylaw 1675, 2004 and Section 4.1.3 Design Guideline; Landscaping and Screening, Kootenay-Columbia River Official Community Plan Bylaw 1157, 1996. The plan should focus primarily on landscaping and buffering options for land within a minimum distance of 4.5m of the perimeter of the site. The plan should include the use of existing natural vegetation; identify areas requiring new plantings and/or landscape buffers (e.x. landscape berms) as well as areas requiring supplemental planting and/or landscape buffers. Particular attention should be paid to options for planting and screening adjacent to the top-of-bank along the easterly site boundary opposite the community of Glade.

367

Please Note: Based on the October 2010 site visit by Planning Department staff and the subsequent release of the Letter of Credit in January 2011 the RDCK acknowledges that the Company has satisfactorily completed the requirements for perimeter fencing and landscaping adjacent to the northerly site area boundary as per condition 5.2 a & b of DP0302I. These existing approved fencing and landscaping features should be incorporated into the landscaping and buffering plan noted above.

<u>Hours of Operation</u>:

Perhaps as an approach to deal with the issue of noise, the community has expressed interest in the RDCK regulating the hours of operation. Section 5.6 of DP0302I (issued Feb. 20/04) specifies normal hours of operation for the log yard as 7:00 AM to 1:00 AM Monday to Friday and log truck access to the log yard as 6:00 AM to 6:00 PM Monday to Friday. It should be noted that these hours of operation apply to the log yard operation only and do not extend to the milling operation in general. Furthermore, they do not address operations on the weekend or statutory holidays.



Design Guideline and Zoning Regulations

Pursuant to Kootenay-Columbia Rivers Official Community Plan Bylaw 1157, 1996 a Development Permit is required for all land designated Industrial. OCP Policy 3.10.3.2.4 identifies matters such road access, potential impacts on ground water, *fencing, screening, buffering and landscaping*, size and mass of buildings, site lighting, parking and loading areas, hours of operation, measures to control dust and reduce noise, signage and other relevant related matters. Section 4.1 of OCP Bylaw 1157 outlines the Development Permit Design Guidelines which includes matters pertaining to the form and character of buildings, landscaping and screening and utility services.

RDCK Zoning Bylaw 1675, 2004 zones the development site 'Medium Industrial (M2)' *which identifies 'Wood Product Manufacturing'* as a Permitted Use. The Bylaw further specifies various development regulations including matters associated with building height, site coverage, building site coverage, setbacks to lot lines, parking and loading requirements as well as general landscaping and screening regulations.

The RDCK has granted several zoning variances as conditions of previously issued Development Permits. In summary these include:

- Minimum front yard setback from 15m to 7.5m and 4.5m for water tank
- Minimum rear yard setback from 25m to 15m
- Minimum interior lot line setback at 4.5m
- Maximum building height from 15m to 20m
- Maximum site coverage for all activities set a 75% with a maximum site coverage for all buildings and structures at 50%

In recognition of the previously approved zoning regulation variances, Planning Department Staff Recommends that within the Development Permit site area the Permit include the following variances to Medium Industrial (M2) zoning regulations:

- Minimum setback for all buildings and industrial related activity is limited to 4.5m from all lot lines and adjacent to Highway 3A.

- Maximum height for all buildings and structures except power poles, antenna and other similar utility structures is limited to 20m.
- Maximum site coverage for all buildings and industrial activity is limited to 75% and maximum site coverage for all buildings and structures is limited to 50%.

Authorized Development

The development authorized under previously issued Development Permits has been limited to specifically identified works and buildings. Therefore a revision to a Permit or an entirely new Permit has been required prior to the approval of future development. This has resulted in a cumbersome and potentially confusing and conflicting approach to Permit administration. In order to simplify the Development Permit process **Planning Department Staff Recommends** that the Development Permit authorize all development within the meaning of 'wood product manufacturing' as defined under Zoning Bylaw 1675, subject to compliance with all other conditions of the Permit.

Security Deposit

As per Section 6 of DP0302I (issued Feb. 20/04) KLC was required to provide a Letter of Credit in the amount of [redacted] to ensure compliance with the requirements of the Permit. Based on the recommended requirements for a landscaping and buffering plan as well as a light glare abatement plan **Planning Department Staff Recommends** that KLC be required to provide a security deposit in the form of a Letter of Credit in the amount of [redacted].

Staff Recommendations

In accordance with the provisions of Kootenay-Columbia Rivers Official Community Plan Bylaw 1157, 1996, Regional District of Central Kootenay Zoning Bylaw 1675, 2004, RDCK Land Development Applications Procedures Bylaw 2238, 2011 and RDCK Bylaw 1808 delegation of authority bylaw **Planning Department Staff Recommends** that the attached DRAFT Development Permit, #4260-20-D1201I-o5796.045 be referred to Kaleanikoff Lumber Company for review and comment.

Respectfully submitted,

Bruce Gunn, Planner

Attachments: Glade-Tarrys Working Group, 'Questions & Answers' report of discussions with Kootenay Lumber Company Officials at the April 26/12 Public Open House, Tarrys Community Hall

DRAFT Development Permit #4260-20-D1201I-05796.045

369

May 10, 2024

Zachari Giacomazzo
Planner Development and Community Sustainability Services
RDCK Box 590, 202 Lakeside Drive
Nelson, BC V1L 5R4

RE: Kalesnikoff Sawmill, 2090 Hwy 3A, Tarrys, BC
Referral Form – RDCK File Z23061

1. The proposed Commercial Zoning is in direct conflict with the Official Community Plan and the existing Country Residential Zoning. It is also in direct conflict with the RDCK 2016 Tarrys Community Land Use Survey.

2. We live here because we want the Rural Country Residential Lifestyle. Changing the OCP Zoning will completely change the look and feel of our community.

3. This property is heavily treed with mature timber and provides the only noise buffer between the sawmill and our residential properties. Removal of any trees will undoubtedly increase the noise to our property and to the mountain where it creates an additional echo effect in our narrow valley.

4. We are requesting implementing hours of operation of the mill, so evening and night time sleep is protected - and peaceful, quiet enjoyment of our property is guaranteed.

5. The noise from the mill has a direct negative impact on our property values. Any further expansion will only create more noise and a further reduction in the value of our homes.

6. We are experiencing a housing crisis and removing good residential lots and turning them into commercial use is unacceptable.

7. Area I has a noise bylaw in place, and we want to make sure any existing operations, future work, or expansion will be in compliance with the bylaw.

8. We are NOT IN FAVOUR of rezoning or changing the OCP of the 4.2 acres from single family Country Residential to C-2 Commercial.

Attached, please find copy of letter sent to Jordan Dupuis (Supervisor Bylaw Enforcement) and RDCK Team. This letter refers to the sawmill, but it is very relevant to the rezoning application because they are both part of the same lot.

In previous emails with Jordan Dupuis, he wrote, "If specific concerns arise pertaining to a specific noise issue, we will devote the appropriate resources to resolving the issue."

I believe over thirty (30) complaint letters were sent to the RDCK and for over two months not a single reply was returned. After prodding, we received a reply from Jordan stating, in part, "At this time I am unable to devote enforcement resources.."

With over thirty (30) complaints of noise issues and refusal to work with Kalesnikoff Lumber to try and resolve noise issues, we feel we are being ignored and not heard. Now, we are being left with the one option and that is to oppose the rezoning so further noise levels aren't increased.

We feel our noise bylaw should give us the same protection that everyone else has in Area I, which is quiet, peace, rest, enjoyment and comfort of the neighbourhood.

We are NOT IN FAVOUR of changing the OCP, and rezoning the 4.2 acres from single family residential to C-2 Commercial.

Name: FRED SHERBINO

Address: [redacted]

Signature:

Please see letter below.

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

Hi Jordan,

Upon reading your response to our inquiry dated January 31, 2024, you wrote "if specific concerns arise pertaining to a specific noise issue, we will devote the appropriate resources to resolving the issue."

We previously tried engaging in a dialogue with KLC to address noise issues in writing and also in person with Dwane Sorenson, their Vice President of Operations. Dwane happened to stop by our residence this summer and we spoke at length and in detail on the specifics of the noise coming from the site which disturbs the quiet, peace, rest, enjoyment, and comfort of our neighborhood – especially, in the early evenings and nighttime sleeping hours. To date, we received no response.

When the mill is in full production, the noise that affects us comes from the south end of the yard and is loud, undesirable, and relentless.

