

THE CORPORATION OF THE CITY OF ROSSLAND

Minutes of a Regular Open Meeting of Council Held Monday, July 14, 2008

Present

Mayor A.G. Smith
Councillor L. Charlton
Councillor J.K. Drysdale
Councillor L.D. Doell
Councillor S.E. Knox
Councillor L.G. McLellan
Councillor D.J. Spearn

Staff In Attendance

CAO – R. Campbell
Deputy City Clerk – T. Butler
Manager of Planning and Development – M. Maturo
City Engineer – M. Thomas
Manager of Finance – D. Timm

Mayor Smith called the meeting to order at 7:40 pm

Agenda

Moved by Councillor Doell / Seconded by Councillor Knox

THAT the agenda for the Regular Meeting of Council held July 14, 2008 be amended by removing item:

(4) GENERAL MATTERS – Delegations

(b) Tourism Rossland – Deanne Steven

CARRIED

Minutes

Moved by Councillor McLellan / Seconded by Councillor Spearn

THAT the minutes of the Regular Council Meeting held June 23, 2008 be adopted.

CARRIED

Minutes

Moved by Councillor Knox / Seconded by Councillor Doell

THAT the minutes of the Special Meeting of Council held June 26, 2008 be amended by recording Councillor Charlton as being opposed on the matters concerning first and second readings of Bylaw #2422.

CARRIED

Minutes

Moved by Councillor Doell / Seconded by Councillor Charlton

THAT the minutes of the Planning and Development Committee Meeting of Council held July 8, 2008 be received.

CARRIED

Minutes Moved by Councillor Drysdale / Seconded by Councillor McLellan

THAT the minutes of the Design Review Panel Meeting held July 8, 2008 be received.

CARRIED

Local Physicians

GENERAL MATTERS - Delegations

Delegation from Dr. Cheryl Hume representing local physicians re: June 23, 2008 letter concerning Red Mountain Ventures Golf Course Development. Dr Hume read from a written submission.

Dr. Andrea Jenkins also representing local physicians read from a prepared statement requesting Council not approve the Red Mountain Ventures Golf Course Development due to concerns with the use of pesticides and herbicides.

Ms. Kathy Moore spoke on her concerns regarding the approval of the development permit.

Email correspondence from Christine Andison, Red Mountain Ventures, with attached response letter from Stuart Cohen, Ph.D., CGWP, Environmental & Turf Services, Inc.

MATTERS REFERRED

**DRP
recommendation –
Associate Medical
Clinic**

Matter referred from the July 8, 2008 Design Review Panel Meeting re: #10-2008 Associate Medical Clinic;

Moved by Councillor McLellan / Seconded by Councillor Doell

THAT the Development Permit Application #10-2008 - Associate Medical Clinic 1973-1977 for new signage, exterior paint and new awnings be approved by Council with the following suggestions from the Design Review Panel:

- Darken the trim colour. (Suggest HC-76)
- Darken the sign background colour as appears in colour printouts.
- Darken the awning colour to match the sign background. (Suggest "Black Cherry").

CARRIED

**Councillor
Charlton – Notice
of Motions**

Notice of Motion by Councillor Charlton re: Red Mountain Ventures GP Ltd. - reject application:

Moved by Councillor Charlton / Seconded by Councillor Doell

WHEREAS Section 895(1) of the Local Government Act requires a local government that has adopted an Official community Plan or Zoning Bylaw to define, by bylaw, procedures under which an owner of land may apply for an amendment to the plan or bylaw, and

WHEREAS the City of Rossland has adopted Bylaw #1595, the “Management of Development Amendment Process Bylaw” which says that an owner of land may apply for an amendment to the plan or bylaw, and

WHEREAS Red Mountain Ventures GP Ltd. has applied for an amendment to the zoning bylaw, and

WHEREAS Red Mountain Ventures GP Ltd. is not an owner of land in Rossland,

NOW THEREFORE be it resolved that staff be directed to reject the application submitted by Red Mountain Ventures GP Ltd.

DEFEATED

**Councillor
Charlton – Notice
of Motions**

Notice of Motion by Councillor Charlton re: Red Mountain Golf Course Application / Referendum:

Moved by Councillor Charlton / Seconded by Councillor Spearn

WHEREAS an application has been submitted to construct a golf course with residential and commercial development in the Topping Creek watershed, and

WHEREAS intense concern about the proposal has been expressed by a large number of the citizens of Rossland, and

WHEREAS all citizens of Rossland should have an opportunity to express their opinion about the acceptability of this proposal, and

WHEREAS Section 83(1) of the Community Charter allows Council to seek community opinion on a question that Council believes affects the municipality,

NOW THEREFORE be it resolved that Council not undertake any amendments to the Official Community Plan or the Zoning Bylaw relating to this proposal until a referendum is held to determine whether or not the majority of the citizens of Rossland support this proposal.

DEFEATED

NEW BUSINESS

Correspondence

COSCO

May 11, 2008 letter from the Council of Senior Citizens’ organizations of BC re: request to attend conference September 15th and 16th, 2008, Richmond, B.C.

