

---

**CITY OF KELOWNA**  
**MEMORANDUM**

---

**Date:** November 18, 2003  
**File No.:** Z01-1063  
**To:** City Manager  
**From:** Planning & Corporate Services Department  
**Purpose:** To extend the deadline for adoption of Official Community Plan Amending Bylaw No. 8832 and Zone Amending Bylaw No. 8833 (Tom Smithwick/Porter Ramsay for Russo) in accordance with the Development Application Procedures Bylaw.  
**Owner:** Luigi Giovanni Russo  
**Applicant:** Porter Ramsay                      **Contact Person:** Tom Smithwick  
**At:** 982 & 1040 Old Vernon Road  
**Existing Zone:** A1 – Agriculture 1    **Proposed Zones:** I2 – General Industrial  
**Report Prepared by:** Shelley Gambacort

---

**SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS**

---

**1.0    RECOMMENDATION**

THAT in accordance with the Development Application Procedures Bylaw No. 8140 the deadline for adoption of Official Community Plan Amending Bylaw No. 8832 and Zone Amending Bylaw No. 8833 (Tom Smithwick/Porter Ramsay for Russo) Old Vernon Road be considered for extension to April 30, 2004.

**2.0    SUMMARY**

Official Community Plan Amending Bylaw No. 8832 and Zone Amending Bylaw No. 8833 (Tom Smithwick/Porter Ramsay for Russo) received second and third readings at a Regular meeting of Council held on April 30, 2002, with final adoption of the zone amending bylaw being withheld pending the provision of an executed Servicing Agreement and the provision of the necessary funds and/or bonding and the consideration of a Development Variance Permit on the subject property.

To date the Works and Utilities Department have yet to receive the required design drawings and detailed cost estimates for the servicing requirements in order to prepare the Servicing Agreement.

A Development Variance Permit has been submitted addressing the following waivers:

Zoning Bylaw Waivers

- i) All requirements of Section 7 – Landscaping and Screening. The landscaping proposed is a compromise and will be more rural in nature in-keeping with what already exists along the frontage of the subject properties. Essentially, only those areas currently void of landscaping along the Old Vernon Road frontage will be planted.
- ii) The waiver of the Section 7 requirements will also include the waiver of the requirement that all outdoor storage areas shall have a dust-free surface (Sec. 7.2.4).
- iii) Section 8.3 - Development Standards. This includes waiving the requirement that every off-street parking and loading area, and every access road to have a durable, dust-free hard surface of concrete, asphalt or similar material, constructed such that surface drainage is directed to an approved drainage system or is contained on-site.

Subdivision, Development & Servicing Bylaw Waivers

- i) Dedication and construction of the north half of Old Vernon Road to a full urban standard.
- ii) Provision of a water system capable of supplying domestic and fire flow demands for the proposed I2 – General Industrial zoning. It should be noted that Black Mountain Irrigation District has advised that the fire flow in this area does not meet the industrial requirement. BMID has also advised that once the lands is zoned industrial it would [in the future] allow for other industrial uses rather than the current sawmill use of 50 years and fire flows could not be met without even further extensive upgrading in the area.
- iii) The Fire Department has advised that they would require, in addition to the above noted industrial fire flows to the site, the following:
  - (a) Provision of hard surfaced, on-site fire access roads, 6 m in width.
  - (b) Provision of fire hydrants.
  - (c) In accordance with the BC Fire Code, the outdoor storage area shall be surrounded by a firmly anchored fence that is:
    - Substantially constructed to discourage climbing and unauthorised entry,
    - Not less than 1.8 m high, and
    - Provided with gates that shall be locked when the storage area is not staffed.
- iv) Provision of a comprehensive site drainage management plan, designed to comply with the City's drainage design and policy manual.

### 3.0 BACKGROUND

The Agricultural Land Reserve Commission, in August of 2000, granted approval to use all of Lots 2 & 3 for sawmilling, woodwaste recycling/composting and pallet recycling subject to a number of conditions. These conditions included the reclamation of Lot 1 to an agricultural standard acceptable to the ALC and the fencing of the industrial area (Lots 2 & 3). The ALC tabled further consideration of the turf farming aspect of the application and the use of the compost in the ALR because of the uncertainty about the feedstocks being used and the quality of the compost.

In October of 2001 the Agricultural Land Reserve Commission provided written confirmation that they had no objection to the zoning designation remaining as agriculture for Lots 2 & 3 and did not make it a condition of approval that the zone be changed to Industrial to facilitate the existing sawmill operation. This was acceptable to the City as it avoided the need to parachute in an industrial designation in the rural area that was contrary to the Strategic Plan, the OCP and the Agriculture Plan.

However, the City was then advised that the owner was unable to secure financing for the business as a result of the legal non-conforming status and is therefore pursuing the OCP amendment and the rezoning application. In addition, a Development Variance Permit application has been submitted requesting a waiver of the Zoning Bylaw and Subdivision, Development & Servicing Bylaw requirements that will result from the rezoning application.

At the Regular Meeting of Council held May 26, 2003 a resolution was adopted extending the deadline for adoption of Official Community Plan Amending Bylaw No. 8832 and Zone Amending Bylaw No. 8833 to October 30, 2003.

The Planning & Corporate Services Department has now received a second request for a six month extension, from the applicant on behalf of the owner. The letter requesting this further extension to the zone amending bylaw stated the following:

“Due to the difficult economic situation in the industry over the past year, our client has been unable to proceed with his redevelopment of the Louis Russo Sawmills site on Old Vernon Road. We therefore ask for an extension to the approvals that have been granted for another year with a hope that the economic turnaround will enable our client to proceed with the completion of his redevelopment during the coming year”.

### 4.0 Chronology of Callouts/Complaints

#### 4.1 Fire Department

Responded to three (3) calls in 2001, four (4) in 2002 and two (2) in 2003. All calls were of a minor nature and caused little or no damage.

#### 4.2 Bylaw Enforcement

August 13, 2002 – Complaint regarding tractors starting up at 5-5:30 am daily. They also start burning wood then, smell is overwhelming, and complainant has to close windows to sleep.

September 6, 2002 – Complaint regarding smoke coming from the sawmill shavings due to combustion and the use of a bulldozer until 10:00 pm.

May 16, 2001 – Complaint regarding expansion of operation onto Lot 4, dumping of fill, ongoing fire, air quality concerns.

#### 4.3 Planning Department

July 24, 2003 – Staff met with concerned neighbours. They are extremely disgruntled by the ongoing nuisance of the Russo sawmill site and why the City appears to be doing nothing about it. The only avenue available to them regarding complaints with the current operation of the sawmill is through Bylaw Enforcement with respect to the Noise Bylaw (if they operate outside the allotted hours) or through complaints to the Fire Department regarding the smoke. The neighbours indicated that on numerous occasions the sawmill operated before the 7:00 am allowable time. Staff advised that unless they file a formal complaint on each occasion the City has no record of the infractions. Advised to contact Bylaw Enforcement whenever this occurred.

#### 4.4 PLANNING COMMENTS

The Planning & Corporate Services Department is concerned with continued extensions to this rezoning application with no pending resolution of the Servicing Issues.

---

Andrew Bruce  
Manager Development Services

AB/SG/sg

**FACT SHEET**

- |  |   |
|--|---|
| <b>1. APPLICATION NO.:</b>   | OCP01-019/Z01-1063/DVP01-10,091   |
| <b>2. APPLICATION TYPE:</b>  | OCP Amendment/ Rezoning/<br>Development Variance  |
| <b>3. OWNER:</b>   | Luigi Giovanni Russo  |
| . <b>ADDRESS</b>   | 982 Old Vernon Road   |
| . <b>CITY/ POSTAL CODE</b>   | Kelowna, BC V1X 6T8   |
| <b>4. APPLICANT/CONTACT PERSON:</b>                                    | Porter Ramsay/Tom Smithwick   |
| . <b>ADDRESS</b>   | 200 – 1465 Ellis Street   |
| . <b>CITY/ POSTAL CODE:</b>  | Kelowna, BC V1Y 2A3   |
| . <b>TELEPHONE/FAX NO.:</b>  | 763-7646/762-9960   |
| <b>5. APPLICATION PROGRESS:</b>  |   |
| <b>Date of Application:</b>  | December 4, 2001/ December 18,<br>2001 (OCP)  |
| <b>Servicing Agreement Forwarded to<br/>    Applicant:</b>             |   |
| <b>Servicing Agreement Concluded:<br/>    Staff Report to Council:</b> | March 15, 2002  |
| <b>6. LEGAL DESCRIPTION:</b>   | Lot 2 & Lot 3, Sec. 1, Twp. 23, ODYD,<br>Plan 546   |
| <b>7. SITE LOCATION:</b>   | North side of Old Vernon Road, 100<br>m east of Morrison Road   |
| <b>8. CIVIC ADDRESS:</b>   | 982 & 1040 Old Vernon Road  |
| <b>9. AREA OF SUBJECT PROPERTY:</b>                                    | Lot 2 = 4.045 ha & Lot 3 = 4.045 ha<br>Total Area = 8.09 ha   |
| <b>10. AREA OF PROPOSED REZONING:</b>                                  | 8.09 ha   |
| <b>11. EXISTING ZONE CATEGORY:</b>                                     | A1 – Agriculture 1  |
| <b>12. PROPOSED ZONE:</b>  | I2 – General Industrial   |
| <b>13. PURPOSE OF THE APPLICATION:</b>                                 | To amend the OCP Future Land Use<br>from Rural/Agriculture to Industrial; to<br>Rezone from A1 – Agriculture 1 to I2<br>– General Industrial and to waive any<br>landscaping or paving requirements<br>as a result of the rezoning. |
| <b>15. DEVELOPMENT PERMIT MAP 13.2<br/>IMPLICATIONS</b>                | Not Applicable  |

---

**Attachments**

*(Not attached to the electronic copy of the report)*

---

Location Map