Very specifically:

1. Every 5-10 seconds there is a loud bang that we believe comes from logs hitting a metal stop before they are cut to length;

2. There is a very irritating and loud sound of constant air exhausting from machinery (i.e., air rams?) that is multiple and consecutive;

3. The sound of the large open-air saw that cuts logs to length;

We are aware the north end of the mill site had some visual landscape vegetation, noise-reducing berms/buffers, and enclosures installed to mitigate noise, however, the south end of the mill site which creates the most noise is completely open to Hwy 3A and all the residential neighborhood on Loff and Tarrys Road. Last summer, the vegetation between Hwy 3A and the mill was removed, leaving only a chain link fence which has no visual or noise-reducing value.

We are asking the RDCK bylaw enforcement to work with KLC to resolve the above issues.

Note: Please find a quoted paragraph from Page 14 of MEMORANDUM DEVELOPMENT PERMIT STAFF REPORT (File #4260-20-D1201I-05796.045), dated May 23, 2012, addressed to Sangita Sudan (from Bruce Gunn, Planner at RDCK).

Quote, "While DP 03021 required the entire perimeter of the development site to be fenced, the landscaping provisions only focused on the northerly boundary adjacent to the neighboring residential property. A review of the file records indicates that the RDCK has not, as a condition of any previously issued Development Permit, required KLC to submit a detailed landscaping and buffering plan based on the "General Requirements for Landscaping" of the Zoning Bylaw and OCP Design Guidelines which applies to the **entire development site**."

If this requirement has been overlooked for any reason and has not been fulfilled, then we ask it to be implemented. This will help not only in dealing with the above-mentioned noise concerns but also reduce the other general noise from the mill such as the sound of logs being dumped onto the deck and the rumbling as they are processed. This will also help protect against any further negative impact on our property values because of the noise.

We are assuming our requests will be dealt with in a timely manner, therefore, to ensure transparency, we are requesting updates on the progress. These updates (possibly monthly) can be sent through our Area I Director Andy Davidoff or however you think is best.

Could you please respond with your plan, and how you will best keep us in the loop?

We are hopeful the final results will be what our noise bylaw ensures, which is quiet, peace, rest, enjoyment, and comfort of our neighborhood.

Thank you,

Fred & Leona

FRED SHERBININ

[redacted]

MAY 10, 2024

REGIONAL DISTRICT OF CENTRAL KOOTENAY
Box 590, 202 Lakeside Drive, NELSON, B.C., V1L 5R4
Phone: 250-352-6665 Fax: 250-352-9300
Toll Free (within B.C.) 1-800-268-7325 (RDCK)

MEMORANDUM
DEVELOPMENT PERMIT STAFF REPORT

File #4260-20-D12011-05796.045

Date: May 23, 2012

To: Sangita Sudan, General Manager Development Services

From: Bruce Gunn, Planner

Re: Development Permit: Kalesnikoff Lumber Company
Legal Description: A portion of Lot A, District Lot 1239, KD Plan NEP67673 (PID 024-871-737)
Civic Address: 2090 Highway 3A - Tarrys

BACKGROUND

The Kalesnikoff Lumber Company (KLC) has established its Tarrys lumber operations on a 12.03 ha portion of the subject property situated between Highway 3A and the CPR line adjacent to the bank of the Kootenay River. The Company first began operations on this site in 1971. Over the years the operation has expanded and more and more of the site area has been developed for wood products manufacturing purposes.

Pursuant to Kootenay-Columbia Rivers Official Community Plan Bylaw 1157, 1996 the operations site has been designated a Development Permit Area and as such a Development Permit (DP) is required prior to development. The Regional District has issued five Development Permits during the period 2000 to 2011. The current application represents Development Permit application number six. Following the 'Site Summary' is a review and summary of the history of Development Approvals for the subject property.

Site Summary

Owner/Applicant: Kalesnikoff Lumber Company
Location: 2090 Highway 3A, Tarrys BC – Electoral Area I
Legal Description: A portion of Lot A, DL 1239, NEP67673 (PID 024-871-737)

374

Development Permit Area - Subject Site Size: 12.03 ha (29.7 ac)	
ALR: No	**Floodplain:** No **Alluvial Fan:** No
OCP Bylaw 1157: Industrial (I)	**Zoning Bylaw 1675:** Medium Industry (M2)
OCP Bylaw 1157, Development Permit Area #1: all lands designated 'industrial'	

Overview of the History of Development Approvals and related Permit Activity

Development Permit #1 – DP-0002I-5796.045

Date Issued: August 26, 2000

Authorized Development:

- Two new dry kilns
- Expansion to existing kiln

Stated Conditions:

- Maintain existing landscape buffer between fence and property along Highway 3A frontage

Authorized Zoning Variances:

- DP varied front yard setback (Highway 3A) for second kiln from 15m to 5.4m

Development Permit #2 – DP0302I-05796.045

Bylaw Amendments:

In 2003, as part of the review of the DP application it was discovered that a portion of the subject development site involved a small (0.58 ha) separately titled parcel (Lot 1, Plan 14812) designated 'country residential'. Therefore, prior to proceeding with the Development Permit application the Company submitted a Bylaw Amendment Application to change the land use designation. OCP Amendment Bylaw 1627 was adopted November 22, 2003 and changed the designation of Lot 1, Plan 14812 from Country Residential to Industrial. Similarly Zoning Amendment Bylaw 1628, adopted Nov. 22/03 changed the zoning of Lot 1 from Country Residential I (R2I) to Medium Industrial (M2) consistent with the remainder of the operation site. Subsequently Lot 1, Plan 14812 was consolidated as per Plan NEP67673 (Registered Oct. 13/09) which resulted in the creation of the current 12.03 ha wood products manufacturing development site.

DP0302I – Date Issued: - February 20, 2004

Authorized Development:

- Expansion of the log yard operation to the northern portion of the operations site including former Lot 1, Plan 14812.
- New access to Highway 3A for the log yard operation

375

- New log truck scale and related office trailer
- New office trailer adjacent to lumber storage area
- Expansion of the planer mill building
- New cyclone blower system
- Two new 30 unit shavings bins

Stated Conditions:

- Install a 1.5m high perimeter change link fence
- Concerning the northerly boundary with the adjacent residential lot, install a 1.5m high landscape screen and consult with the adjacent landowner regarding the landscape screen. To further minimize conflict log storage piles to be setback a minimum of 4.5m
- To minimize dust, access from Highway 3A to log yard and scale to be paved and current watering program maintained
- Light glare to be contained on site
- Under normal operating conditions, log yard hours of operation to be 7:00 AM to 1:00 AM Monday to Friday with log truck access to the yard limited to 6:00 AM to 6:00 PM Monday to Friday
- New log yard access subject to Ministry of Transportation requirements
- On-site sewage disposal systems subject to Interior Health Authority requirements
- Company to provide a [redacted] Letter of Credit

376

Authorized Zoning Variance:

- Maximum site coverage increased from 50% to 75% with maximum building site coverage of 50%
- Lumber storage office trailer minimum front yard setback reduced from 15m to 7.5m
- Cyclone blower and shaving bins rear yard setback reduced from 25m to 15m
- Maximum building height increased from 15m to 20m

Following the issuance of DP0302I the Company subsequently requested various revisions to the Permit, these include:

Revision #1 – Approved April 7, 2004

The approved revision allows for the installation of two additional drying kilns. The request was deemed to be relatively minor in nature and consistent with the scope of the original permit, as such it was not referred to agencies or adjacent landowners prior to approval.

Revision #2 – Approved June 21, 2004

The approved revision allows for the construction of a showroom building to display a vintage log truck to commemorate the KLC founder. Also approved was a variance of the minimum from yard setback from 15m to 7.5m. The request was deemed to be

relatively minor in nature and consistent with the scope of the original permit, as such it was not referred to agencies or adjacent landowners prior to approval.

Revision #3 – Approved May 16, 2007
The approved revision allows for relocation of a previously approved dry kiln site. The request was deemed to be relatively minor in nature and consistent with the scope of the original permit, as such it was not referred to agencies or adjacent landowners prior to approval.