Moved by Councillor Drysdale / Seconded by Councillor Knox

THAT the City cover the costs of registration, travel and accommodation for a

Council Member and a member of the Rossland Seniors to attend the Council of Senior Citizens' Organizations of BC Conference in Richmond, B.C.

CARRIED

City of Trail

June 16, 2008 letter from Mayor Dieter Bogs, City of Trail, re: Recreation and Culture / Economic Development.

Moved by Councillor McLellan / Seconded by Councillor Drysdale

THAT the June 16, 2008 letter from Mayor Dieter Bogs, City of Trail be received for information and;

FURTHER THAT members of the Rossland Library Board be invited as a delegation to the July 28, 2008 Regular Meeting of Council.

CARRIED

Fall Fair Core Group Society

Letter received June 23, 2008 from Mrs. Bobbi LaFond, Secretary, Fall Fair Core Group Society re: requesting the City's assistance hosting the Rossland Fall Fair September 6, 2008.

Moved by Councillor Drysdale / Seconded by Councillor Spearn

THAT Council concur with the requests from the Rossland Fall Fair Core Group in order to host the 2008 Rossland Fall Fair.

CARRIED

Reports

Red Mountain Ventures – Development Permit Application

July 7, 2008 report from the Manager of Planning and Development re: Development Permit Application – Red mountain Ventures, GP Ltd, The Golf Club at Red Mountain.

Moved by Councillor Charlton / Seconded by Councillor Spearn

THAT the Development Permit for RMR Acquisitions Corp, for the Red Mountain Golf Course be amended by changing the covering acreage from 182.6 hectares/451 acres to 53.4 hectares / 132 acres to allow only for a development permit to be issued only in the golf course area of the application.

DEFEATED

Moved by Councillor Charlton / Seconded by Councillor Knox

THAT "Condition M" of the Red Mountain Ventures Development Permit 09-2008 be amended to read:

“(M) Dependent upon the requirements in section “L” (above), should the city’s water supply be diminished, the developer is required to mitigate by providing additional water supply and/or storage capacity to equal or surpass the existing supply to the satisfaction of the City Engineer.”

CARRIED

Moved by Councillor Charlton / Seconded by Councillor McLellan

THAT condition Q of the Red Mountain Ventures Development Permit 09-2008 be amended by changing the word “work” to the word “construction”.

DEFEATED

Moved by Councillor Charlton / Seconded by Councillor Doell

THAT a condition “S” be added to the Red Mountain Ventures Development Permit 09-2008 to read:

“THAT the City reserves the right to cancel this Development Permit if any of the required studies, actions, or other requirements demonstrate, to the satisfaction of the City Engineer, that the proposal can not provide the necessary guarantees that the City’s water supply, including both quality and quantity, can be maintained at current levels.”

CARRIED

Moved by Councillor Charlton / Seconded by Councillor Doell

THAT a condition “T” be added to the Red Mountain Ventures Development Permit 09-2008 to read:

“THAT the applicant provide security to the City, in the form of an irrevocable letter of credit or the deposit of securities in a form satisfactory to the City, in the amount of \$15, 000,000 to repair any damage to the natural environment that results as a consequence of a contravention of a condition of this permit.”

DEFEATED

Moved by Councillor Charlton / Seconded by Councillor Spearn

THAT a condition “T” be added to the Red Mountain Ventures Development Permit 09-2008 to read:

“THAT this permit is limited to the performance of exploratory work for the purpose of providing the City with a groundwater and geological profile of the property, and the permit does not grant approval for any permanent development, e.g., clearing or construction of any kind for a golf course or any other permanent development.”

DEFEATED

Moved by Councillor Drysdale / Seconded by Councillor Knox

THAT Council approve the Development Permit Application from Red Mountain Ventures, GP Ltd., for the Northeast Corner of District Lot 1295, Kootenay District; Sub Lot 33, Township 28, Kootenay District Plan X60, except Plan 1245 and NEP 78098; and DL1654 and un-surveyed Crown Land located directly north of District Lot 1654 and located within Red Mountain Resort's Controlled Recreation area and issue a Development Permit subject to conditions as outlined and amended in the Development Permit 09-2008 attached in the July 7, 2008 report from the Manager of Planning and Development Services.

CARRIED with Councillor Charlton voting opposed.

Motion to Add Delegation

Mayor Smith called for a unanimous show of support to have Mr. Howard Katkov, Red Mountain Ventures speak as a delegation to Council. Councillor Charlton voting opposed to having Mr. Katkov speak, the motion was defeated.

Recess of Meeting

Mayor Smith called a five-minute recess at 9:18 pm.

The meeting reconvened at 9:34 pm.

Recycling Depot - closure

July 8, 2008 memorandum from the CAO re: Recycling Depot Closure / potential alternative sites for Council consideration.

Moved by Councillor Doell / Seconded by Councillor Charlton

THAT Staff prepare a report concerning the use of the Arena Parking Lot as a new location for the Recycling Depot.

CARRIED

Motion to Extend

Moved by Councillor Doell / Seconded by Councillor Knoxl

THAT the July 14, 2008 Regular Meeting of Council be extended past 10:00 pm.

