

# REPORT TO COUNCIL



**Date:** August 28, 2017

**RIM No.** 1250-30

**To:** City Manager

**From:** Community Planning Department (LB)

**Application:** OCP16-0004 / TA11-0010 / Z16-0030      **Owner:** Prodev GP Ltd., Inc.No. A87135  
1378310 Alberta Ltd., Inc.No. A77231

**Address:** 2755 McCurdy Road      **Applicant:** Optus Advisors Inc.

**Subject:** Official Community Plan Amendment & Rezoning Application

Existing OCP Designation:	REP – Resource Protection Area PARK – Major Park / Open Space (Public)
Proposed OCP Designation:	MRL – Multiple Unit Residential (Low Density) REP – Resource Protection Area PARK – Major Park / Open Space (Public)
Existing Zone:	A1 – Agriculture 1
Proposed Zone:	A1 – Agriculture 1 RHM4 – Hillside Cluster Multiple Housing

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## 1.0 Recommendation

THAT Council receives, for information, the Report from the Community Planning Department dated August 28, 2017 with respect to Official Community Plan Amendment Application OCP11-0011, Zoning Bylaw Text Amendment Application No. TA11-0010 and Rezoning Application Z11-0069 for the property located at 2755 McCurdy Road;

AND THAT Bylaws No. 10875 (OCP11-0011), 10877 (Z11-0069) and 10886 (Housing Agreement) be forwarded for rescindment consideration and the files be closed;

AND THAT Official Community Plan Map Amendment Application No. OCP16-0004 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of portions of Lot 1 District Lots 124 and 415 ODYD Plan KAP84653 Except Plan EPP45174, located at 2755 McCurdy Road, Kelowna, BC, from the REP – Resource Protection Area designation to the MRL – Multiple Unit Residential (Low Density) designation, as shown on Map "A" attached to the Report from the Community Planning Department dated August 28, 2017, be considered by Council;

AND THAT Council considers the Public Information Session public process to be appropriate consultation for the purpose of Section 475 of the *Local Government Act*, as outlined in the Report from the Community Planning Department dated August 28, 2017;

AND THAT Bylaw No. 10876 (TA11-0010) be forwarded for rescindment consideration of second and third readings;

AND THAT Rezoning Application No. Z16-0030 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portions of Lot 1 District Lots 124 and 415 ODYD Plan KAP84653 Except Plan EPP45174, located at 2755 McCurdy Road, Kelowna, BC, from the A1 – Agriculture 1 zone to the RHM4 – Hillside Cluster Multiple Housing zone, as shown on Map “B” attached to the Report from the Community Planning Department dated August 28, 2017, be considered by Council;

AND THAT the Official Community Plan Map Amending Bylaw, the Text Amendment Bylaw and the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the conditions of approval as set out in Schedule “A” attached to the Report from the Community Planning Department dated August 28, 2017;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the conditions of approval as set out in Schedule “B” attached to the Report from the Community Planning Department dated August 28, 2017;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to registration of a Section 219 restrictive covenant limiting the number of units to be constructed on the property prior to a traffic impact assessment being conducted;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to approval from the Ministry of Transportation and Infrastructure;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of a Hazardous Condition and Natural Environment Development Permit by the Community Planning Department Manager;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of a Preliminary Layout Review Letter and final subdivision approval by the Approving Officer.

## **2.0 Purpose**

To amend the Official Community Plan and Zoning Bylaw No. 8000 to change the future land use designation of, and to rezone portions of the subject property to facilitate a 153 unit multiple unit residential hillside development.

## **3.0 Community Planning**

Staff support the requested amendments and rezoning to facilitate multiple unit residential development, known as Terreno, on a portion of the subject property. The proposed development represents a significant change in the future land use designation from REP – Resource Protection Area to MRL – Multiple Unit Residential (Low Density), and staff considered the application against the objectives of the Official Community Plan (OCP) as well as other major City policy documents. This evaluation involved reviewing the proposal based on its impact on urban development patterns, infrastructure, and the environmental and hillside context.