Revision #4 – January/February 2010
KLC requests a revision to the hours of operation provision. The proposed changes were considered to be a significant departure from the existing Permit requirements and in an effort to obtain community comments the proposal was advertised in the local edition of the 'Pennywise' and 'Express'. Largely based on the public comments received, on Feb. 8/10 the RDCK received an email from KLC requesting that the proposed changes to the hours of operation be withdrawn and provided the following commitments to the community;

- KLC commits to abide by the existing log yard hours of operation, 7 AM to 1 AM.
- KLC log trucks and scale operation limited to 7 AM to 5 PM.
- KLC to implement a 'no jake brake' policy within 1 km of the site.
- KLC will continue to erect sound barriers in the milling operations and asks RDCK to periodically check noise levels.
- KLC will set up a community meeting to discuss issues and seek solutions.
- *Relocate existing 30 unit chip bins*
- Build new retaining wall and pad and relocate existing 2.5 MW transformer
- New building to house lumber sorter – building design to be determined but will incorporate noise abatement features
- Extend dry shed storage roof and enclose east wall. Noise abatement features to be incorporated into the construction
- Construct new dry kiln north of existing kiln
- Construct a 220m retaining wall along the east bank to allow for the extension of the log yard for improved safety
- Construct new dry kiln

<u>Development Permit #3 – DP0504I-05796.045</u>

Date Issued: September 22, 2005

Authorized Development:

- Construction of a 9 X 30m building to provide cover for lumber stacking machinery

Stated Conditions:

- Conditions of DP0302I continue to apply.

Authorized Zoning Variance:

- Maximum site coverage increased from 50% to 75% and maximum building site coverage of 50%
- Front yard setback reduced (along Highway 3A) from 15m to 7.5m

Development Permit #4 – 4260-20-D1002-I-05796.045

Date Issued: September 6, 2010

Authorized Development:

- Construction of a 100,000 gallon water tank to improve fire fighting capabilities.

Zoning Variance:

- Minimum front yard setback for the tank reduced from 7.5m to 4.6m

Note: [redacted] Based on an October 7/10 site visit by RDCK planning staff it was confirmed that the outstanding conditions associated with fencing and landscaping adjacent to Highway 3A and the northerly residential lot adjacent to the log yard were satisfactorily completed and KLC should be released from the Letter of Credit. [redacted]

Development Permit #5 – 4260-20-I-05796.045

Date Issued: July 19, 2011

Authorized Development:

- Extend planer mill roof westerly (timeframe June 2011)
- Extend planer mill roof northerly (timeframe July 2011)
- Extend planer mill roof north-easterly (timeframe October 2011)
- Install trailer as an employee lunch room and meeting room (timeframe October 2011)

The Development Permit did not include any specific conditions or requirements and there were no zoning variances.

Description of Current Development Permit – File 4260-20-D120I-05796.045

Date of Receipt of Application: March 2, 2012

Date of application referral:

Agency referrals: March 16/12
Public referrals: March 16/12 (referral package included with KLC newsletter circulated to land owners in the Tarrys, Thrums and Glade area)

Listing of proposed development:

- Upgrade existing Fortis substation
- New bin shorter building
- Install primary distribution switching gear and concrete pad
- Remove and replace existing overhead high voltage cables with underground cables
- Extend mill roof to cover debarking machinery
- Extend mill roof east and north and enclose northeast corner of building. Noise abatement features to be incorporated into the design and construction
- Build new retaining wall and pad and install a new 3.7 MW transformer
- Relocate existing 30 unit chip bins
- Build new retaining wall and pad and relocate existing 2.5 MW transformer
- New building to house lumber sorter – building design to be determined but will incorporate noise abatement features
- Extend dry shed storage roof and enclose east wall. Noise abatement features to be incorporated into the construction
- Construct new dry kiln north of existing kiln
- Construct a 220m retaining wall along the east bank to allow for the extension of the log yard for improved safety
- Construct new dry kiln

Please see attached KLC's March 14/12 Development Description and March 14/12 Site Plan for a complete description of the proposed development.

379

Referral Comments

On March 16/12, in accordance with RDCK Land Development Applications Procedures Bylaw 2239, 2011, the development proposal was referred to public agencies with a request to provide comments within 30 days. Concurrent with the public agencies referral, the Company included the RDCK development permit referral information package with its March 16/12 community newsletter. Based on KLC's mailing list, 350 information referrals were distributed to landowners in Tarrys, Thrums and Glade. This referral extends beyond the required 100m adjacent landowner requirement of Procedures Bylaw 2238.

In addition to the distribution of the referral information the March 16/12 KLC newsletter included an invitation for the public to attend an 'open house' on April 26/12 between 6:00 PM and 8:00 PM at Tarrys Hall. The event to be hosted by KLC staff with participation by RDCK planning staff and is intended to provide the public with an opportunity to review and discuss the Company's development proposal.

Presented below are the comments received from the public agencies as well as members of the public.

Government and Public Agency Comments (Response deadline April 20/12):

Ministry of Forests, Lands & Natural Resources – date received, March 21/12
Interests unaffected.

[redacted]

RDCK Building Department – date received, March 21/12
Approval recommended – Building permit must be in place for all construction and all applicable Bylaws must be adhered to.

[redacted]

Columbia Power Corporation – date received, April 2/12
Interests unaffected.

[redacted]

Tarrys Fire Department – date received, April 5/12
Interests unaffected.

[redacted]

Area I Advisory Planning Commission – date received April 19/12
The application was discussed with staff from Kalesnikoff Lumber Company at the APC meeting of April 16/12 afterwhich the APC advises the RDCK Board as follows:

DP 4260-20-D1201I-05796.045 – Kalesnikoff Lumber:

1. Be referred to a public information meeting prior to approval and that all potentially impacted community members be given written notice of this meeting.
2. That staff incorporate all noise, dust and light pollution abatement measures possible into the provisions of the development permit during construction and for all equipment and infrastructure to be installed.
3. That significant vegetative screens be placed along the highway boundary and that current vegetative screens on the river side of the property be maintained and enhanced.
4. That the development be as 'neighbour –friendly' as possible.
5. That pre-construction tours be made possible for any potentially impacted community members.

Ministry of Transportation – date received April 19/12
Please be advised that we have no concerns regarding the proposed improvements to the Kalesnikoff property.

[redacted]

Landowner and Public Comments (Response deadline April 20/12):

[redacted]

380

Approval recommended – no objection from this land owner, great news. Less noise, better workplace conditions for employees.

[redacted]

- concern expressed regarding noise
- concern about the steady hum of equipment
- concern about the general aesthetics of the site
- recommends a treed buffer

[redacted]

Approval not recommended:

- leaching of by-products into the soil and subsequently into the river affects fish, wildlife and humans,
- large health risks due to chemicals used in operations, impacts to fish, wildlife and humans,
- environmental risks; environmental study should first be conducted to identify necessary steps to prevent contamination and appropriate measures be taken by owner to ensure safety of environment, humans, fish and wildlife,
- noise pollution/air pollution: increased pollution to the residents of the Glade community,
- depreciation of property values due to proximity of an industrial sawmill,
- overall negative impact to the Glade community and the lives of the residents due to increased traffic, noise, unsightly industrial sawmill at your doorstep,
- the province of B.C. should take the necessary steps to identify and ensure the surrounding community is protected first.

[redacted]

This is my home it's not a rental and has a feature side facing the river and the Kalesnikoff mill. When I bought the property in 1992 the mill was isolated by a stand of trees along the edge of the mill that blocked lights and noise. At some point the tree barrier was removed fully exposing the east side of the mill. I was unofficially told they were removed for their fire insurance policy. The mill has since expanded its log yard north also clearing the trees along the crest of the hill. I have as my west horizon the full lights and sounds of the mill and log handling. The lights and sounds are annoying especially at night if the mill is running.

I request that the sound and visual impact on our community be heavily considered as part of the proposed project. Cutting down the tree barrier without regard to the community across the river was the way things use to be done. I would like to see a sound and visual barrier be engineered and erected as phase one of their project permit as the way things are done today. They have proposed sound insulating and lumber movement trucks and even voices in certain conditions. Item #8 and #13 implies moving the mill closer to the east side without consideration of any thing. I might suggest a tall green camouflage coloured fence along the river side. (They can paint the fire proof sound insulation on the mill side any colour they want). The fence would

block the lights, bring the noise to an acceptable level from the whole mill, provide a safety barrier for the edge of the hill for their employees and provide a fire break. The Kalesnikoff Lumber Company does employee many neighbours and they support our community. They have endured the economic roller coaster when many have failed or given up. I am glad to see they have decided to expand their operation and I do hope they continue to prosper. I don't think it's unreasonable to ask them to correct an oversight that has happened in the past so they can move forward.