CARRIED

2008 UBCM – Council Attendance

Oral report from the Mayor re: 2008 UBCM attendance September 22-26, Penticton, BC.

Councillors to inform Staff if interested in attending the 2008 UBCM Convention.

Development Variance Application – 2025 Kirkup Avenue

July 7, 2008 report from the Planning Assistant re: Development Variance Permit Application – 2025 Kirkup Avenue.

Moved by Councillor Charlton / Seconded by Councillor Doell

THAT the Development Variance application to vary the front setback requirement as established in the City of Rossland Zoning Bylaw #1912 from 4.0 metres to 0.3 metres;

AND THAT the Development Variance application to vary the maximum height requirement of 10 metres to 10.6 metres for the principle building; for the property legally described as Lot A, District Lot 559, Kootenay District Plan NEP76776, located at 2025 Kirkup Avenue, be denied by Council.

CARRIED with Councillor McLellan voting opposed

Development Variance Application – 1638 Thompson Avenue

July 7, 2008 report from the Planning Assistant re: Development Variance Permit Application – 1638 Thompson Avenue.

Ms. Dora Flanagan voiced her concern with the proposed Development Variance.

Moved by Councillor Spearn / Seconded by Councillor McLellan

THAT the Development Variance application to vary the front setback requirement as established in the City of Rossland Zoning Bylaw #1912 from 4.0 metres to 0.3 metres;

AND THAT the Development Variance application to vary the interior side setback from 1.8 metres to 0.3 metres; for the property legally described as Lot 3 and 4, Block 5, District Lot 535, Kootenay District Plan 579, located at 1638 Thompson Avenue, be approved by Council.

CARRIED

Development Variance Application – 2516 LeRoi Avenue

July 9, 2008 report from the Planning Assistant re: Development Variance Permit Application – 2516 LeRoi Avenue.

Moved by Councillor Charlton / Seconded by Councillor Doell

THAT the Development Variance application to vary the exterior side setback requirement as established in the City of Rossland Zoning Bylaw #1912 from 3.0 metres to 0.3 metres; for the property legally described as Lot 1, Block 52, Section 35, Township 9A, Kootenay District Plan 616C, located at 2516 LeRoi Avenue, be denied by Council.

DEFEATED

Moved by Councillor McLellan / Seconded by Councillor Spearn

THAT the Development Variance application to vary the exterior side setback requirement as established in the City of Rossland Zoning Bylaw #1912 from 3.0 metres to 0.3 metres; for the property legally described as Lot 1, Block 52, Section 35, Township 9A, Kootenay District Plan 616C, located at 2516 LeRoi

Avenue, be approved by Council.

CARRIED with Councillor Charlton, Drysdale and Doell voting opposed.

LEGISLATIVE MATTERS

**Emergency
Program Bylaw
#2419**

Emergency Program Bylaw #2419 for Council consideration.

Moved by Councillor Knox / Seconded by Councillor Doell

THAT Bylaw #2419 - Emergency Program Bylaw be adopted.

CARRIED with Councillor Charlton voting opposed

**Road Closure
Bylaw #2418 –
Park Street**

Park Street Road Closure Bylaw, No. 2418

Moved by Councillor Spearn / Seconded by Councillor Charlton

THAT Bylaw #2418 – Park Street Road Closure Bylaw, No. 2418 be adopted.

CARRIED

**Zoning
Amendment Bylaw
#2422, 2008(6)**

Zoning Amendment Bylaw, No. 2422, 2008(6) – rezoning of 2033 St. Paul Street from R-1 (Residential Single Detached) to C1 – (Commercial Downtown Core).

Moved by Councillor Charlton / Seconded by Councillor Knox

THAT third reading and adoption of Zoning Amendment Bylaw, No. 2422, 2008(6) be deferred until the next Regular Meeting of Council July 28, 2008.

CARRIED

MEMBER REPORTS

**Councillor
Charlton – Notice
of Motion**

Councillor Charlton Notice of Motion re: Rossland Property Investments Ltd. – Queen Street;

THAT Staff be directed to prepare a written report for the next Regular Council Meeting to explain why Rossland Property Investment Ltd. is constructing a new residential subdivision in the Queen Street area without having obtained a valid Development Permit.

**Councillor
Charlton – Notice
of Motion**

Councillor Charlton Notice of Motion re: Rossland Property Investments Ltd. – structure in the vicinity of the cemetery;

THAT Staff be directed to prepare a written report for the next Regular Council Meeting to explain why Rossland Property Investments Ltd. is developing a

work site and building a structure in the vicinity of the cemetery in a zone that does not permit such activity and without a valid Development Permit.

**Councillor
Charlton – Notice
of Motion**

Councillor Charlton Notice of Motion re: silting from the Ophir Reservoir;

THAT Staff be directed to prepare a written report for the next Regular Council Meeting to explain why the report about silting from the Ophir Reservoir project they were directed to prepare at the June 23, 2008 meeting in time for the July 14, 2008 meeting was not done.

Close

Mayor Smith closed the meeting at 10:55 pm

I hereby certify the preceding to be a true and correct account of the Regular Meeting of Council held on July 14, 2008.

Mayor

Corporate Officer