### *General Merits*

While the proposed development was not anticipated within the timeframe of the OCP, it is within the Permanent Growth Boundary (PGB) and does provide several community benefits, namely the dedication of the majority of the property to the City. A portion of this dedicated land will be used to accommodate the future extension of the Central Okanagan Multi-Modal Corridor (COMC) running north-south through the subject property. Since the precise alignment for this corridor is yet to be determined, the proposed dedication allows a high degree of flexibility for the City when detailed design of the corridor is pursued. The dedicated lands will also provide for the extension and upgrade of McCurdy Road to full urban standard in the future. Beyond these transportation needs, the dedication protects additional land along Mill Creek for habitat preservation, enhancement of riparian areas, and improvements to the linear park corridor. It also affords opportunities to formalize recreational trails for public use, with connections to Dilworth Mountain Park and the future Okanagan Rail Corridor.

### *Urban Development*

The OCP strategy for growth and development in the City is built around the concept of creating complete communities by directing development towards Urban and Village Centres. This concept represents good planning practice that aims to capitalize on the advantages provided by denser centres. While the subject property is within the PGB, it is not within either an Urban Centre or a Village Centre.

In the case of the proposed development, the nearest accessible Urban Centre is the Midtown Urban Centre, which is more than 3 km away by vehicle. Pedestrian access by trails reduces this distance to approximately 1.2 km. The eventual extension of McCurdy Road will bring the Rutland Urban Centre to within 1.8 km by vehicle. Walkability measurement standards are typically considered to be a 400 m and 800 m radii from key destinations, representing walking times of approximately 5 minutes and 10 minutes, respectively. Based on these standards, and considering future development in the area, it is unlikely that future residents of the proposed development would be within convenient walking distance of many amenities and services, beyond convenience commercial uses and recreational trails.

In addition, full development of McCurdy Road is outside of the 20-year timeframe of the OCP, and is not identified in the Transit Future Plan for any transit service. Therefore, for at least 20 years, the development will be accessible by vehicles exclusively from Mount Baldy Drive, and, as a result, is relatively isolated from necessary employment and services typically found in Urban Centres, except by trail.

### *Infrastructure*

The OCP 20-Year Major Road Network & Road Classification Plan shows McCurdy Road extending westward to connect to Rifle Road at Silver Place. The Plan anticipates only land acquisition, not construction, within the timeframe of the OCP. As part of the proposed rezoning, the applicant will dedicate the future alignment of McCurdy Road through the site, and pay cash-in-lieu for the City to construct the road at a future date. Land acquisition for the section of the eventual McCurdy Road connection between Rifle Road and the subject property has not been completed.

Without the ultimate alignment of McCurdy Road complete, all access to the proposed development will be from Mount Baldy Drive, which is a major collector road. As part of this application, Mount Baldy Drive will be upgraded and extended along the frontage of the subject property. The Traffic Impact Study for the previous application in 2011 identified the need for a traffic signal at the intersection of Mount Baldy Drive and Dilworth Drive / Rifle Road prior to the construction of any more than 200 units. The subject application proposes 153 units, a substantial reduction from the 343 units previously proposed for the site, and as such,

signalization of the intersection is not required. A restrictive covenant will be registered on title limiting the development to 153 units, or requiring a new Traffic Impact Study should additional units be proposed.

Staff also note the timing of this development may put pressure on the City to construct the McCurdy Road extension earlier than anticipated. This will be reviewed through the capital planning process in future years. Despite this consideration, staff have reviewed this application, and it may proceed without affecting either the City's Financial Plan or Waste Management Plan.

#### *Environmental & Hillside Context*

Dedication of the eastern portion of the property to the City provides for significant community benefits for future transportation connections and protection of riparian areas along Mill Creek. This land also offers opportunities for recreational trails through the site.

The new hillside cluster zone has the goal of facilitating high quality, sensitive hillside development, and the applicant has expended time and effort to create a sensitive hillside community. The results are evident in the design, layout and siting of the proposal, which features buildings that step back in accordance with the natural slope, minimize grading, and maximize the preservation of environmentally sensitive and visually significant features. Environmental restoration will be required for natural areas that are disturbed as part of the development process.

#### *Public Consultation*

As staff understand it, the applicant completed public consultation in accordance with Council Policy No. 367. The applicant team held a public open house on July 31, 2017 where display boards presented project information and members of the applicant team were available to answer questions. A total of 1,679 invitations were mailed out to nearby postal routes, including and extending beyond the required notification area. The applicant confirmed that 15 people attended the open house. Approximately five raised concerns about increased traffic to Mount Baldy Drive, and a few attendees asked about the existing trail network. Aside from those concerns with traffic, the applicant reported that most attendees indicated support for the general appearance of the development.