[redacted]

Development Description 2012 item #10 – Build a new building to house a lumber sorter:
It is indicated that only the West wall will be completely enclosed. My understanding is that a lumber sorter can have two walls completely enclosed and fully insulated. Lumber sorters can emit very loud 'banging' noises. If this is not properly attended to the noise across the river and down the valley will be very loud and disruptive. I am not in agreement with the current description to how this building will be done. There is no indication that any further trees along the river bank will be removed. If this is the case, then the above is the only issue I have with this application.

Comments arising from the April 26/12 Open House

Approximately 30 members of the public attended the open house. A comment sheet was included with the RDCK's information handout and people were asked to drop-off their comments at the end of the evening or forward comments to the RDCK Planning Department by May 11/12. Comments received arising from the Open House include:

[redacted]

At present the mill is traditionally a two shift operation. If this is to change to three shifts, the community must be consulted.

[redacted]n provided the RDCK with an email which included an enhanced photograph of the road access to the log yard showing what it could look like if a treed landscape buffer had been planted in 2004 as per DP03021 and allowed to grow until the present time. She writes, "this is what it (treed landscape buffer) should have looked like 8 years later and we would have been very happy with it."

[redacted]

Presented below is a PDF copy of a letter addressed to Sangita Sudan, Manager of Development Services from the above named persons on behalf of the Glade-Tarrys Working Group. The letter refers to a 'questions & answers' report derived from discussions with KLC officials at the April 26/12 Open House. The 'Q & A' report is attached to this Staff Report as additional referral information.

Please accept this letter in response to the March 14, 2012 Application for a Development Permit submitted by the Kalesnikoff Lumber Co. I realize we are now two weeks after the April 26th open house, however, we trust the community concerns laid out in this letter will still be considered as part of the DPA assessment and approval process

At the open house you asked if you could have a copy of the Working Group's Question and Answers. I am enclosing five pages of Q&A for your perusal. I don't propose to go through all of the notes, rather, I expect that the notes will be considered an attachment to this letter and hope the RDCK will consider the notes in their entirety.

Although we obtained much valuable information from [redacted] at the open house, I would qualify our comments as follows: although [redacted] was very helpful and clearly did his best to answer our questions, he didn't have the answers to all of our questions, we were interrupted numerous times which really took us off track, and we ran out of time even though we stayed until around 9pm. Further, we didn't have a chance to ask RDCK staff any of the RDCK questions on our list.

With respect to this Development Permit Application, there are really two major concerns. First is that the "Development Description 2012" simply does not provide enough information about certain items, especially items 10, 12, 14. Second, as you will see from the Q&A notes, although the DPA does contain certain measures that will ideally lessen the noise coming from the mill, for the most part community concerns about noise, dust and light are not addressed. Further, as can be seen in the notes, KLC has other projects planned that don't require a development permit. Does the RDCK have information about the comprehensive effects of all the projects combined?

With respect to #10, the description states "building type is yet to be determined." We do know that the purpose of that building is to house another lumber sorter; my understanding is that it will be a drop sorter but whether it is a drop or bin sorter would have to be clarified with KLC. Until KLC can identify what kind of building they are proposing and what type of sorter the building will house, it is our position that the RDCK does not have enough information to approve #10 and it should be severed from this DPA.

With respect to #12 and 14, the proposed addition of two kilns is of great concern. #14 is huge at 11m wide X 37 m long X 7.5 m high. The 5 existing kilns are a major source of noise from the mill and, as mentioned in the notes, it is this noise that residents hear even when the mill is not operating. If the mill is, indeed, going to focus on specialty wood products that have to be in the kiln for 7 days, as opposed to 36 hours, 2 more kilns could greatly increase the noise caused by the mill. Because we ran out of time, [redacted] wasn't able to tell us about the types of kilns that could be constructed and the noise abatement that is available with the kilns. It is

383

our position that the RDCK does not have enough information to approve 12 and 14 at this time and these items should be severed from this DPA.

With respect to Item 2, a new bin sorter is something that community would be cautiously optimistic about. Although there will still be a noise from a bin sorter, the community will no longer be subjected to 16,000. boards dropping per shift.

With respect to the transformer- related items (# 1,3,4,7), these are really a Fortis issue. Our understanding from [redacted] that there are possibilities for a reduction of noise from the transformer fans.

We have already expressed, and would like to reiterate, our concern about the choice of an open house as opposed to an actual public information meeting. We understand that a public meeting was not required, however, that does not mean a meeting was not appropriate in this particular circumstance, especially given the erroneous April 18 deadline set out in the notice of DPA.

There are residents of this community who feel that the mill should not be allowed any further development until they have addressed the noise, dust and light issues that affect the community in a profound way and which KLC has been aware of for many years. This is not the current position of the working group and we hope to continue working with KLC to address the issues.

In addition to this DPA , the community remains concerned about the operating hours of the mill and the potential for new construction/additions to be used for purposes other than those stated in the DPA. There is also concern about lowered property values as a result of various expansions at the mill. And, of course, we would be remiss in not mentioning the two sawmill explosions that have occurred in BC in the past three months – Burns Lake and Prince George. This community can't help but be concerned about the real possibility for disaster in their midst. As you are aware, in 2006 KLC had a major fire which started in one of the kilns. Has the RDCK considered postponing a decision on the DPA until any provincial and WorkSafe BC comprehensive safety inspections are completed?

If you wish to discuss these comments or require additional information, please feel free to contact us. If it would be helpful for you to have information on the specific noise, dust and light effects experienced by the community, we would be pleased to provide that information.

Thank you very much for your consideration.

Issues and Analysis

Based on a review of the file record as well as the information pertaining to the current application a number of key issue areas have been identified.

Issues Derived from Public Comments

Throughout the history of Development Permit approvals for this property, including comments received regarding this DP application, the public has consistently identified the following community issues:

- noise
- dust
- light glare
- visual aesthetics
- hours of operation

Noise:

As there is no applicable RDCK Noise Bylaw in effect for this portion of Electoral Area I the RDCK has had limited success in regulating noise levels against a predetermined bylaw standard. Noise abatement has principally been achieved through KLC's ongoing efforts to reduce noise through operational protocols and building improvements. In this regard KLC has retained the services of BKL Acoustic Consulting Ltd to provide ongoing advice and assistance.

Nothwithstanding the reference to "...measures to reduce noise" as stated in Kootenay-Columbia Rivers Official Community Plan Bylaw 1157, 1996, Policy 3.10.3.2.4 [redacted] While recognizing that 'noise' is perhaps the single most important and pervasive community issue, Planning Department staff suggests that the RDCK encourage KLC to build on the goodwill currently being developed between the Company and community by recommending that the Company:

- Continue to provide the community with updates on progress on its noise abatement program through the community Newsletter.
- Host an annual community 'open house' similar to the April 26/12 forum to review progress and foster community dialogue.
- Continue to incorporate noise abatement features into building design and operational protocols as per the recommendations of BKL Acoustic Consulting.

In support of this effort **Planning Department Staff Recommends** that the RDCK provide KLC with the noise standards prescribed for industrial zoned land as per Section 6 of RDCK Noise Bylaw 2016. This would allow the Company to develop and evaluate the efficacy of its noise abatement program against established RDCK standards in the event that one day the Bylaw may apply.

385

the efficacy of its noise abatement program against established RDCK standards in the event that one day the Bylaw may apply.

Dust Control:

Condition 5.3 of DP0302I (issued Feb.20/04) required that the log yard access from Highway 3A to the log scale be paved and the Company be encouraged to continue its log yard watering program. KLC has subsequently completed the required paving and continues to employ a log yard watering program. Based on correspondence on file the Company has indicate a willingness to respond to adjacent landowner concerns and modify the watering program were appropriate. **Planning Department Staff Recommends** that no further action is required as the current dust abatement measures appear to adequately address the situation.

Light Glare:

Condition 5.5 of DP0302I (issued Feb. 20/04) required lighting of the site to be designed and install so as to contain light glare on-site. There is no evidence on file to indicate that the RDCK has adequately followed-up with the Company to insure that this condition has been appropriately meet. As a condition of this Development Permit **Planning Department Staff Recommends** that KLC prepare and submit a light glare abatement plan for the entire Development Permit site area keeping in mind the need to provide lighting necessary for worker safety while identifying opportunities to reduce impacts on the surrounding community.

386

Visual Aesthetics – Landscaping and Buffering:

Public comments indicate a concern with the lack of appropriate visual screening of the development site from the surrounding community. In particular comments have been received regarding the removal of existing trees from the perimeter of the site which in the past provided a natural landscape screen as well as assisting with the mitigation of light glare, dust and noise.

Section 5.2 a & b of DP 0302I (Feb.20/04) addressed fencing and landscaping as follows:

5.2 Perimeter fencing and/or landscaping shall be installed in the location shown on Schedule 2, Site Plan subject to Schedule 'B' Landscaping Requirements (please see attached) of Kootenay-Columbia Rivers Zoning Bylaw No. 1373, 1999 as amended and in accordance with the following,
a) A minimum 1.5 m (5 ft.) high standard security chain link fence shall be installed along the entire perimeter of the sawmill site, and
b) To provide additional screening for a residentially zoned property at the northerly boundary of the sawmill site, the Permittee is required to install a landscape screen with an initial height of 1.5 m (5 ft.) which in time shall be allowed to grow to a height of 3 m (10 ft.) or higher. The

Permittee is encouraged to consult with the adjacent landowner with respect to the installation and on-going development of the landscape screen. In addition to this landscaping requirement, to further minimize conflicts with the adjacent residential lot, log storage piles shall maintain a minimum setback of 4.5 m (15 ft.).

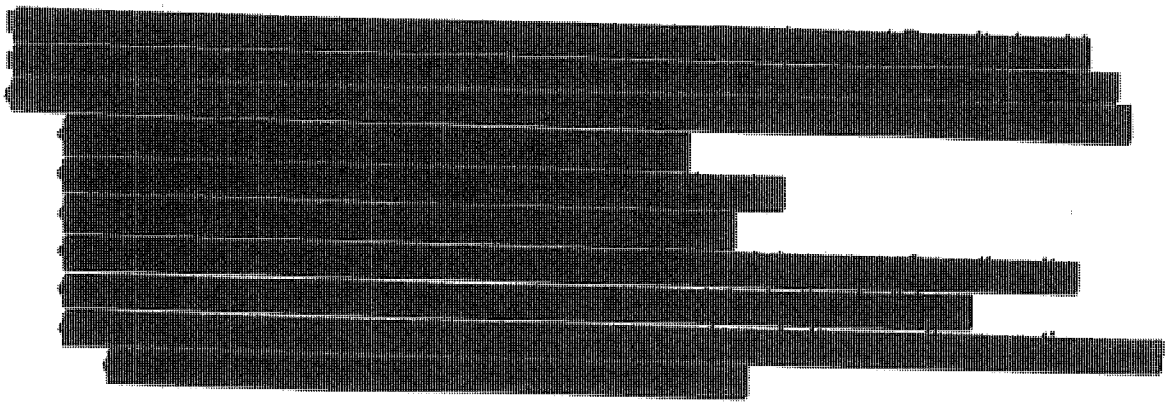
While DP 0302I required the entire perimeter of the development site to be fenced, the landscaping provisions only focused on the northerly boundary adjacent to the neighbouring residential property. A review of the file records indicates that the RDCK has not, as a condition of any previously issued Development Permit, required KLC to submit a detail landscaping and buffering plan based on the "General Requirements for Landscaping" of the Zoning Bylaw and OCP Design Guidelines which applies to the entire development site.

To address this matter in the context of the current Development Permit **Planning Department Staff Recommends** that KLC be required to submit a landscaping and buffering plan prepared by a Landscape Architect or other similarly qualified professional for the entire Development Permit site area based on the requirements of Section 622, General Regulations for Landscaping, RDCK Zoning Bylaw 1675, 2004 and Section 4.1.3 Design Guideline; Landscaping and Screening, Kootenay-Columbia River Official Community Plan Bylaw 1157, 1996. The plan should focus primarily on landscaping and buffering options for land within a minimum distance of 4.5m of the perimeter of the site. The plan should include the use of existing natural vegetation; identify areas requiring new plantings and/or landscape buffers (e.x. landscape berms) as well as areas requiring supplemental planting and/or landscape buffers. Particular attention should be paid to options for planting and screening adjacent to the top-of-bank along the easterly site boundary opposite the community of Glade.

Please Note: Based on the October 2010 site visit by Planning Department staff and the subsequent release of the Letter of Credit in January 2011 the RDCK acknowledges that the Company has satisfactorily completed the requirements for perimeter fencing and landscaping adjacent to the northerly site area boundary as per condition 5.2 a & b of DP0302I. These existing approved fencing and landscaping features should be incorporated into the landscaping and buffering plan noted above.

Hours of Operation:

Perhaps as an approach to deal with the issue of noise, the community has expressed interest in the RDCK regulating the hours of operation. Section 5.6 of DP0302I (issued Feb. 20/04) specifies normal hours of operation for the log yard as 7:00 AM to 1:00 AM Monday to Friday and log truck access to the log yard as 6:00 AM to 6:00 PM Monday to Friday. It should be noted that these hours of operation apply to the log yard operation only and do not extend to the milling operation in general. Furthermore, they do not address operations on the weekend or statutory holidays.



Design Guideline and Zoning Regulations

Pursuant to Kootenay-Columbia Rivers Official Community Plan Bylaw 1157, 1996 a Development Permit is required for all land designated Industrial. OCP Policy 3.10.3.2.4 identifies matters such road access, potential impacts on ground water, fencing, screening, buffering and landscaping, size and mass of buildings, site lighting, parking and loading areas, hours of operation, measures to control dust and reduce noise, signage and other relevant related matters. Section 4.1 of OCP Bylaw 1157 outlines the Development Permit Design Guidelines which includes matters pertaining to the form and character of buildings, landscaping and screening and utility services.

RDCK Zoning Bylaw 1675, 2004 zones the development site 'Medium Industrial (M2)' which identifies 'Wood Product Manufacturing' as a Permitted Use. The Bylaw further specifies various development regulations including matters associated with building height, site coverage, building site coverage, setbacks to lot lines, parking and loading requirements as well as general landscaping and screening regulations.

388

The RDCK has granted several zoning variances as conditions of previously issued Development Permits. In summary these include:

- Minimum front yard setback from 15m to 7.5m and 4.5m for water tank
- Minimum rear yard setback from 25m to 15m
- Minimum interior lot line setback at 4.5m
- Maximum building height from 15m to 20m
- Maximum site coverage for all activities set a 75% with a maximum site coverage for all buildings and structures at 50%

In recognition of the previously approved zoning regulation variances, Planning Department Staff Recommends that within the Development Permit site area the Permit include the following variances to Medium Industrial (M2) zoning regulations:

- Minimum setback for all buildings and industrial related activity is limited to 4.5m from all lot lines and adjacent to Highway 3A.

- Maximum height for all buildings and structures except power poles, antenna and other similar utility structures is limited to 20m.
- Maximum site coverage for all buildings and industrial activity is limited to 75% and maximum site coverage for all buildings and structures is limited to 50%.

Authorized Development

The development authorized under previously issued Development Permits has been limited to specifically identified works and buildings. Therefore a revision to a Permit or an entirely new Permit has been required prior to the approval of future development. This has resulted in a cumbersome and potentially confusing and conflicting approach to Permit administration. In order to simplify the Development Permit process **Planning Department Staff Recommends** that the Development Permit authorize all development within the meaning of 'wood product manufacturing' as defined under Zoning Bylaw 1675, subject to compliance with all other conditions of the Permit.

Security Deposit

As per Section 6 of DP0302I (issued Feb. 20/04) KLC was required to provide a Letter of Credit in the amount of [redacted] to ensure compliance with the requirements of the Permit. Based on the recommended requirements for a landscaping and buffering plan as well as a light glare abatement plan **Planning Department Staff Recommends** that KLC be required to provide a security deposit in the form of a Letter of Credit in the amount of [redacted].

389

Staff Recommendations

In accordance with the provisions of Kootenay-Columbia Rivers Official Community Plan Bylaw 1157, 1996, Regional District of Central Kootenay Zoning Bylaw 1675, 2004, RDCK Land Development Applications Procedures Bylaw 2238, 2011 and RDCK Bylaw 1808 delegation of authority bylaw **Planning Department Staff Recommends** that the attached DRAFT Development Permit, #4260-20-D1201I-o5796.045 be referred to Kalesnikoff Lumber Company for review and comment.