#### *Text Amendment*

The purpose of the RHM<sub>4</sub> – Hillside Cluster Multiple Housing zone is to provide for comprehensively planned clusters of low rise, low density apartment housing with urban services. The goal is to minimize impacts of development on the natural environment, topography, open space, and visual character of Kelowna. It is consistent with the MRL future land use designation as per the OCP, and building forms may include low rise apartments, stacked townhouses and townhouses. To improve building articulation and integration into hillside areas, the RHM<sub>4</sub> zone has specific regulations pertaining to height and step backs, differentiating it from other low density multiple dwelling housing zones that also fit within the MRL designation.

On July 29, 2014, Council gave third reading to Bylaw No. 10876 for the text amendment to introduce the RHM<sub>4</sub> zone. Should Council support this OCP Amendment and Rezoning application, final adoption of Bylaw No. 10876 is required in conjunction with adoption of the Rezoning Bylaw.

#### *Conditions of Adoption*

Should Council choose to support this application, the applicant must address several items prior to adoption of the Rezoning Bylaw, summarized as follows:

- Complete engineering and servicing requirements, as noted in Schedule "A";

- Complete parks requirements, as noted in Schedule “B”, including the subdivision and transfer of land to the City;
- Register a covenant limiting the number of units to be constructed on the property to 153 prior to a traffic impact study being conducted;
- Apply for and receive issuance of a Hazardous Condition and Natural Environment Development Permit related to subdivision and development of the property; and
- Apply for and receive issuance of a Preliminary Layout Review Letter and final subdivision approval by the Approving Officer.

Following bylaw adoption, Urban Design Development Permits would be required for the form and character of the proposed development. It is expected the developer would use the conceptual plans submitted as part of this application to form the basis of future development on the site, in keeping with the RHM<sub>4</sub> zone.

#### **4.0 Proposal**

##### **4.1 Background**

###### *Previous Development Application*

In 2011, an application was made to amend the future land use designation and rezone the subject property to allow for multiple unit residential development. The proposal that ultimately went before Council was for 343 units in row housing and low-rise apartment buildings. The area to be rezoned for development generally covered the same portion of the property as the current application, with more buildings and greater density across the development clusters.

Following Public Hearing on July 29, 2014, Council gave second and third readings to Official Community Plan Map Amending Bylaw No. 10875 and Rezoning Bylaw No. 10877 for the subject property, under applications OCP11-0011 and Z11-0069, respectively. The applicant chose not to move forward with that application, cancelling it in May 2016 and submitting a new development proposal under the subject application. Staff are requesting that Council rescind all readings on the above-noted bylaws.

In conjunction with the previous development proposal, Text Amendment application TA11-0010 was made to create the new RHM<sub>4</sub> zone. The previous applicant worked closely with staff to develop a zone that allows for low density multiple unit residential development in hillside settings. Council gave second and third readings to Zoning Bylaw Text Amending Bylaw No. 10876 on July 29, 2014. Should Council choose to support the subject OCP amendments and rezoning, staff are requesting that the Text Amending Bylaw be adopted in conjunction with the Rezoning Bylaw.

A portion of land was previously hooked with the subject property across Mill Creek, north of the Marshall Business Park. This land was subdivided from the subject property in 2015, following authorization from the Agricultural Land Commission for subdivision in the ALR.

###### *Infrastructure Considerations*

The City’s 20-Year Servicing Plan & Financing Strategy uses the OCP as a guide to plan for future infrastructure needs. Where the OCP anticipates significant growth and development, the 20-Year Servicing Plan will ensure that infrastructure is in place to accommodate such growth. Knowing this, contemplating a significant development outside of what is expected in the OCP becomes challenging, as it may require reconsideration of elements of the 20-Year Servicing Plan. This can have far-reaching consequences to other plans and documents, such as the Development Cost Charge (DCC) Bylaw.

This is a significant development outside of the OCP, and as part of the 2011 applications, the applicant and staff applied substantial resources to consider transportation infrastructure requirements, as well as water and sanitary services. After review, staff did not feel that any of the infrastructure requirements warranted revision of the DCC program.

#### 4.2 Project Description

The applicant is seeking to develop a total of 153 multiple unit residential dwelling units on the site in a mix of row housing and low-rise apartment housing over three phases, known as Terreno. Development is concentrated on the west side of the lot between the western property line and the existing gas utility right-of-way. The proposed development area is approximately 7.0 hectares, with the remaining 18.4 hectares to be dedicated to the City for park and transportation purposes or protected as open space under restrictive covenant. The units are divided between four general clusters on three proposed properties.

<b>Lot Description</b>	<b>Location</b>	<b>Units</b>	<b>Site Features</b>
Lot A (Phase I) 1.85 ha (4.57 ac)	North of McCurdy Road extension	45 unit apartment building 9 townhouse units	South-facing draw and tributary of Mill Creek along southern boundary
Lot B (Phase II) 1.31 ha (3.24 ac)	South of McCurdy Road extension	24 unit apartment building	North-facing slopes and draw
Lot C (Phase III) 3.87 ha (9.56 ac)	Knoll to southern development boundary	27 unit apartment building 18 unit apartment building 30 townhouse units	Well-defined knoll in the north portion and south-facing draw in the south portion

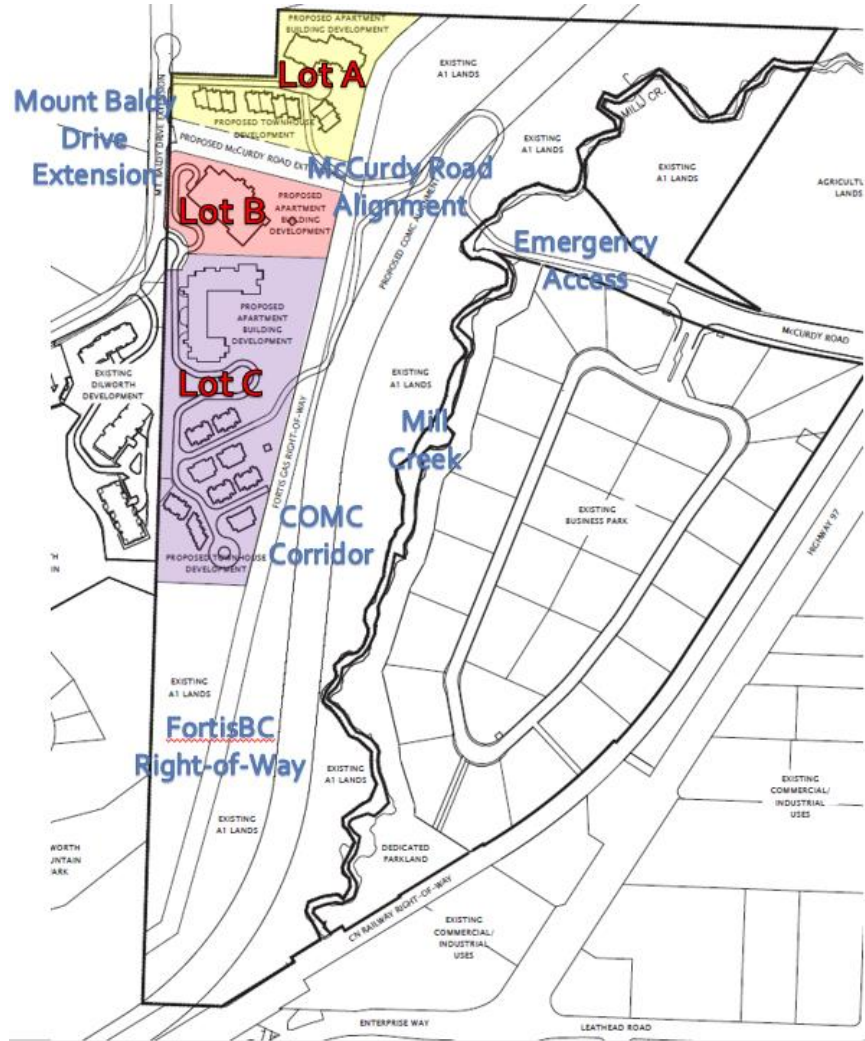
The applicant will be responsible for constructing and dedicating an extension of Mount Baldy Drive along the frontage of this development, and this will serve as access for all three lots. Strata roads will connect the various development clusters within the site, with an emergency access road across Mill Creek to the existing terminus of McCurdy Road to the east.

The alignment of McCurdy Road through the subject property will be dedicated to the City, and the applicant will pay cash-in-lieu for the construction of this portion of McCurdy Road to full arterial standard. Until such time that construction is warranted, it will remain as an emergency access, which also provides a pedestrian and cycling connection to Highway 97 and rapid transit service.

In addition to the dedication of the McCurdy Road extension, the remaining land will be dedicated to the City under the existing REP designation and A1 zone. This will serve both park and transportation purposes, with parkland along Mill Creek and land for the future COMC alignment, which is planned to run north-south through the property between the gas utility right-of-way and Mill Creek. The undevelopable land south of Lot C may either be dedicated to the City or be retained in private ownership with restrictive covenants to prohibit development on these steep slopes.

The development and road network have been designed and sited to minimize impacts on the prominent hillside and the natural environment. Grading will be minimized and suitable landscaping will be required to mitigate the visual impact where exposed cuts or fill slopes are needed. The building design will be sensitive to the hillside context, featuring reduced massing and increased building articulation in accordance with the RHM<sub>4</sub> zone and applicable design guidelines. Significant riparian restoration will also be required along Mill Creek to compensate for the environmental impacts of the development and extension of McCurdy Road.

Based on preliminary engineering work, water and sanitary services are expected to be extended from Highway 97 along the future McCurdy Road alignment to service the property. The site is within the Black Mountain Irrigation District (BMID) water service area, and a booster station is needed to provide adequate flows to the site. The development is expected to tie into new City sanitary infrastructure at the intersection of Highway 97 and McCurdy Road.



#### 4.3 Site Context

The subject property is located in the City's Highway 97 Sector between the Dilworth Mountain development to the west and Mill Creek to the east. The property is approximately 25.4 ha (62.8 ac) in area and is undeveloped, aside from some farm buildings in the northeast portion that were part of the original Marshall Feedlot. The property contains a mix of knolls and draws in the west, steep slopes through the centre, and relatively flat land in the east towards Mill Creek. The property is bisected by a statutory right-of-way for a FortisBC gas pipeline, which runs roughly parallel to the Creek.

The majority of the property is located within the PGB, with the exception of the northeast portion. All proposed development is within the limits of the PGB. Additionally, most of the property east of the utility right-of-way is within the Agricultural Land Reserve (ALR), and no development is proposed in this area.

The subject parcel has Future Land Use designations of REP – Resource Protection Area and PARK – Major Park and Open Space, and is currently zoned A1 – Agriculture 1. Adjacent land uses are as follows:

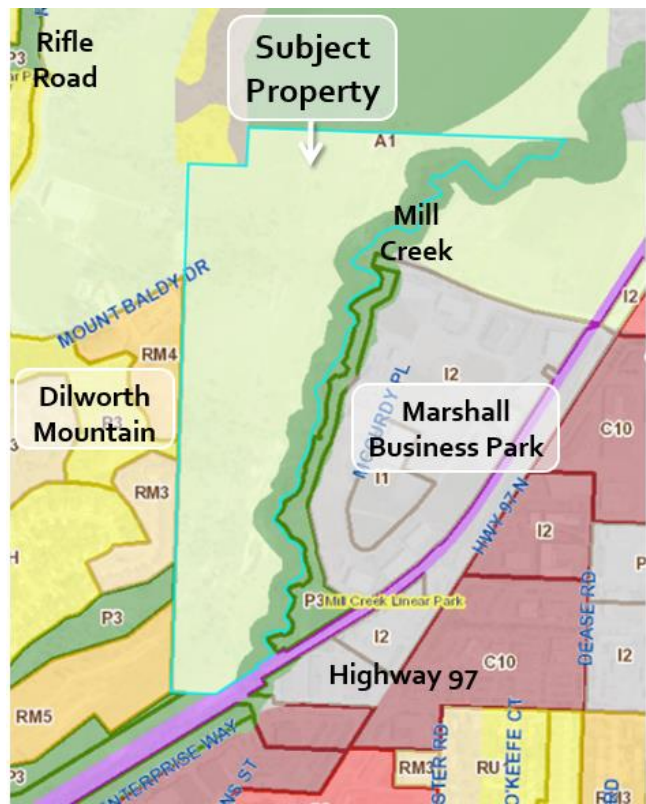


Orientation	Zoning	Land Use
North	A1 – Agriculture 1	Open space
East	A1 – Agriculture 1	Mill Creek Agriculture
	P3 – Parks and Open Space	Mill Creek Linear Park
	I2 – General Industrial	Industrial (Marshall Business Centre)
South	A1 – Agriculture 1	Open space
	A1 – Agriculture 1	
	P3 – Parks and Open Space	
West	RM5 – Medium Density Multiple Housing	Vacant land
	P3 – Parks and Open Space	Dilworth Mountain Park
	RM3 – Low Density Multiple Housing	Multiple dwelling housing (Monashee Rise townhouses)
	RM4 – Transitional Low Density Housing	Multiple dwelling housing (Dilworth Heights apartments)
	A1 – Agriculture 1	Agriculture

Map 1: Subject Property



Map 2: Surrounding Designations &amp; Zoning





## 7.0 Current Development Policies

### 7.1 Kelowna Official Community Plan (OCP)

#### *Chapter 5: Development Process*

#### **Objective 5.2 Develop sustainably.**

**Policy 5.2.3 Complete Suburbs.** Support a mix of uses within Kelowna's suburbs (see Map 5.1 - Urban Core Area), in accordance with "Smart Growth" principles to ensure complete communities. Uses that should be present in all areas of the City (consistent with Map 4.1 - Future Land Use Map), at appropriate locations, include: commercial, institutional, and all types of residential uses (including affordable and special needs housing) at densities appropriate to their context. Building heights in excess of four storeys will not be supported within the suburban areas, unless provided for by zoning existing prior to adoption of OCP Bylaw 10500.

**Policy 5.2.4 Complete Communities.** Support the development of complete communities with a minimum intensity of approximately 35 - 40 people and/or jobs per hectare to support basic transit service - a bus every 30 minutes.

#### **Objective 5.3 Focus development to designated growth areas.**

**Policy 5.3.1 Permanent Growth Boundary.** Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. The City of Kelowna will support development of property outside the Permanent Growth Boundary for more intensive use only to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except for Agri-Business designated sites or as per Council's specific amendment of this policy. The Permanent Growth Boundary may be reviewed as part of the next major OCP update.

**Policy 5.3.2 Compact Urban Form.** Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

**Policy 5.3.3 Phasing.** Require development to proceed in a logical, sequential order, concurrently with availability of required urban services.

**Objective 5.10 Ensure opportunities are available for greater use of active transportation and transit to: improve community health; reduce greenhouse gas emissions; and increase resilience in the face of higher energy prices.**

**Policy 5.10.1 Maximize Pedestrian / Cycling Connectivity.** Require that pedestrian and cyclist movement and infrastructure be addressed in the review and approval of all City and private sector developments, including provision of sidewalks and trails and recognition of frequently used connections and informal pedestrian routes. With new developments, require dedication of on-site walking and cycling paths where necessary to provide links to adjacent parks, schools, transit stops, recreation facilities, employment nodes, cul-de-sacs and large activity areas.

#### **Objective 5.14 Provide parks for a diversity of people and a variety of uses.**

**Policy 5.14.2 Dedication of Linear Parks.** At subdivision and rezoning for all development types secure a minimum 10-metre wide linear corridor for public access as included in Table 5.1 Linear Park – Public Access and/or are shown on Map 5.9 – Linear Corridors / Paths. The 10-metre wide corridor may be in addition to,

and outside, any riparian management area requirements imposed through the Environmental Development Permit (see Chapter 12) requirements of the OCP. On the private property side of the public access corridor, the City may, as necessary, consider stipulating additional “no disturb” zones. Lot line adjustments or other subdivision applications not resulting in the creation of new lots suitable for the construction of buildings permitted under the applicable zoning will be considered exempt from this policy. Linear trail corridors can have the following tenure which will be determined by staff at the time of subdivision or rezoning:

- Titled property in the name of the city as a park, protected area, or
- Road reserve right of way; or
- Statutory right of way.

**Objective 5.15 Ensure environmentally sustainable development.**

**Policy 5.15.3 Environmentally Sensitive Area Linkages.** Ensure that development activity does not compromise the ecological function of environmentally sensitive areas and maintains the integrity of plant and wildlife corridors.

**Policy 5.15.12 Steep Slopes.** Prohibit development on steep slopes (+30% or greater for a minimum distance of 10 metres) except where provided for in ASPs adopted or subdivisions approved prior to adoption of OCP Bylaw 10500.

**Policy 5.15.13 Access Through Steep Slopes.** Discourage roads (public or private) through +30% slope areas intended to access lands beyond, except in cases where it can be demonstrated the road will be sensitively integrated (visual and aesthetic impacts minimized) with the natural environment and will present no hazards to persons or property, environmental threats or unreasonable servicing or maintenance challenges.

**Objective 5.22 Ensure context sensitive housing development.**

**Policy 5.22.1 Cluster Housing.** Require new residential development to be in the form of cluster housing on / or near environmentally sensitive areas and areas of steeper slopes to lessen site disturbance and environmental impact on those areas identified on the Future Land Use Map 4.1 as single-two unit residential hillside. Steeply sloped areas should be retained as natural open space, public or private. The intent of the clustering would be to preserve features identified through the Development Permit process that otherwise might be developed and to maximize open space in order to:

- a. Protect environmentally sensitive areas of a development site and preserve them on a permanent basis utilizing the most appropriate tools available;
- b. Facilitate creative and flexible site design that is sensitive to the land’s natural features and adaptive to the natural topography;
- c. Decrease or minimize non-point source (i.e. asphalt roofs, driveways and parking) pollution impacts by reducing the amount of impervious surfaces in site development;
- d. Promote overall cost savings on infrastructure installation and maintenance; and
- e. Provide opportunities for social interaction, walking and hiking in open space areas.

**Policy 5.22.11 Housing Mix.** Support a greater mix of housing unit size, form and tenure in new multi-unit residential and mixed use developments.

**Objective 5.33 Protect and enhance local agriculture.**

**Policy 5.33.1 Protect Agricultural Land.** Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.

**Objective 5.39 Ensure all development is consistent with the vision, goals and objectives of the OCP.**

**Policy 5.39.2 Servicing Plan.** The 20 Year Servicing Plan and Financing Strategy has been developed assuming that growth will occur as noted in this Official Community Plan. Development in locations or of types not anticipated in this plan may trigger a requirement for an impact study to be prepared at developer expense so that impacts on the 20 Year Servicing Plan and Financing Strategy can be identified and addressed. The impact studies, may include, but will not necessarily be limited to preparation of advance road plans that identify all vehicle, transit, cycle route, and trail linkages and provide a mix of trail, local, collector and major roads necessary to create a balanced road system on and off-site.

### ***Chapter 7: Infrastructure***

**Objective 7.8 Provide more active transportation infrastructure to: increase resilience in the face of higher energy prices; improve community health; and reduce greenhouse gas emissions.**

**Policy 7.8.3 New Residential Developments.** Ensure that new residential developments and subdivisions have active transportation links to the nearest arterial or major collector roads at developer cost.

**Policy 7.8.9 Utility and R.O.W. Corridors.** Seek cooperation for the pedestrian / bicyclist use of utility and right-of-way corridors. Should the right-of-way no longer be needed for utility purposes, the City would seek to preserve these corridors for future linear paths as part of the pedestrian and bicycle networks.

**Objective 7.12 Provide active and passive parks for a diversity of people and a variety of uses.**

**Policy 7.12.2 Natural Area Parks and Open Space.** Provide a city-wide network of natural area parks which meet the following criteria:

- Contains representative Okanagan ecosystems;
- Contains areas of outstanding natural beauty (including areas with high visual sensitivity and high visual vulnerability, such as rocky outcrops, ridge lines, silt slopes, canyons, and water edges);
- The land area is contiguous and forms part of a larger open space network
- Contains conservation areas;
- Protects viewshed corridors; and
- Where appropriate, trails which maximize public safety while minimizing human impact on the most sensitive and vulnerable areas.

To achieve the above, the City will need to acquire land. In determining what land to acquire, the City will assess:

- Costs / benefits to ensure the City is receiving a public asset, rather than a maintenance liability;
- Liability from natural and manmade natural hazards (falling rocks, debris, hazardous trees, fuel modification etc.) to ensure hazards are mitigated in advance of acquisition;
- Maintenance access to ensure it is acceptable; and
- Opportunities for linear trails, view points, staging areas etc. to ensure availability of a public recreation component.

## 8.0 Technical Comments

### *Development Engineering*

- See Attachment 3: Schedule "A" dated May 29, 2017.

### *Fire Department*

- No concerns with zoning. Will comment on each development stage of the various proposed properties.

### *FortisBC – Electric*

- There are FortisBC Inc (Electric) primary distribution facilities along Mt. Baldy Drive and McCurdy Road. However, due to the size and configuration of the subject property, it is likely that extension work will be required to bring service to potential building sites, the cost of which may be significant. To date, arrangements have not been completed to meet the requirements to service the proposed development. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.

### *FortisBC – Gas*

- Please be advised FortisBC has reviewed the above mentioned referral. Please be advised that we have no objection to this proposal. It has been noted that there are a few proposed access road crossings over FortisBC right-of-way. The proposal for construction of these access roads will require an engineering analysis and may require a pipeline inspection/upgrade. All costs must be borne by the applicant. In order to assess the proposal to construct the access roads, please kindly provide the following:
  - Geotechnical report should confirm the depth of the gas pipeline, soil types involved and confirm the impact of the proposed works over the gas pipeline in terms of vertical and horizontal ground movement.
  - How will the proposed works affect the gas pipeline in totality.
  - Provide complete civil drawings showing plan and profile view in relation to FortisBC gas pipeline.
  - Cross-sections in relation to FortisBC gas pipeline.
  - Design elevations.
- In order to construct the access roads, the FortisBC transmission pressure gas pipeline needs to be inspected and/or upgraded. Since the works are initiated by the applicant, all costs will be borne by the applicant.
- Geo-technical investigation works will be required to get the above data. Please kindly submit a permit application through our new and quick automated permit system at [www.fortisbc.com/rightofway](http://www.fortisbc.com/rightofway). If you have any questions please call 1-877-599-0996. A FortisBC inspector must be onsite during all works. FortisBC suggests that investigation works are done on top of the gas pipeline at every 10m but it is up to the discretion of the applicant/contractor.
- The customer will need to apply for a permit within 10m or crossing the transmission pressure pipeline or within the right of way. They can use our new system at [www.fortisbc.com/rightofway](http://www.fortisbc.com/rightofway). No blasting, rock hammering activities should be done within the

vicinity of the FortisBC gas pipeline. The stockpiling of excavated building or other materials within the right of way is prohibited. There is no deterioration of soil stability or drainage patterns within or adjacent to the right of way. No preloading within or adjacent to the right of way.

#### *Interior Health*

- An initial review has been completed and no health impacts associated with this proposal have been identified. As such, our interests are unaffected by this development proposal.

#### *Parks & Buildings Planning*

- See Attachment 4: Schedule "B" dated June 28, 2017.

#### *Ministry of Transportation and Infrastructure*

- Preliminary Approval is granted for the rezoning for one year (from October 27, 2016) pursuant to Section 52(3)(a) of the *Transportation Act*.

#### *School District No. 23*

- No objections to the application as proposed. If approved and moves forward to building permit phase, it will trigger the School Site Acquisition Charge which applies to residential development where new (additional) residential lots or dwellings are created through subdivision or new construction. Further details on the charge can be found in Division 10.1 of the *Local Government Act*.

### **9.0 Application Chronology**

Date of Application Received: May 19, 2016  
Date Public Consultation Completed: July 31, 2017

**Report prepared by:** Laura Bentley, Planner II

**Reviewed & Approved for  
Inclusion by:** Ryan Smith, Community Planning Department Manager

#### **Attachments:**

Attachment 1: Map "A" OCP Amendments  
Attachment 2: Map "B" Rezoning  
Attachment 3: Schedule "A" Development Engineering Memorandum  
Attachment 4: Schedule "B" Parks & Buildings Planning Memorandum  
Attachment 5: Zoning Bylaw Text Amending Bylaw No. 10876  
Attachment 6: Proposed Development Plan  
Attachment 7: Public Information Meeting Report