Respectfully submitted,

Bruce Gunn, Planner

Attachments: Glade-Tarrys Working Group, 'Questions & Answers' report of discussions with Kootenay Lumber Company Officials at the April 26/12 Public Open House, Tarrys Community Hall

DRAFT Development Permit #4260-20-D1201I-05796.045

From: Gordon Perepolkin
To: Zachari Giacomazzo
Subject: RDCK file # Z2306I
Date: May 7, 2024 9:15:40 AM

CAUTION **This email originated from outside the organization. Please proceed only if you trust the sender.**

Hi Zachari
I live on the north end of loff rd, and I oppose this rezoning development.
Please respond if this has been recorded.
--
Best Regards Gord

Kootenay Home Inspections
Gord Perepolkin, *CHI*

I consider referrals from my friends, clients and associates to be the greatest compliment that I could receive. Thank you for keeping my company in mind whenever a referral opportunity presents itself.

From: Nina Perepolkin
To: Planning
Subject: Kalesnkoff Lumber CO.
Date: May 9, 2024 10:05:17 AM

CAUTION This email originated from outside the organization. Please proceed only if you trust the sender.

I say NO TO THE REZONING APPLICATION THIS IS A RESIDENTIAL COMMUNITY

KALESNIKOFF LUMBER PUBLIC HEARING

My name is Phil Markin. My wife and I live at 1879 Hwy 3A.
We fully support Kalesnikoff Lumber's application to rezone the 1.7 Ha (4.2 acre) portion of the 14.6 Ha (36.1 acre) parent parcel.

I have reviewed the RDCK staff report and have the following comments:
These words stood out to me :

" Being a Good Neighbour"
I have lived at this address for over 70 years and have always found the Kalesnikoffs to be a good neighbour. I happened to run into one of their company's employees whom I haven't seen in a number of years and asked him if he was retired. He said he was still working for Kalesnikoff's . When I asked him how he liked his job he volunteered the words "Ken is good people!"

"Economic considerations"
Kalesnikoff Lumber is a significant employer within the area and needs the opportunity to assist in the growth of our region. Prior to retiring I had worked for the City of Castlegar for over 30 years. One thing that stood out to me is that the area needs a varied tax base to help support the residents and taxpayers.

Summary
For our area to grow we need to allow our local businesses to grow as well. After all this application is for an office and parking area which I do not see having a huge impact on the local residents. The RDCK also has several tools to assist in this regard. (Development Permits). We live across the highway from Kalesnikoff's CPR loading facility and do not have any concern with the activities at this location.

Respectfully submitted.
Phil Markin

16 copies of this letter were signed in response to Z23061-

May 10, 2024

Zachari Giacomazzo
Planner Development and Community Sustainability Services
RDCK Box 590, 202 Lakeside Drive
Nelson, BC V1L 5R4

RE: Kalesnikoff Sawmill, 2090 Hwy 3A, Tarrys, BC
Referral Form – RDCK File Z23061

1. The proposed Commercial Zoning is in direct conflict with the Official Community Plan and the existing Country Residential Zoning. It is also in direct conflict with the RDCK 2016 Tarrys Community Land Use Survey.

2. We live here because we want the Rural Country Residential Lifestyle. Changing the OCP Zoning will completely change the look and feel of our community.

3. This property is heavily treed with mature timber and provides the only noise buffer between the sawmill and our residential properties. Removal of any trees will undoubtedly increase the noise to our property and to the mountain where it creates an additional echo effect in our narrow valley.

4. We are requesting implementing hours of operation of the mill, so evening and night time sleep is protected - and peaceful, quiet enjoyment of our property is guaranteed.

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6. We are experiencing a housing crisis and removing good residential lots and turning them into commercial use is unacceptable.

7. Area I has a noise bylaw in place, and we want to make sure any existing operations, future work, or expansion will be in compliance with the bylaw.

8. We are NOT IN FAVOUR of rezoning or changing the OCP of the 4.2 acres from single family Country Residential to C-2 Commercial.

Attached, please find copy of letter sent to Jordan Dupuis (Supervisor Bylaw Enforcement) and RDCK Team. This letter refers to the sawmill, but it is very relevant to the rezoning application because they are both part of the same lot.

In previous emails with Jordan Dupuis, he wrote, "If specific concerns arise pertaining to a specific noise issue, we will devote the appropriate resources to resolving the issue."

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We feel our noise bylaw should give us the same protection that everyone else has in Area I, which is quiet, peace, rest, enjoyment and comfort of the neighbourhood.

We are NOT IN FAVOUR of changing the OCP, and rezoning the 4.2 acres from single family residential to C-2 Commercial.

Name: LENNY DAVIDOFF

Address: [redacted]

Signature: Lenny Davidoff

May 10, 2024

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Name: MATTHEW KALESNIKOV

Address: [redacted]

Signature:

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Name: Janet Maloff

Address: [redacted]

Signature: J Maloff

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Name: Bev Makaroff

Address: [redacted]

Signature: [redacted] B. Makaroff

May 10, 2024

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RDCK Box 590, 202 Lakeside Drive
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Name: Dale Makaroff

Address: [redacted]

Signature:



May 10, 2024

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Name: Jenna Makaroff

Address: [redacted]

Signature: J. Makaroff

May 10, 2024

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Name: Rick Makaroff

Address: [redacted]

Signature: R. Makaroff

May 10, 2024

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Planner Development and Community Sustainability Services
RDCK Box 590, 202 Lakeside Drive
Nelson, BC V1L 5R4

RE: Kalesnikoff Sawmill, 2090 Hwy 3A, Tarrys, BC
Referral Form – RDCK File Z23061

1. The proposed Commercial Zoning is in direct conflict with the Official Community Plan and the existing Country Residential Zoning. It is also in direct conflict with the RDCK 2016 Tarrys Community Land Use Survey.

2. We live here because we want the Rural Country Residential Lifestyle. Changing the OCP Zoning will completely change the look and feel of our community.

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8. We are NOT IN FAVOUR of rezoning or changing the OCP of the 4.2 acres from single family Country Residential to C-2 Commercial.

Attached, please find copy of letter sent to Jordan Dupuis (Supervisor Bylaw Enforcement) and RDCK Team. This letter refers to the sawmill, but it is very relevant to the rezoning application because they are both part of the same lot.

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We feel our noise bylaw should give us the same protection that everyone else has in Area I, which is quiet, peace, rest, enjoyment and comfort of the neighbourhood.

We are NOT IN FAVOUR of changing the OCP, and rezoning the 4.2 acres from single family residential to C-2 Commercial.

Name: Robert Makaroff

Address: [redacted]

Signature: Robert Makaroff

May 10, 2024

Zachari Giacomazzo
Planner Development and Community Sustainability Services
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Name: Barbara Denoskoff Barbara Denoskoff

Address: [redacted]

Signature: Barbara Denoskoff

May 10, 2024

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Name: Jason Ozzioff

Address: [redacted]

Signature:

May 10, 2024

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Name: Lawrence Perepolkin

Address: [redacted]

Signature: Lawrence Perepolkin

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Name: Nina Perepolkin Nina Perepolkin

Address: [redacted]

Signature: Nina Perepolkin

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Name: Adriadna Quintero

Address: [redacted]

Signature:

May 10, 2024

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Name: Bill Sheard – BILL SHEARD

Address: [redacted]

Signature: Bill Sheard

May 10, 2024

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Name: L. Sherbinin (LEONA SHERBININ)

Address: [redacted]

Signature: L. Sherbinin

May 10, 2024

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Name: Jodi Tompkins

Address: [redacted]

Signature: Jodi Tompkins

May 10, 2024

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Name: MARCIA VERNON

Address: [redacted]

Signature: Marcia Vernon

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

Dear all above;

When the mill is in full production, the noise that affects us comes from the south end of the yard and is loud, undesirable, and relentless.

Very specifically:

1. Every 5-10 seconds there is a loud bang that we believe comes from logs hitting a metal stop before they are cut to length;

2. There is a very irritating and loud sound of constant air exhausting from machinery (i.e., air rams?) that is multiple and consecutive;

3. The sound of the large open-air saw that cuts logs to length;

We are aware the north end of the mill site had some visual landscape vegetation, noise-reducing berms/buffers, and enclosures installed to mitigate noise, however, the south end of the mill site which creates the most noise is completely open to Hwy 3A and all the residential neighborhood on Loff and Tarrys Road. Last summer, the vegetation between Hwy 3A and the mill was removed, leaving only a chain link fence which has no visual or noise-reducing value.

We are asking the RDCK bylaw enforcement to work with KLC to resolve the above issues.

Note: Please find a quoted paragraph from Page 14 of MEMORANDUM DEVELOPMENT PERMIT STAFF REPORT (File #4260-20-D1201I-05796.045), dated May 23, 2012, addressed to Sangita Sudan (from Bruce Gunn, Planner at RDCK).

Quote, "While DP 03021 required the entire perimeter of the development site to be fenced, the landscaping provisions only focused on the northerly boundary adjacent to the neighboring residential property. A review of the file records indicates that the RDCK has not, as a condition of any previously issued Development Permit, required KLC to submit a detailed landscaping and buffering plan based on the "General Requirements for Landscaping" of the Zoning Bylaw and OCP Design Guidelines which applies to the **entire development site.**"

If this requirement has been overlooked for any reason and has not been fulfilled, then we ask it to be implemented. This will help not only in dealing with the above-mentioned noise concerns but also reduce the other general noise from the mill such as the sound of logs being dumped onto the deck and the rumbling as they are processed. This will also help protect against any further negative impact on our property values because of the noise.

We are hopeful the final results will be what our noise bylaw ensures -- which is quiet, peace, rest, enjoyment, and comfort of the neighborhood.

Please send us confirmation of your receipt of this letter.

Thank you,

Name: Janet Maloff

Address: [redacted]

Signature: J Maloff

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

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We are aware the north end of the mill site had some visual landscape vegetation, noise-reducing berms/buffers, and enclosures installed to mitigate noise, however, the south end of the mill site which creates the most noise is completely open to Hwy 3A and all the residential neighborhood on Loff and Tarrys Road. Last summer, the vegetation between Hwy 3A and the mill was removed, leaving only a chain link fence which has no visual or noise-reducing value.

We are asking the RDCK bylaw enforcement to work with KLC to resolve the above issues.

Note: Please find a quoted paragraph from Page 14 of MEMORANDUM DEVELOPMENT PERMIT STAFF REPORT (File #4260-20-D1201I-05796.045), dated May 23, 2012, addressed to Sangita Sudan (from Bruce Gunn, Planner at RDCK).

Quote, "While DP 03021 required the entire perimeter of the development site to be fenced, the landscaping provisions only focused on the northerly boundary adjacent to the neighboring residential property. A review of the file records indicates that the RDCK has not, as a condition of any previously issued Development Permit, required KLC to submit a detailed landscaping and buffering plan based on the "General Requirements for Landscaping" of the Zoning Bylaw and OCP Design Guidelines which applies to the **entire development site**."

If this requirement has been overlooked for any reason and has not been fulfilled, then we ask it to be implemented. This will help not only in dealing with the above-mentioned noise concerns but also reduce the other general noise from the mill such as the sound of logs being dumped onto the deck and the rumbling as they are processed. This will also help protect against any further negative impact on our property values because of the noise.

We are hopeful the final results will be what our noise bylaw ensures -- which is quiet, peace, rest, enjoyment, and comfort of the neighborhood.

Please send us confirmation of your receipt of this letter.

Thank you,

Name: Jodi Tompkins

Address: [redacted]

Signature: Jodi Tompkins

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

Dear all above;

When the mill is in full production, the noise that affects us comes from the south end of the yard and is loud, undesirable, and relentless.

Very specifically:

1. Every 5-10 seconds there is a loud bang that we believe comes from logs hitting a metal stop before they are cut to length;

2. There is a very irritating and loud sound of constant air exhausting from machinery (i.e., air rams?) that is multiple and consecutive;

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We are aware the north end of the mill site had some visual landscape vegetation, noise-reducing berms/buffers, and enclosures installed to mitigate noise, however, the south end of the mill site which creates the most noise is completely open to Hwy 3A and all the residential neighborhood on Loff and Tarrys Road. Last summer, the vegetation between Hwy 3A and the mill was removed, leaving only a chain link fence which has no visual or noise-reducing value.

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We are hopeful the final results will be what our noise bylaw ensures -- which is quiet, peace, rest, enjoyment, and comfort of the neighborhood.

Please send us confirmation of your receipt of this letter.

Thank you,

Name: Jenna Makaroff

Address: [redacted]

Signature: J. Makaroff

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

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We are aware the north end of the mill site had some visual landscape vegetation, noise-reducing berms/buffers, and enclosures installed to mitigate noise, however, the south end of the mill site which creates the most noise is completely open to Hwy 3A and all the residential neighborhood on Loff and Tarrys Road. Last summer, the vegetation between Hwy 3A and the mill was removed, leaving only a chain link fence which has no visual or noise-reducing value.

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Please send us confirmation of your receipt of this letter.

Thank you,

Name: LLOYD EVANS

Address: [redacted]

Signature:

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

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We are aware the north end of the mill site had some visual landscape vegetation, noise-reducing berms/buffers, and enclosures installed to mitigate noise, however, the south end of the mill site which creates the most noise is completely open to Hwy 3A and all the residential neighborhood on Loff and Tarrys Road. Last summer, the vegetation between Hwy 3A and the mill was removed, leaving only a chain link fence which has no visual or noise-reducing value.

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Please send us confirmation of your receipt of this letter.

Thank you,

Name: Bill Sheard

Address: [redacted]

Signature: Bill Sheard

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

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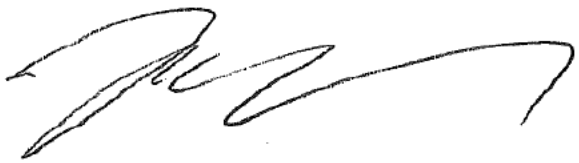
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Please send us confirmation of your receipt of this letter.

Thank you,

Name: Jason Ozeroff

Address: [redacted]

Signature: 

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

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Please send us confirmation of your receipt of this letter.

Thank you,

Name: Ricky Makaroff

Address: [redacted]

Signature: R. Makaroff

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

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Please send us confirmation of your receipt of this letter.

Thank you,

Name: Barbara Denoskoff

Address: [redacted]

Signature: Barbara Denoskoff

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

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Please send us confirmation of your receipt of this letter.

Thank you,

Name: Evelyn (Lenny) Davidoff

Address: [redacted]

Signature: Evelyn (Lenny) Davidoff

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

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Please send us confirmation of your receipt of this letter.

Thank you,

Name: Susan Evans

Address: [redacted]

Signature:

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

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Please send us confirmation of your receipt of this letter.

Thank you,

Name: Katelynn Horton

Address: [redacted]

Signature: Katelynn Horton

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

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If this requirement has been overlooked for any reason and has not been fulfilled, then we ask it to be implemented. This will help not only in dealing with the above-mentioned noise concerns but also reduce the other general noise from the mill such as the sound of logs being dumped onto the deck and the rumbling as they are processed. This will also help protect against any further negative impact on our property values because of the noise.

We are hopeful the final results will be what our noise bylaw ensures -- which is quiet, peace, rest, enjoyment, and comfort of the neighborhood.

Please send us confirmation of your receipt of this letter.

Thank you,

Name: MATTHEW KALMAKOV

Address: [redacted]

Signature: Matt Kalmakov

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

Dear all above;

When the mill is in full production, the noise that affects us comes from the south end of the yard and is loud, undesirable, and relentless.

Very specifically:

1. Every 5-10 seconds there is a loud bang that we believe comes from logs hitting a metal stop before they are cut to length;

2. There is a very irritating and loud sound of constant air exhausting from machinery (i.e., air rams?) that is multiple and consecutive;

3. The sound of the large open-air saw that cuts logs to length;

We are aware the north end of the mill site had some visual landscape vegetation, noise-reducing berms/buffers, and enclosures installed to mitigate noise, however, the south end of the mill site which creates the most noise is completely open to Hwy 3A and all the residential neighborhood on Loff and Tarrys Road. Last summer, the vegetation between Hwy 3A and the mill was removed, leaving only a chain link fence which has no visual or noise-reducing value.

We are asking the RDCK bylaw enforcement to work with KLC to resolve the above issues.

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We are hopeful the final results will be what our noise bylaw ensures -- which is quiet, peace, rest, enjoyment, and comfort of the neighborhood.

Please send us confirmation of your receipt of this letter.

Thank you,

Name: Sharon Burns

Address: [redacted]

Signature: Sharon Burns

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

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We are aware the north end of the mill site had some visual landscape vegetation, noise-reducing berms/buffers, and enclosures installed to mitigate noise, however, the south end of the mill site which creates the most noise is completely open to Hwy 3A and all the residential neighborhood on Loff and Tarrys Road. Last summer, the vegetation between Hwy 3A and the mill was removed, leaving only a chain link fence which has no visual or noise-reducing value.

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We are hopeful the final results will be what our noise bylaw ensures -- which is quiet, peace, rest, enjoyment, and comfort of the neighborhood.

Please send us confirmation of your receipt of this letter.

Thank you,

Name: Jill Seacott

Address: [redacted]

Signature:

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

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We are aware the north end of the mill site had some visual landscape vegetation, noise-reducing berms/buffers, and enclosures installed to mitigate noise, however, the south end of the mill site which creates the most noise is completely open to Hwy 3A and all the residential neighborhood on Loff and Tarrys Road. Last summer, the vegetation between Hwy 3A and the mill was removed, leaving only a chain link fence which has no visual or noise-reducing value.

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Please send us confirmation of your receipt of this letter.

Thank you,

Name: Janet Maloff

Address: [redacted]

Signature: J Maloff

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

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We are aware the north end of the mill site had some visual landscape vegetation, noise-reducing berms/buffers, and enclosures installed to mitigate noise, however, the south end of the mill site which creates the most noise is completely open to Hwy 3A and all the residential neighborhood on Loff and Tarrys Road. Last summer, the vegetation between Hwy 3A and the mill was removed, leaving only a chain link fence which has no visual or noise-reducing value.

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We are hopeful the final results will be what our noise bylaw ensures -- which is quiet, peace, rest, enjoyment, and comfort of the neighborhood.

Please send us confirmation of your receipt of this letter.

Thank you,

Name: Dale Makaroff

Address: [redacted]

Signature:

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

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We are aware the north end of the mill site had some visual landscape vegetation, noise-reducing berms/buffers, and enclosures installed to mitigate noise, however, the south end of the mill site which creates the most noise is completely open to Hwy 3A and all the residential neighborhood on Loff and Tarrys Road. Last summer, the vegetation between Hwy 3A and the mill was removed, leaving only a chain link fence which has no visual or noise-reducing value.

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Please send us confirmation of your receipt of this letter.

Thank you,

Name: Donald A. Allenby

Address: [redacted]

Signature:

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

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We are hopeful the final results will be what our noise bylaw ensures -- which is quiet, peace, rest, enjoyment, and comfort of the neighborhood.

Please send us confirmation of your receipt of this letter.

Thank you,

Name: Bev Makaroff

Address: [redacted]

Signature: B. Makaroff

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

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We are aware the north end of the mill site had some visual landscape vegetation, noise-reducing berms/buffers, and enclosures installed to mitigate noise, however, the south end of the mill site which creates the most noise is completely open to Hwy 3A and all the residential neighborhood on Loff and Tarrys Road. Last summer, the vegetation between Hwy 3A and the mill was removed, leaving only a chain link fence which has no visual or noise-reducing value.

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Please send us confirmation of your receipt of this letter.

Thank you,

Name: MARCIA VERNON

Address: [redacted]

Signature: Marcia Vernon

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

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We are hopeful the final results will be what our noise bylaw ensures -- which is quiet, peace, rest, enjoyment, and comfort of the neighborhood.

Please send us confirmation of your receipt of this letter.

Thank you,

Name: VAL EVANS

Address: [redacted]

Signature:

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

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Please send us confirmation of your receipt of this letter.

Thank you,

Name: Robert Makaroff

Address: [redacted]

Signature: Robert Makaroff.

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

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Please send us confirmation of your receipt of this letter.

Thank you,

Name: Kathy Allenby

Address: [redacted]

Signature: Kathy Allenby

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

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Very specifically:

1. Every 5-10 seconds there is a loud bang that we believe comes from logs hitting a metal stop before they are cut to length;

2. There is a very irritating and loud sound of constant air exhausting from machinery (i.e., air rams?) that is multiple and consecutive;

3. The sound of the large open-air saw that cuts logs to length;

We are aware the north end of the mill site had some visual landscape vegetation, noise-reducing berms/buffers, and enclosures installed to mitigate noise, however, the south end of the mill site which creates the most noise is completely open to Hwy 3A and all the residential neighborhood on Loff and Tarrys Road. Last summer, the vegetation between Hwy 3A and the mill was removed, leaving only a chain link fence which has no visual or noise-reducing value.

We are asking the RDCK bylaw enforcement to work with KLC to resolve the above issues.

Note: Please find a quoted paragraph from Page 14 of MEMORANDUM DEVELOPMENT PERMIT STAFF REPORT (File #4260-20-D1201I-05796.045), dated May 23, 2012, addressed to Sangita Sudan (from Bruce Gunn, Planner at RDCK).

Quote, "While DP 03021 required the entire perimeter of the development site to be fenced, the landscaping provisions only focused on the northerly boundary adjacent to the neighboring residential property. A review of the file records indicates that the RDCK has not, as a condition of any previously issued Development Permit, required KLC to submit a detailed landscaping and buffering plan based on the "General Requirements for Landscaping" of the Zoning Bylaw and OCP Design Guidelines which applies to the **entire development site**."

If this requirement has been overlooked for any reason and has not been fulfilled, then we ask it to be implemented. This will help not only in dealing with the above-mentioned noise concerns but also reduce the other general noise from the mill such as the sound of logs being dumped onto the deck and the rumbling as they are processed. This will also help protect against any further negative impact on our property values because of the noise.

We are hopeful the final results will be what our noise bylaw ensures -- which is quiet, peace, rest, enjoyment, and comfort of the neighborhood.

Please send us confirmation of your receipt of this letter.

Thank you,

Name: LEONA SHERBININ

Address: [redacted]

Signature: L. Sherbinin

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

Dear all above;

When the mill is in full production, the noise that affects us comes from the south end of the yard and is loud, undesirable, and relentless.

Very specifically:

1. Every 5-10 seconds there is a loud bang that we believe comes from logs hitting a metal stop before they are cut to length;

2. There is a very irritating and loud sound of constant air exhausting from machinery (i.e., air rams?) that is multiple and consecutive;

3. The sound of the large open-air saw that cuts logs to length;

We are aware the north end of the mill site had some visual landscape vegetation, noise-reducing berms/buffers, and enclosures installed to mitigate noise, however, the south end of the mill site which creates the most noise is completely open to Hwy 3A and all the residential neighborhood on Loff and Tarrys Road. Last summer, the vegetation between Hwy 3A and the mill was removed, leaving only a chain link fence which has no visual or noise-reducing value.

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Please send us confirmation of your receipt of this letter.

Thank you,

Name: Aparecida Quinteiro

Address: [redacted]

Signature: 

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

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We are aware the north end of the mill site had some visual landscape vegetation, noise-reducing berms/buffers, and enclosures installed to mitigate noise, however, the south end of the mill site which creates the most noise is completely open to Hwy 3A and all the residential neighborhood on Loff and Tarrys Road. Last summer, the vegetation between Hwy 3A and the mill was removed, leaving only a chain link fence which has no visual or noise-reducing value.

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Please send us confirmation of your receipt of this letter.

Thank you,

Name: LAWRENCE PEREPOLKIN

Address: [redacted]

Signature: Lawrence Perepolkin

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

ATTENTION: JORDAN DUPUIS; SANGITA SUDAN; NELSON WIGHT; ZACHRI GIACOMAZZO & ANDY DAVIDOFF (Area I Director)

RE: EXCESSIVE NOISE FROM KALESNIKOFF LUMBER COMPANY (KLC) LOCATED AT 2090 HIGHWAY 3A, TARRYS, ELECTORAL AREA 'I' / LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

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4. Early morning, day time, night time Loader noise, Fork lift noise – loud mufflers, bansing steel grapples

5 Dry Kiln Fans, squeaky belts

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Please send us confirmation of your receipt of this letter.

Thank you,

Name: Nina Perepolkin

Address: [redacted]

Signature: Nina Perepolkin

February 9, 2024

Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4

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Berms are not effective
noise does not recognize stop signs

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Please send us confirmation of your receipt of this letter.

Thank you,

Name: Richard Christiansen

Address [redacted]

Signature: