

# Memo

**DATE:** February 11, 2010  
**TO:** City Manager  
**FROM:** Community Sustainability Division



**APPLICATION NO.** OCP09-0002 / Z09-0010      **OWNER:** Marshall Business Centre Inc.

**AT:** 2755 McCurdy Road      **APPLICANT:** Stantec Consulting Ltd.  
(M. Skolbolski)

**PURPOSE:** TO AMEND THE OCP FUTURE LAND USE DESIGNATION OF THE SUBJECT PROPERTY FROM THE EXISTING RURAL / AGRICULTURE DESIGNATION TO THE PROPOSED MULTIPLE UNIT RESIDENTIAL - HIGH DENSITY DESIGNATION;

TO REZONE THE SUBJECT PROPERTY FROM THE EXISTING A1 - AGRICULTURE 1 ZONE TO THE PROPOSED P3 - PARKS AND OPEN SPACE ZONE AND THE RM6 - HIGH RISE APARTMENT HOUSING ZONE TO PERMIT DEVELOPMENT OF 1,500 APARTMENT AND TOWNHOUSE UNITS

**EXISTING OCP DESIGNATION:** RURAL / AGRICULTURE & MAJOR PARK - OPEN SPACE

**PROPOSED OCP DESIGNATION:** RURAL / AGRICULTURE, MULTIPLE UNIT RESIDENTIAL - HIGH DENSITY, & MAJOR PARK - OPEN SPACE

**EXISTING ZONE:** A1 - AGRICULTURE 1

**PROPOSED ZONES:** A1 - AGRICULTURE 1  
RM6 - HIGH RISE APARTMENT HOUSING AND  
P3 - PARKS AND OPEN SPACE

**REPORT PREPARED BY:** Paul McVey

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## 1.0 RECOMMENDATION

THAT OCP Bylaw Amendment No. OCP09-0002 to amend Map 19.1 of the *Kelowna 2020* - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of a part of Lot 1, DL 124 & 415, O.D.Y.D. Plan KAP84653, located at 2755 McCurdy Road, Kelowna, B.C., from the current Rural Agriculture & Major Park - Open Space designations to the proposed Rural Agriculture, Multiple Unit Residential - High Density & Major Park - Open Space designation, as shown on Map "A" attached to the report of Land Use Management Department, dated February 11, 2010, NOT be considered by Council;

AND THAT Rezoning Application No. Z09-0010 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a part of Lot 1, DL 124 & 415, O.D.Y.D. Plan KAP84653, located at 2755 McCurdy Road, Kelowna, B.C. from A1 - Agriculture 1 to the A1 - Agriculture 1, RM6 - High Rise Apartment Housing zone and P3 - Parks and Open Space Zone as shown on Map "B" attached to the report of Land Use Management Department, dated February 11, 2010, NOT be considered by Council;

## 2.0 SUMMARY

The applicant is proposing to develop the non-ALR portion of the subject property with a phased development of ~1500 multiple-unit residential dwelling units. As the OCP Future Land Use Map currently designates the majority of the subject property as Rural / Agricultural, a change to the Multiple Unit Residential - High Density designation is requested. Accordingly, the proposal is to rezone the non-ALR portion of the subject property to the RM6 - High Rise Apartment Housing zone to facilitate the development of the multi-family housing units.

The Official Community Plan and rezoning applications are being forwarded to Council for consideration prior to a full detailed technical review of the applications. Staff and APC are not supportive of the proposal, which, as a proposed three increment increase in density, is a significant departure from the current Rural/Agricultural future land use designation. Should Council choose to favourably consider these applications, a comprehensive review and analysis of the environmental impacts and the impact on the Financing and Servicing Plan would be necessary prior to final adoption of the amending bylaws, as the proposed density is outside of the anticipated growth for this area.

## 3.0 ADVISORY PLANNING COMMISSION

At a meeting held on September 1, 2009, the APC passed the following motion:

THAT the Advisory Planning Commission NOT support Official Community Plan Application No. OCP09-0002, for 2755 McCurdy Road; Lot 1, Plan 84653, Secs. 27, 28, 33 & 34, Twp. 26, ODYD; to amend the OCP Future Land Use designation from Major Park and Open Space and Rural/Agriculture designation to the proposed Major Park And Open Space and Multiple Unit Residential-High Density designation.

### **Anecdotal Comments:**

The Advisory Planning Commission did not support this application because:

- The Servicing Plan and Financing Strategy would need to be revised and doing so outside of the current OCP Review would be premature;
- The scale of this development should not be considered an 'amendment', but should rather defer to the on-going comprehensive OCP review process;
- Environmental considerations for this site have not been adequately addressed or mitigated;
- Density of this scale should be in an Urban Centre where other urban amenities, services, and transit can support this residential use more sustainably.

*\*Due to non-support of the OCP Amendment, the Rezoning Application was not considered.*

#### 4.0 BACKGROUND

The subject property was once part of the former “Marshall Feed Lot” lands. A portion of the site (situated between Mill Creek and Highway 97) has been developed in compliance with the OCP as the “Marshall Business Centre” - a 32 lot bareland strata industrial development.

##### 4.1 Site Context

The subject property is approximately 25 ha in size and is located to the west of Mill Creek and east of the “Dilworth Mountain” residential development. The property is undeveloped except for several buildings that were part of the former “feed lot” operation and located near Mill Creek.

The slope and aspect of the property is highly variable, incorporating east, north and south facing slopes, gullies, and moderately flat areas with portions of the site still relatively in tact and natural in character. The property is sharply sloping down from west to east towards Mill creek, and is bisected by the Terasen Gas transmission line, which runs through the property diagonally in a north - south direction. This property is also the location of a substantial section of the “Central Okanagan Multi-Modal Corridor”, which is proposed to be located near Mill Creek. The property also has several “draws” which slope down towards Mill Creek in an east - west orientation.

#### 5.0 PROPOSAL

The development plan contemplates the creation of 1,500 residential units with the proposed housing types ranging from stacked townhouse style units up to high rise apartment housing units. The site is proposed to be developed in 4 phases to include the construction of 8 buildings, ranging in height from 8 to 13 storeys. The concept plans submitted indicate access to the development sites occurring from the upland areas located to the west of the subject property. This access will connect to an extension of Mount Baldy Road, which will tie into Rifle Road.

The applicant has provided consultant reports for: Traffic Impact Study, Visual Impact Study, Geotech Hazard Assessment, Terrain Stability Mapping, Environmental Impact Assessment, and a Wildland Fire Management Assessment. All of these reports require detailed inter-departmental review and analysis against the standard Terms of Reference should the OCP and rezoning Applications be given favourable consideration.

##### 5.1 Environment Background

The proposed buildings are conceptually sited to lessen impact on the environmentally sensitive area as much as possible. However, it is acknowledged that there will be inevitable impacts on the Environmentally Sensitive Areas, which will have to be dealt with through either mitigation or compensation as identified in the corresponding environmental assessment report.

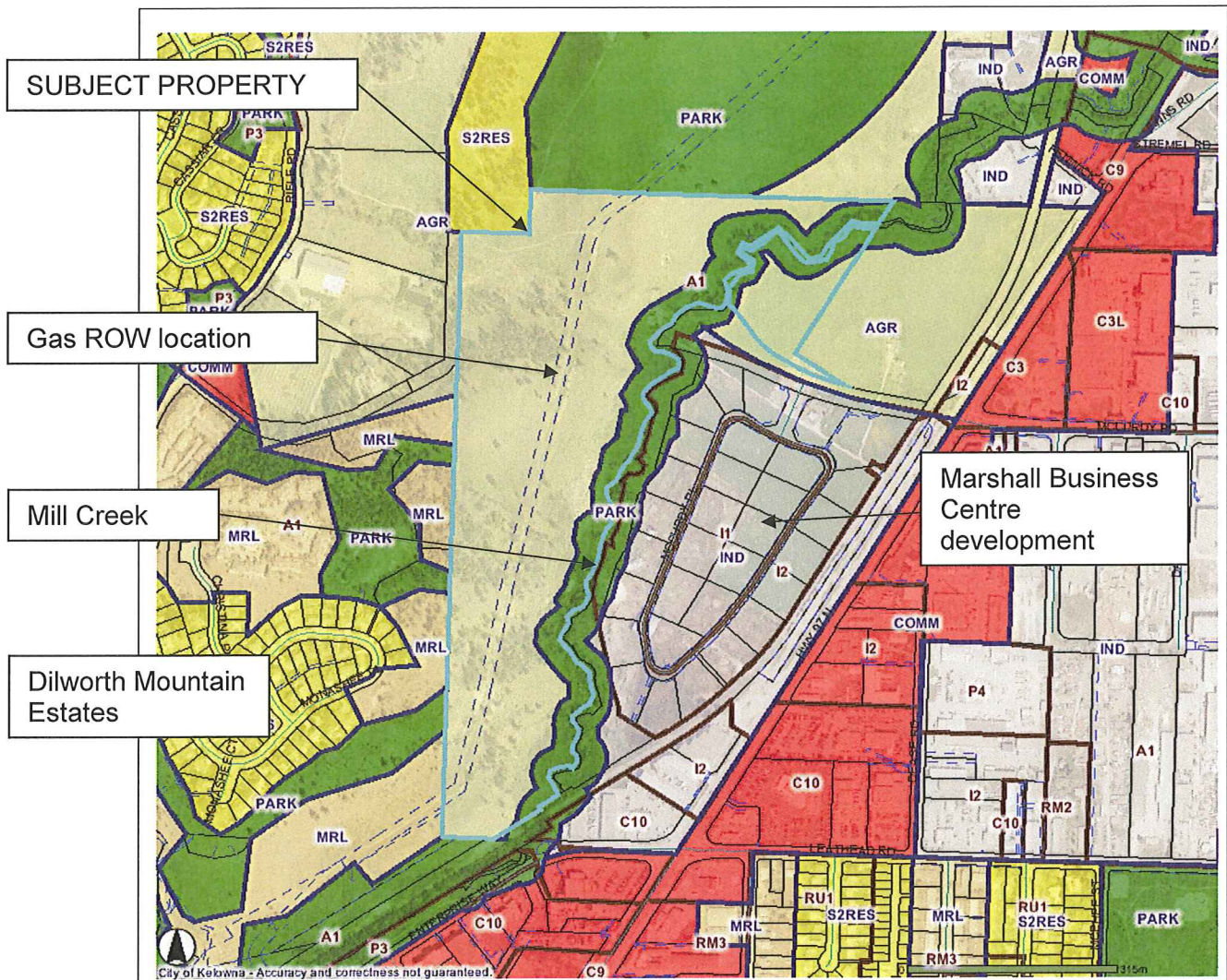
The environmental consultants impact assessment map indicates that approximately 21,100m<sup>2</sup> of the 80,245m<sup>2</sup> residential development site area is located in an area identified as “high environmentally sensitive area (ESA)” value and would be required to provide both mitigation and compensation for development in these areas. These areas are identified as “High ESA” owing to their “red-listed” Bluebunch wheatgrass - Balsamroot community in that location.

The 'Environmental Sensitivity Analysis' provided by Ecoscape Environmental Consultants (dated July 2008) was based on a habitat and wildlife suitability criteria index that evaluates habitat potential to objectively determine the environmental sensitivity for each identified ecosystem. Based on this index, it was reported that 23.7% of the subject property falls within the *very high* sensitivity category (ESA 1), 23.0% has *high* sensitivity (ESA 2), and 46.4% is within the *moderate* sensitivity category (ESA 3), and 6.9% categorized as low sensitivity (ESA 4).

Additionally, the environmental assessment report identified approximately 26% or 21,100m<sup>2</sup> of the area proposed for development occurring within those areas rated as "High ESA". The developer proposes to compensate by leaving 100,795 m<sup>2</sup> as green-space. These values and compensation proposals have not been assessed by City staff, and would be subject to Natural Environment Development Permit requirements that have yet to be evaluated.

5.1 SUBJECT PROPERTY MAP:

2755 McCurdy Road



Adjacent zones and uses are to the:

- North - A1 - Agriculture 1 - vacant land (including ALR status)
- East - I2 - General Industrial - Marshall Business Centre development & A1 - Agriculture 1 (including ALR status)
- South - A1 - Agriculture 1 - Railway, P3 - Parks and Open Space, and C10 - Service Commercial
- West - A1 - Agriculture 1 / Dilworth Mountain (LUC74-57)

## 6.0 CURRENT DEVELOPMENT POLICY

Staff recommends that the APC public process should be considered appropriate consultation for the purpose of Section 879 of the *Local Government Act*, and that the process is sufficiently early and does not need to be further ongoing in this case. Furthermore, additional consultation with the Regional District of Central Okanagan, other boards, councils or agencies listed in Section 879, is not required in this case.

Staff have reviewed this application, and it may **not** move forward without affecting either the City's Financial Plan or Waste Management Plan. Recognizing that this area is currently outside the existing service area of the OCP, there will be an impact to the 20 Year Servicing Plan and Financing Strategy that will require a review to determine the scope of impact of additional development in this area.

### 6.1 Kelowna Official Community Plan

The Kelowna Official Community Plan designates the subject properties as Rural / Agricultural future land use and Major Park & Open Space, designations which are **not** consistent with the proposed RM6 - High Rise Apartment Housing zone.

The following OCP Policies are impacted by the proposed development:

#### 7.1 Hillside Policies

**Hazardous Condition Review.** Ensure that all development and activities in hillside areas are reviewed for compliance with City engineering standards, safety and protection and refer applications to the Province in accordance with applicable requirements.

**Alternative Hillside Standards.** Consider, within the context of a Hazardous Condition Development Permit, alternative hillside development standards within Zoning Bylaw 8000 and the Subdivision, Development and Servicing Bylaw 7900. The intent is to minimize the effects of development on the natural environment of hillside areas, defined as lands in their natural state that have a slope angle of 10 % and greater for a minimum height of 6 metres while preserving areas with slopes of 30 % and greater. Effects to be minimized may include cuts and fills, tree cutting, regrading and the visual impact in general of urban development on hillsides;

**Visual Impact.** Retain the option of requiring those pursuing development of visually prominent slopes and ridgelines to submit a report providing information on the anticipated aesthetic impacts of the proposed development.

## **7.8 Aquatic Habitat Protection and Compensation Policies**

**No Net Loss.** The principle of ‘no net loss/net gain’ with respect to land use decisions that affect aquatic habitat” shall be practiced, “this means that no individual land use or development project should result in a net loss in aquatic habitat productivity, and that the City will strive for a net gain in overall productivity throughout the city’s aquatic habitats in the long term”.

**Unacceptable Environmental Impacts.** Not support trade-off of unacceptable environmental effects for economic gain (e.g. development projects will be directed to locations and / or design options that avoid impacts to environmentally sensitive areas). Support only those planning and development trade-offs that will result in substantial, long-term net positive production benefits for aquatic habitat;

## **7.10 Natural Environment Policies**

**Retention of Natural Areas.** Encourage all development and infrastructure projects to conserve wetlands, wildlife habitat, trees or other indigenous vegetation. Encourage alternative development methods, such as considering increasing density, narrowing right-of-ways, or cluster housing;

**Wetland Buffers.** Encourage the retention and use of wetlands as natural buffers between urban and rural uses;

## **8.1. Housing Policies**

**Note:** The proposal is beyond the scope considered for Affordable Housing as it is a *THREE* increment increase in density and is proposing Multiple Unit Residential (High Density).

However, even if the proposal were for a *two* increment increase in density to Multiple Unit Residential (Medium Density) the OCP Policy states that 75% of the housing would need to meet the City’s definition of affordable housing and/or core needs housing as defined in the OCP (8.1.16 & 8.1.17).

## **14.1 Parks and Leisure Policies**

**Dedication of Natural Areas.** At time of subdivision or rezoning, encourage landowners, where appropriate, to dedicate any significant natural areas / features for preservation or for public use;

**Linear Park Dedications.** At subdivision for all development types and at rezoning for multiple unit housing, commercial, industrial and institutional developments, secure a 10-metre statutory right-of-way for public access where trails are included in Table 14.1 and/or are shown on Map 14.2. The 10-metre access corridor may be in addition to, and outside, any riparian management area requirements imposed through the Environment Chapters of the OCP. On the private property side of the public access corridor, the city may, as necessary, consider stipulating additional “no disturb” zones.

## 7.0 TECHNICAL COMMENTS

The application has been submitted to various technical agencies and City departments, whose comments are included as attachments to this report.

## 8.0 LAND USE MANAGEMENT COMMENTS

### 8.1 Environmental Matters

The subject property is within City of Kelowna Hazardous Condition and Natural Environment Development Permit Areas based on the fact that steep slopes and riparian areas are prevalent and Development Permits will be required prior to any site development occurring.

Notably, of the 25 ha property area, greater than 11 ha (~112,000 m<sup>2</sup>) is comprised of steep slopes. Steep slopes are herein defined as slopes greater than 30%, while the City has recently defined "Hillside Developments" as those exceeding 20%. The Geotechnical Hazard Assessment conducted on the property notes "three main geotechnical hazards that will impact safe build areas on the site" (Beacon Geotechnical Ltd. 2008, p. 6). According to Beacon Geotechnical Ltd., the geotechnical hazards originating on this hillside include:

- 1) steep to very steep slopes whereby development could potentially destabilize natural slopes and would require significant re-grading;
- 2) rock fall hazard involving fragments or large pieces of bedrock outcrops and steep bedrock bluffs; and,
- 3) seepage zones and saturated areas whereby development could induce settlement and cause lateral movement down the slope.

From an ecological perspective, this site exhibits a number of features which lend to protection and preservation, with limited development potential outside of the steep slopes and environmentally significant areas. The Mill Creek corridor is an important aquatic feature and also provides an important linkage for terrestrial wildlife. There is also a known portion of Mill Creek which is adjacent to the subject property and which is a good area for fish spawning and of highest priority in terms of protection. In terms of terrestrial wildlife, the area proposed for development contains a number of denning holes which could support the red listed badger. Previous environmental reporting supports the presence of a badger on this site. The natural ecosystem values are perhaps best illustrated by the Net Developable Areas Map (attached) which shows a net developable area of 7.9 hectares, or approximately 31% of the site area.

In light of the existing City policies, Land Use Management has significant environmental concerns with the proposed use and density. These concerns are largely based on the environmental assessment conducted by Ecoscape Environmental Consultants for the applicants which shows that 23.7% of this property falls within a very high sensitivity category while 23% falls within a high sensitivity category (ESA 2), which is nearly 47% if the land proposed for development, while only 6% has low sensitivity.

To understand how these two existing natural environment conditions affect the developability of the parcel, a GIS-based map has been developed to overlay the Hazardous Conditions (i.e. areas with slopes exceeding 30%) and Environmentally Sensitive Areas (ESA 1 & 2 as determined by Ecoscape ESA mapping). The 'Net Developable<sup>1</sup> Area Map' (see Map 'C' as attached) illustrates the areas which depict

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<sup>1</sup> **1** Net Developable Area = Gross Developable Area - (High and Very High ESA + >30% slopes).

both developable and non-developable areas. The result is a developable area of 79,030 m<sup>2</sup> (7.9 hectares), or 31.0% of the site area. However, as some of the net developable area (e.g. adjacent Mill Creek) occurs in small remnants of land that would not be practical to develop, this figure would be further reduced.

Since approximately 47% of the subject property has high or very high environmental sensitivity, in accordance with City Policy, it should be protected from development (i.e. grading and building upon) and impacts associated with development (e.g. noise, air and water pollution) by one or more instruments such as covenants or dedication as park. However, based on the proponent's best case scenario from an environmental perspective, 21,100m<sup>2</sup> of red listed (i.e. endangered species) Bluebunch wheatgrass; and approximately 2,788m<sup>2</sup> riparian corridor would be lost if this development proposal is approved. Each of these has very high environmental sensitivity and the riparian corridor has very high rates of net productivity from an ecosystem perspective.

## 8.2 Land Use Planning Matters

The proposed OCP amendment to change the Future Land Use from the Rural/Agricultural and Major Park/Open Space (along the Mill Creek corridor) designations to the Multi-Family Medium Density designation represents a 3 increment jump in density. The proposal is for ~1500 residential units designed as a blend of stacked townhouse style and apartment style units located in 8 buildings which range in height from 8 to 13 storeys. From an urban planning perspective, the proposal competes with many planning principles endorsed in the Official Community Plan, which include:

- The subject property is located outside of an Urban Centre, and a concentration of this number of dwelling units would impact the potential for growth in those areas that have been designated for this type of density. The form of development would be out of character for the area and the impact of residents on and adjacent to such high environmentally sensitive areas is not fully evaluated;
- Development of this height and scale would be more appropriate in an Urban Centre setting rather than a rural location, such as the subject property;
- The location of this site does not lend itself to be within a walkable distance to shopping, transit, schools, commercial retail or other amenities that promote urban vitality and sustainable planning practices, which aim to reduce GHG emissions by virtue of their location and other planning objectives;
- The environmental impacts of developing this site to the proposed density are substantial, and not fully understood with respect to proposed compensation and mitigation strategies for both aquatic and terrestrial ecosystem and host species;

Furthermore, development of this scale should not be considered independent of the current OCP review process. However, despite the receipt of these applications the draft 2030 OCP does not anticipate any change in the future land use designation beyond the existing Rural/Agriculture and Major Parks/ Open Space uses.

The scale and scope of this development proposal is a dramatic departure from the policy direction of the OCP. Therefore, based on the above noted environmental and planning concerns, the Land Use Management Department is not recommending support for this ~1500 unit high density residential development proposal.



Should Council choose to favourably consider this application, an alternate recommendation is provided below.

**NOTE - Should Council choose to favourably consider this application, further scrutiny of the following will be required:**

- Environmental reports provided to accompany this proposal require complete review and analysis by staff.
- Park requirements, which include the provision of two linear park corridors through the development site (one along Mill Creek and the other on the upland area of the site to connect Mount Baldy and Dilworth Mountain) will need to be reviewed in detail. This will also involve the identification of the “high” or “very high” environmentally sensitive areas and the protection of these areas as possible park land via ownership transfer to the City.
- As the current OCP growth strategy has not forecasted this scale of density within this City sector a detailed review of the impacts on the 20 Year Servicing Plan and Financing Strategy will need to be undertaken.
- Detailed review and analysis of the Traffic Impact Analysis.

#### 8.4 Alternate Recommendation

THAT OCP Bylaw Amendment No. OCP09-0002 to amend Map 19.1 of the *Kelowna 2020* - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of a part of Lot 1, DL 124 & 415, O.D.Y.D. Plan KAP84653, located at 2755 McCurdy Road, Kelowna, B.C., from the current Rural Agriculture & Major Park - Open Space designations to the proposed Rural Agriculture, Multiple Unit Residential - High Density & Major Park - Open Space designation, as shown on Map “A” attached to the report of Land Use Management Department, dated February 11, 2010, be considered by Council;

AND THAT Rezoning Application No. Z09-0010 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a part of Lot 1, DL 124 & 415, O.D.Y.D. Plan KAP84653, located at 2755 McCurdy Road, Kelowna, B.C. from A1 - Agriculture 1 to the A1 - Agriculture 1, RM6 - High Rise Apartment Housing zone and P3 - Parks and Open Space Zone as shown on Map “B” attached to the report of Land Use Management Department, dated February 11, 2010, be considered by Council;


AND THAT the OCP Bylaw Amendment No. OCP09-0002 and zone amending bylaw be deferred from a Public Hearing until Staff’s comprehensive review of the Environmental, Parks, Development Engineering, and Terasen Gas requirements have been fully assessed;

AND THAT the OCP Bylaw Amendment No. OCP09-0002 and zone amending bylaw be forwarded to a Public hearing for further consideration subsequent to the applicant completing a comprehensive assessment of supporting infrastructure, including parks, regarding potential impact of the proposed development and the cost to provide required upgrades, to the satisfaction of the City of Kelowna;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council’s consideration of a Development Permit and Development Variance Permit on the subject property;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Branch, Environment Branch, Parks Planning Branch, BMID, and Terasen Gas being completed to their satisfaction.

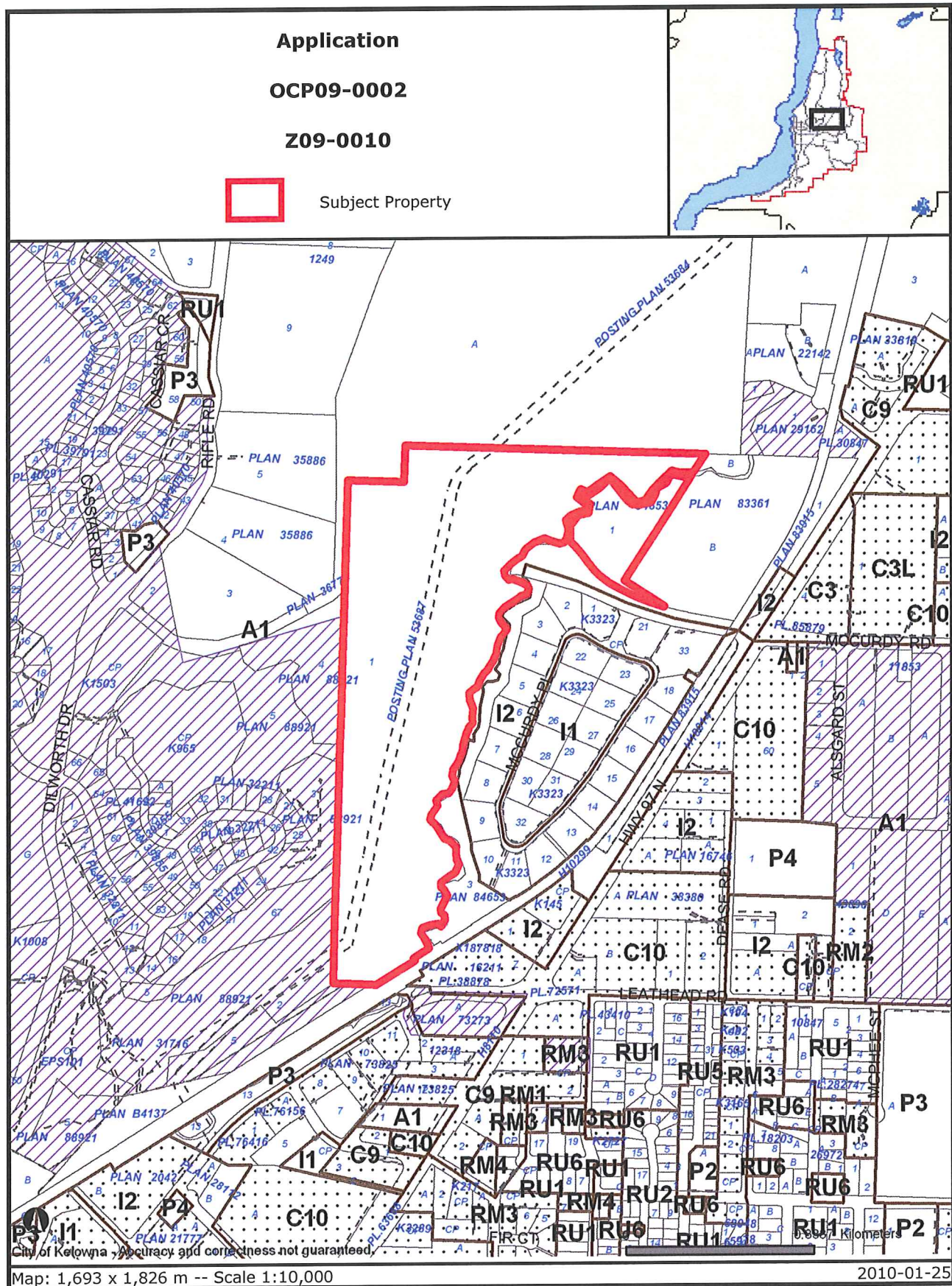
  
Shelley Gambacort  
Director of Land Use Management

Approved for Inclusion   
Jim Paterson  
General Manager, Community Sustainability

SG/DN/pmcv

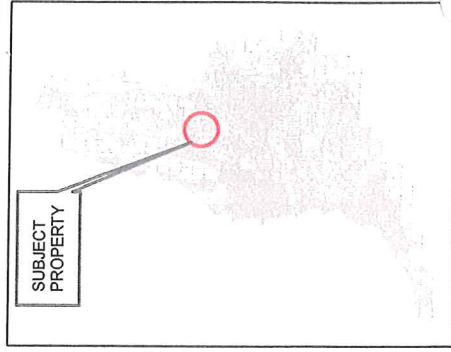
Attachments:

Subject Property Map  
Subject Property ALR Map  
Map "A" OCP Map changes  
Map "B" Zoning Map changes  
Map "C" Environmental Areas  
Proposed Site Plan  
Applicant Letter of rationale



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.  
 The City of Kelowna does not guarantee its accuracy. All information should be verified.

Map "A"



**LEGEND**

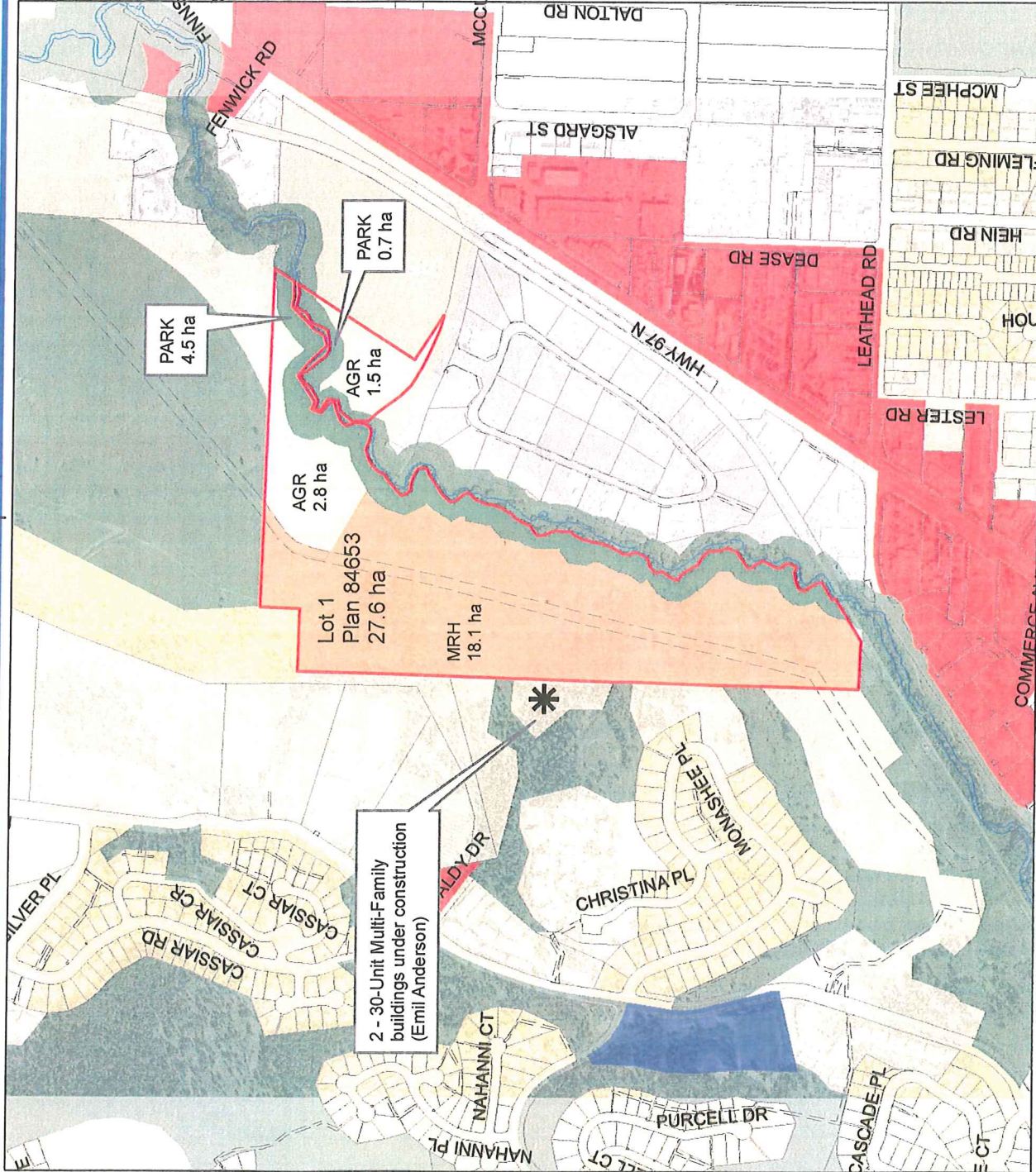
- COMMERCIAL
- EDUCATIONAL / MAJOR INSTITUTIONAL
- FIRST NATION RESERVE
- FUTURE URBAN RESERVE
- INDUSTRIAL
- MAJOR PARK / OPEN SPACE
- MULTIPLE UNIT RESIDENTIAL (CLUSTER HOUSING)
- MULTIPLE UNIT RESIDENTIAL (LOW DENSITY)
- MULTIPLE UNIT RESIDENTIAL (MEDIUM DENSITY)
- MULTIPLE UNIT RESIDENTIAL (HIGH DENSITY)
- PRIVATE RECREATION
- PUBLIC SERVICE / UTILITIES
- RURAL / AGRICULTURE
- SINGLE / TWO-UNIT RESIDENTIAL
- SUBJECT PROPERTY

Legal Description: Lot 1, Plan KAP84653,  
District Lot 124, 415,  
Osyoos Div of Yale Land District

1:10,000



October 10, 2008  
112720165

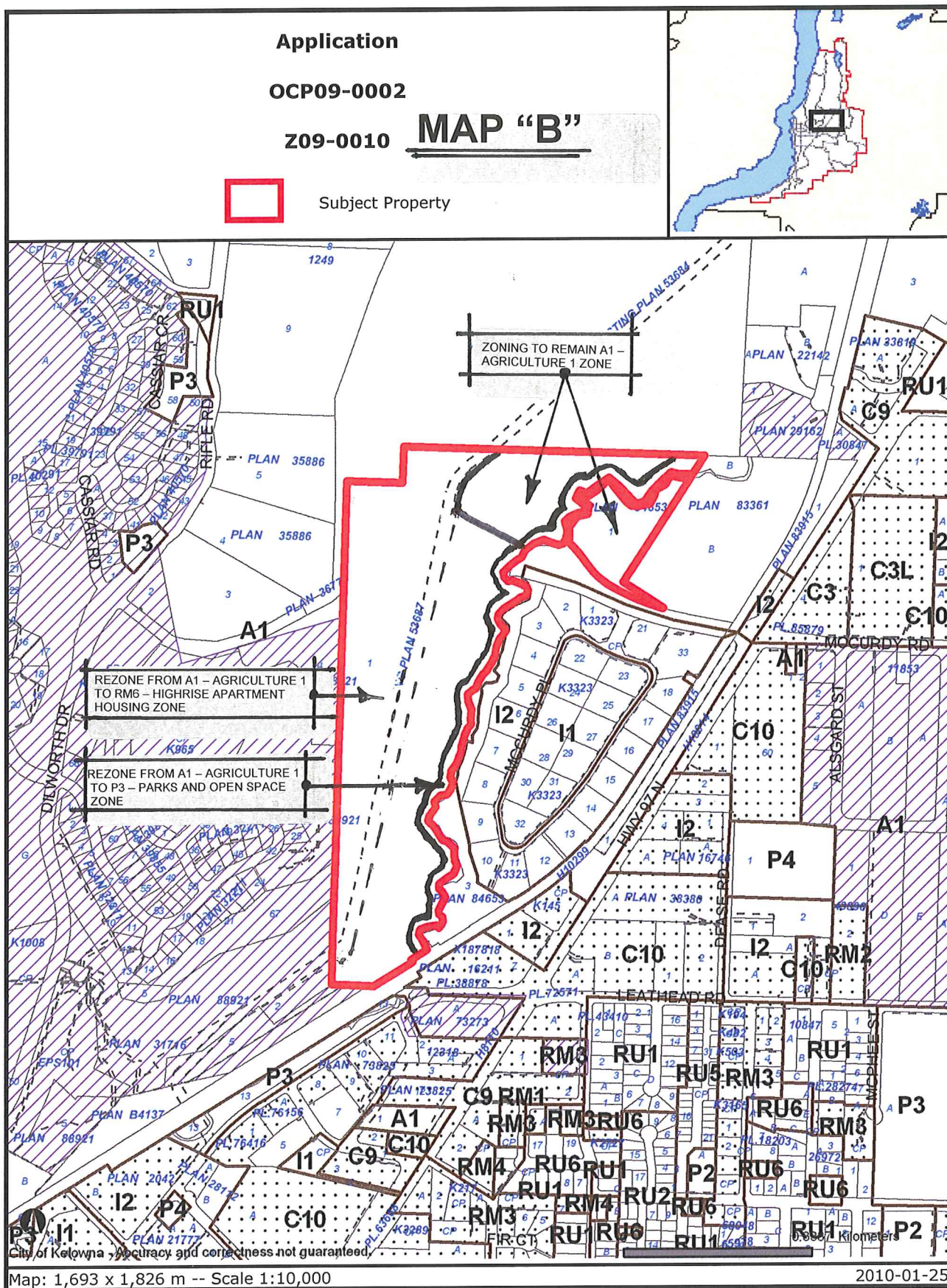


**PROPOSED FUTURE LAND USE (OFFICIAL COMMUNITY PLAN):**

- AGR - Rural / Agriculture - 4.3ha
- PARK - Major Park / Open Space - 5.2 ha
- MULTIPLE UNIT RESIDENTIAL (High Density) - 18.1 ha

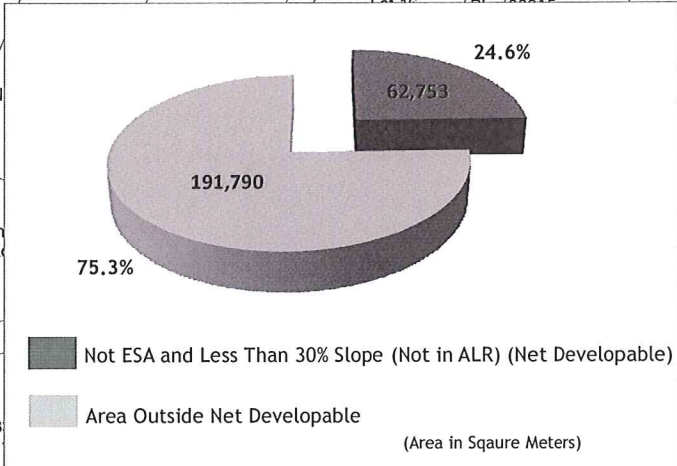
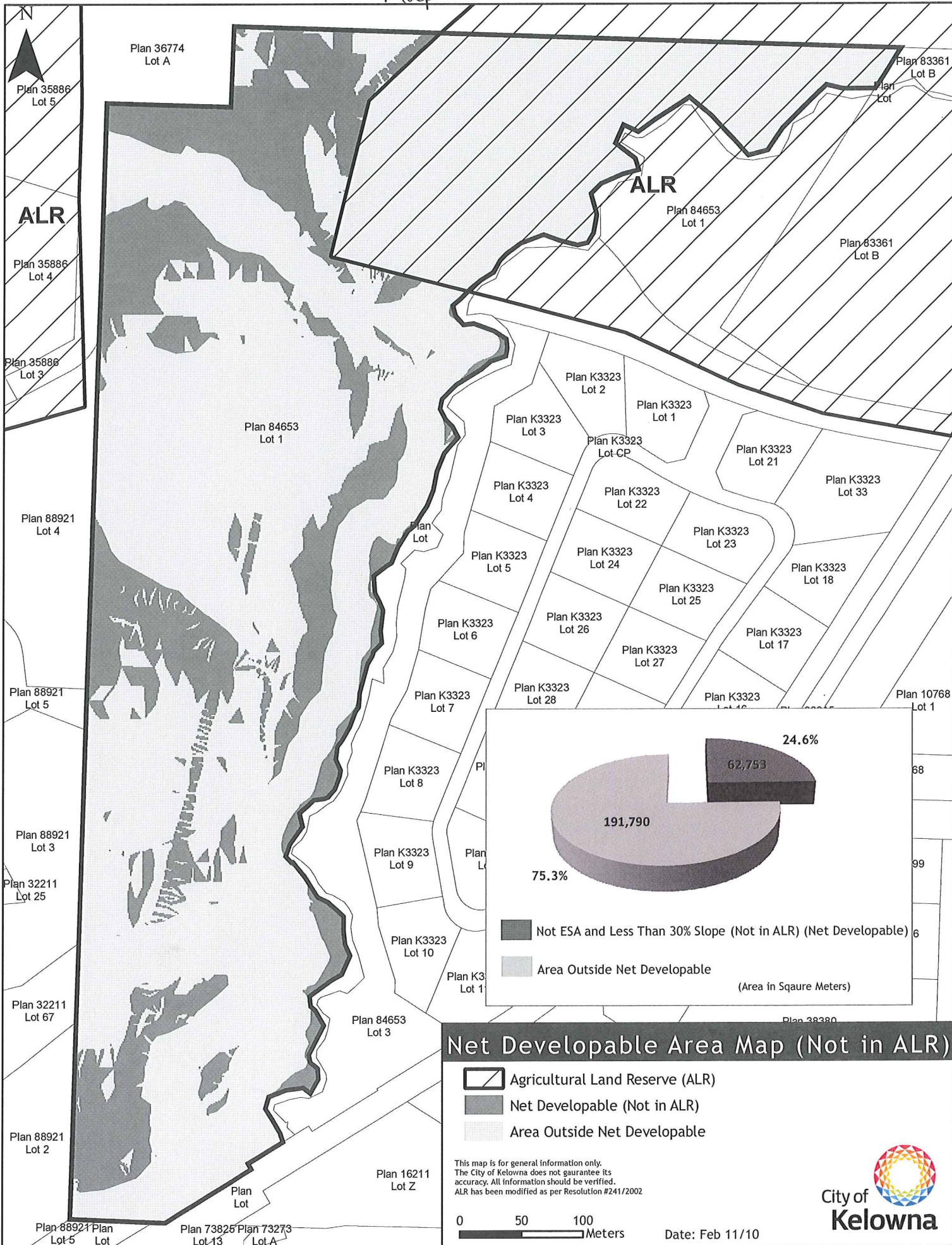


**Stantec**






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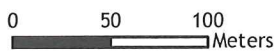
Map "c"



Net Developable Area Map (Not in ALR)

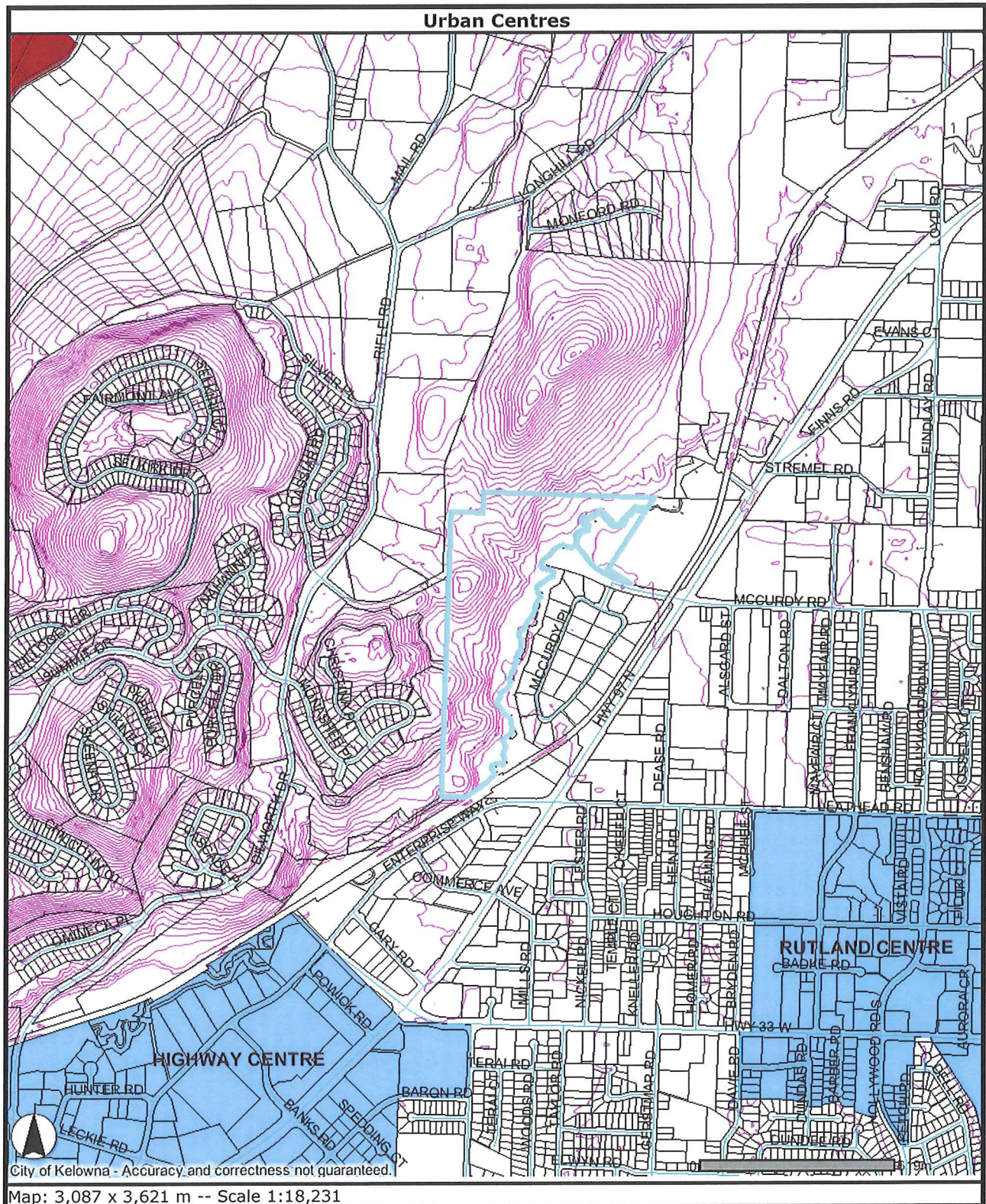
-  Agricultural Land Reserve (ALR)
-  Net Developable (Not in ALR)
-  Area Outside Net Developable

This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified. ALR has been modified as per Resolution #241/2002



Date: Feb 11/10



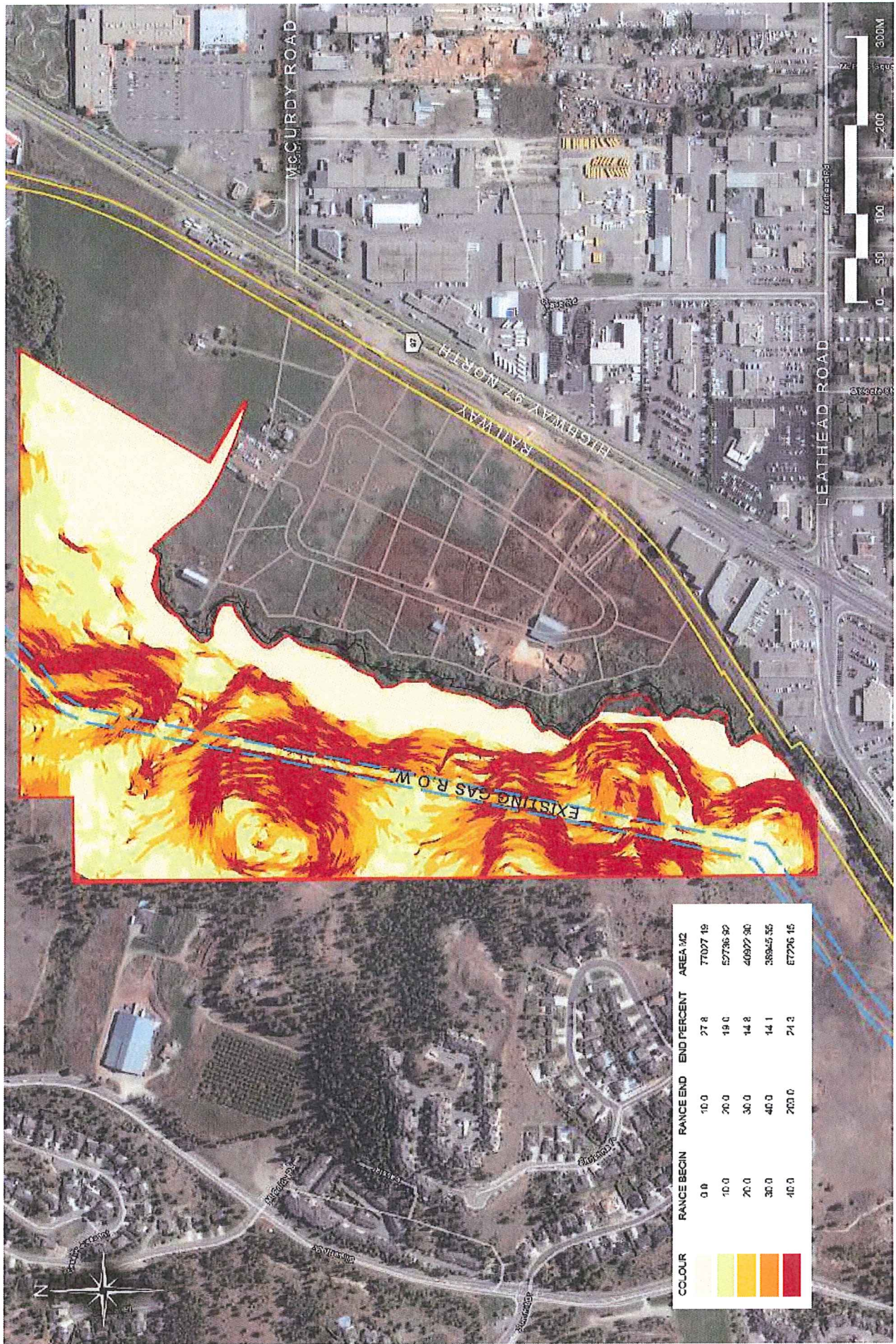


*This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.*



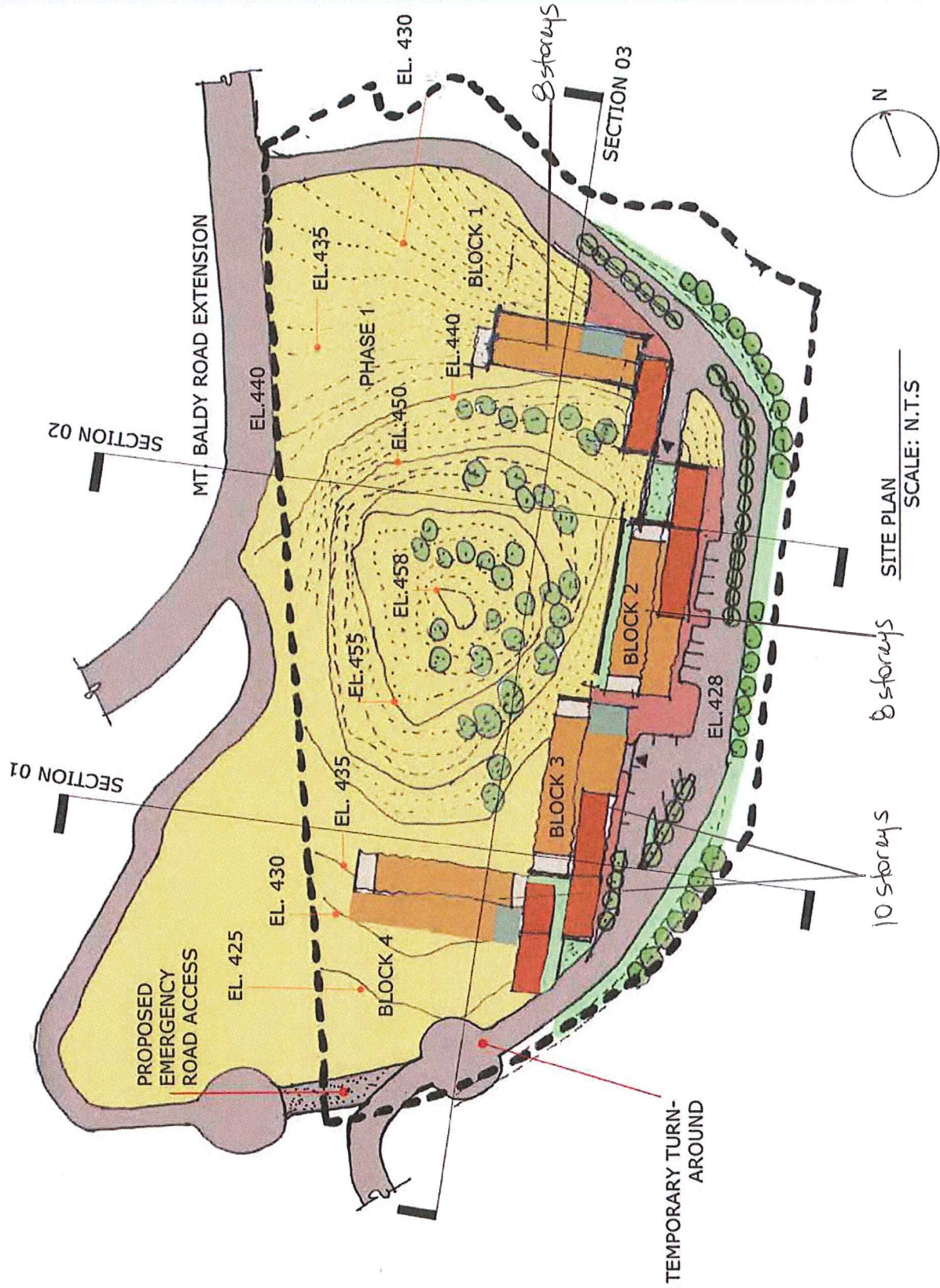
Figure 13: Preliminary Building Layout Plan





COLOR	RANGE BEGIN	RANGE END	END PERCENT	AREA 1/2
Light Yellow	0.0	10.0	27.8	77077.19
Yellow-Green	10.0	20.0	19.0	52736.92
Yellow	20.0	30.0	14.8	40977.90
Orange	30.0	40.0	14.1	38945.55
Dark Red	40.0	200.0	24.3	67226.15

Figure 6: Slope Analysis



SCALE: N.T.S

SITE PLAN

8 storeys

10 storeys

TEMPORARY TURN-AROUND



PRELIMINARY ARCHITECTURAL CONCEPT - FOR PLANNING PURPOSES ONLY - SUBJECT TO CHANGE

drawn by: KL

08.12.12

MARSHALL WEST - PHASE 1  
PROVENTURE INCOME FUND, KELOWNA B.C, DECEMBER 2008

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

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**File No.:** Z09-0010  
**Date:** December 8, 2009  
**To:** Land Use Planner (PMcV)  
**From:** Development Engineering Manager (SM)  
**Subject:** 2755 McCurdy Road. - Lot 1, Plan 84653, DL 124, DL 415 ODYD

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The Development Engineering comments and requirements regarding this application are as follows:

The Traffic Impact Study provided by the applicant in support of this application is currently being reviewed by the Infrastructure Planning Department and the Ministry of Transportation.

Development Engineering will provide a comprehensive servicing report when the Road Network issues have been agreed upon between by all the stakeholders.

The Transportation Network issues, once identified, will create the basis on which an efficient utilities services routing can be achieved in a well organized and permanent configuration.

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Steve Muenz, P. Eng.  
Development Engineering Manager

BB

File: Z09-0010

Application

File: Z09-0010

Type: REZONING

File Circulation

Seq	Out	In	By	Comment
				Agricultural Advisory Committee 2009-04-24
				B.C. Assessment Authority (info only) 2009-04-24 2009-04-24
			RREADY	Building & Permitting 2009-04-24 2009-04-27  Hillside development guidelines will apply to construction projects on this property. Items have been identified by a registered professional, (Beacon Engineering Ltd.) report dated Dec. 16/08 and reviewed. Items to be addressed for construction purposes are site grading, foundation and roof drainage, also steep slope lots, building platforms and fill lots for slope stability and soil bearing capacity. Retaining wall construction must be incorporated as part of this application or be designed and constructed to the requirements of the zoning bylaw.  See "Documents" Tab. 2009-04-29 Fred Schaad April 29, 2009 Water: Supplied by others. Sanitary Sewer: They need to get service from somewhere along the Hwy 97 trunk because the 250mm pipe on Enterprise does not appear to have the capacity to handle the anticipated flow from a development of this magnitude. How and where do they propose having service? Since they can't use the Enterprise Way main (unless they upsize about 700m of pipe to the 600mm @ Powick Rd), they will have a difficult time getting gravity service. The only way we can see it maybe working is if they tie into the trunk at the Hwy 97 & Enterprise Way intersection and then install a siphon to cross Mill Creek. Otherwise it looks like they will need to install a lift station, which depending on their site plans, could allow them the option to service to McCurdy Rd. All options are ugly; Enterprise Way/Hwy 97 involves digging up the middle of Enterprise Way and into the middle of the Hwy intersection, while McCurdy involves tying into the main at the edge of the brand new McCurdy intersection, installing a crossing under the railway, and new pipe in the brand new McCurdy Rd. Both include the creek crossing. If you can narrow down their proposed population and desired point of service, we can look into this a little closer. Storm Drainage: It appears from reading the Geotech and the Geoscience reports, the site is unsuitable for on-site disposal of stormwater. Aside from the standard drainage requirements outlined in the "Subdivision, Development & Servicing Manual" (requirements too numerous to mention in this e-mail), the proponent must address the issue of post-development groundwagroundwater seepage from irrigation and additional point sources, such as, roof drainage. Extension of McCurdy Road to Rifle Road will require stormwater detention, as will the future extension of the North End Connector. Land may need to be set a
				Development Engineering Branch 2009-04-24 2009-12-11  Forwarded Environmental Assessment Terms of Reference to Paul McVey in order to send to applicant. We cannot comment on the application until studies referenced within the TOR are submitted by the applicant.
			MNEID	Environment 2009-04-24 2009-05-15  Z09-0010 & OCP09-0002; 2755 McCURDY RD:  We need more information. A lot of information was presented but nothing addressed, among other things, Fire Department access or Fire Protection. The Kelowna Fire Department requirement "Additional Requirements for High Rise Buildings" will need to be implemented in the building plans, contact Fire Prevention Branch for details. Note: Fire Department/life safety response is a concern. The property/proposed buildings are within the four (4) minute window for the first arriving Engine Company however the proposed buildings are outside the eight (8) minute window for deployment of a full first alarm assignment.
				Fire Department 2009-04-24 2009-05-29  see file for comments
				FortisBC 2009-04-24 Irrigation District - BMID 2009-04-24 2009-06-08

File: Z09-0010

Seq	Out	In	By	Comment
	Ministry of Transportation 2009-04-24	2009-06-25		<p>The Traffic Impact Study (TIS) prepared by Ward Consulting Group dated October 2008 states that "Access to the development will be off Dilworth Drive (Rifle Road) via an extension of Mount Baldy Drive. Additional access points will be created in conjunction with the slated McCurdy Road extension which will intersect Mount Baldy Drive and thereby provide access from Rifle Road to the west and Highway 97 to the east, primarily for the final phases of the development." (page 1, Section 1.0, paragraph 3)</p> <p>During the development of the Marshall industrial park on the new fourth leg of McCurdy Road, the civil drawings for the McCurdy Road/Hwy 97 intersection included an interim design and an ultimate design. The interim design is what was actually constructed and is in place today. The ultimate design is for the planned connection to the Central Okanagan Multi-Modal Corridor (COMC). Once this development is at the stage where McCurdy Road will be extended and connected to this development, the intersection of Hwy 97 &amp; McCurdy will need to be re-visited and the mobility and functionality of this intersection investigated further.</p> <p>We have no objections to this application.</p>
	Parks Planning Manager 2009-04-24	2009-04-28	TBARTON	<p>1. There are two (2) linear park requirements on the subject property shown on the OCP Map 14.2 i) Mill Creek Linear Park and ii) upland linear trail between Mountain Baldy and Dilworth Mountain. The applicant will need to show an alignment for these public access trail corridors (min. 10 metre width) on the development plan. The public trail corridors may be in addition to, or outside of any environmental setbacks (e.g. riparian management area).</p> <p>2. The applicant should contact the Real Estate &amp; Building Services Division to facilitate the transfer of land for the above linear park requirements.</p> <p>3. The design and alignment of McCurdy Road will incorporate appropriate pedestrian crossings for the linear park trails.</p> <p>4. The applicant will be required to undertake an Environmental Assessment of the subject property to determine any significant environmental areas. Upon receiving and reviewing the report, the City may have additional park and open space land requirements.</p> <p>5. Upon review of the Environment Assessment, all areas identified as 'High' or 'Very High' Environmental Significance will be considered for Natural Area Parkland.</p>
2	Parks Planning Manager 2009-04-24	2009-04-28	TBARTON	<p>Comments too extensive for posting here. Please refer to related email dated June 1, 2009.</p> <p>December 17, 2009: The comments in our previous reply do not support the proposed high density residential (towers) development on steep hillsides west of Mill Creek and south of the extension of McCurdy Road. These comments are still relevant to the project as proposed. I have been requested to update our comments on this development proposal from the perspective of an alternate recommendation (what would we support).</p> <p>Given the steep slopes and uneven terrain west of Mill Creek the subject property is designated as a Natural Environment and a Hazardous Condition DP area. It is suggested that it would be appropriate to require an Environmental / Hazardous Condition DP in advance of consideration of this application to determine what, if any portions of the site are considered developable. Once the developable site area is determined we may then consider a density transfer to those buildable portions to allow cluster development as defined in the OCP Multiple Unit Residential - Cluster Housing designation. Building forms should be limited to projects that provide up to 6 ground oriented units in single buildings arranged to preserve the natural / hillside environment. The siting and height of these buildings should be limited so that they blend with the landscape rather than represent an intrusion into the visual character of the area.</p> <p>Recognizing that this area is currently outside the existing service area of the OCP (and is also outside the proposed Permanent Growth Boundary of the draft OCP) there will be an impact to the 20 Year Servicing Plan and Financing Strategy that will require a review to determine the impact of additional development in this area.</p> <p>Gary Stephen, Manager Long Range Planning</p>
	Public Health Inspector 2009-04-24	2009-05-14		See attached letter for Interior Health comments. Letter in file.
	RCMP 2009-04-24	2009-07-15		No comment
	Real Estate & Building Services Manager 2009-04-24	2009-05-11	SALEXANC	RE&BS Comments for Inclusion in Council Report: Please contact the Land Agent for road dedications over 20 metres in width, land dedications and land transfers to or from the City of Kelowna, road closures and road reserves. Depending on the type of land transaction being contemplated, the processing time can vary from 3 weeks to 3 months. The Real Estate & Building Services Department requires a full-sized copy, together with an 8 1/2 x 11 copy, of any survey plans.

File: Z09-0010

Seq	Out	In	By	Comment
				School District No. 23
				2009-04-24
				Shaw Cable
				2009-04-24
				TDM
				2009-04-24
				Telus
	2009-04-24	2009-05-27		Developer to provide 5 m x 8 m easement at no cost to Telus. Telus will place a concrete Walk-in Cabinet to house Telus switching equipment to service property and which could also serve surrounding properties. Telus will require 24 hr. access to Walk-in Cabinet. Telus will provide underground facilities to development. Developer will be required to supply and install conduit as per Telus policy.
				Terasen Utility Services
	2009-04-24	2009-08-18		see file for comments.



Office: (250) 765-5169  
Fax: (250) 765-0277  
www.bmid.ca

BMID File No.: 200530

PM

June 8, 2009

City of Kelowna  
1435 Water Street  
Kelowna, BC  
V1Y 1J4

POSTED

Attention: Paul McVey, File Manager

Dear Paul:

RE: Rezoning Application - Z09-0010 & OCP09-0002  
2722 McCurdy Road, Lot 1, Plan KAP 84653  
BMID Water Service Requirements

This letter sets out considerations for water supply with respect to the rezoning application by the applicant.

The information received from the City included the application, a site plan, a letter from Stantec dated December 23, 2008, and explanatory maps of existing and future land use and zoning. The parcel size is approximately 27.65 ha and the land is within the service area boundary of the Black Mountain Irrigation District.

Figure 1.1 - Present Water Services

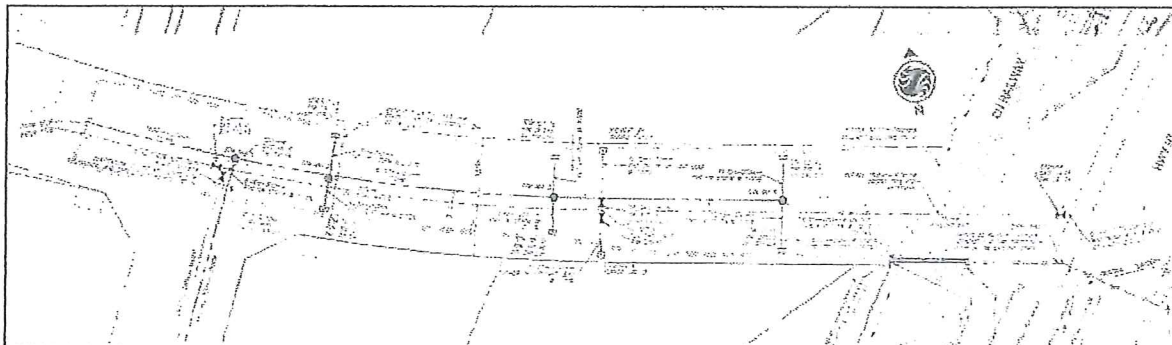


Figure 1.1 provides a design drawing by Stantec that shows the approximate location for the watermains that exist in the area that would service the proposed development property.

Presently there is an interconnected 250mm main along Highway 97 that has been extended as a 300mm diameter main westwards along the new alignment of McCurdy Road west. The main operates on BMID pressure zone PZ 468 and has a normal operating Hydraulic Grade Line (HGL) of 468 metres. The main is also interconnected through the Marshall Phase 1 subdivision to service the existing commercial lots in the Marshall Business Park.

2722 McCurdy Road  
Rezoning Application  
Marshall West Development  
June 8, 2009

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#### 4.0 SUMMARY OF REQUIREMENTS

Based on our initial review, we have summarized our comments as follows:

- The lands are within the service boundaries of the Black Mountain Irrigation District and the bylaws of the district would apply with respect to the provision of water services;
- BMID has sufficient source water capacity to service the proposed development lands;
- The lands are classified as Grade D, or dry lands and Regrade charges would apply on a per development unit for residential and on an area basis for commercial and industrial development. Capital Charges would apply as per BMID Bylaw No. 678 which is available on our web page at [www.bmid.ca](http://www.bmid.ca)
- For the Development Permit stage, a Water System Pre-Design Report must be prepared by the consultant that sets out the number of development units, timing for construction of those units, the expected water demand that will be created by the development, and the servicing concept for water. Pumping / or gravity flow should specifically be addressed as should the fire demand that will be required by the proposed development building structures.

At the time of future planning and engineering works, the District should be contacted for review and input of the water system design works. Please review the information and contact us if additional details are required. Further information on the development process can be found at [www.bmid.ca](http://www.bmid.ca).

Please call us directly if you have any questions.

Yours truly,  
**Black Mountain Irrigation District**



Robert Hrasko, P.Eng.  
Administrator

cc: M.Skobalski, Stantec via e-mail





Property Services Department  
Right of Way Management  
16705 Fraser Highway  
Surrey, British Columbia  
Canada, V4N 0E8

Tel (604) 576-7253  
Fax (604) 576-7011  
Toll Free 1-800-773-7001  
e-mail: lorne.sandstrom@terasengas.com

Lorne Sandstrom  
Right of Way Management

1

Aug 11, 2009

Your File: Z09-0010 & OCP09-0002  
Our File: TGI 4044  
C/R: ML22-014

City of Kelowna  
1435 Water Street  
Kelowna, BC  
V1Y 1J4

Attn: Shelley Gambacort

POSTED

RECEIVED

AUG 17 2009

CITY OF KELOWNA  
PLANNING DEPT.

**Re: 2755 McCurdy Road – Rezoning Application**

Thank you for your letter received **April 24, 2009** regarding the proposed rezoning application of the subject property. Terasen Gas has no objection in principal to the application of the subject lands with the following conditions:

**Site Specific Comments**

- The Terasen Gas pipeline was initially installed to the required standards of the prevailing land use at the time of installation and may not be to the standards necessary to support the proposed re-zoning. As such, the acceptability of the pipeline to support the change in land use may require an engineering assessment and possible pipeline upgrade by Terasen Gas, and at the expense of the Applicant / Property Owner. (see item #3 below)
- Existing soil conditions, final site grades, building elevations, and adjacent preloading must be considered during design and feasibility study as it relates to the existing Terasen Gas pipeline and right of way.
- Terasen Gas encourage the use of its ROW for linear park areas
- Terasen Gas request that the proposed property lines align with the Terasen Gas right of Way boundaries, and in no case do the property lines terminate over the Terasen Gas pipeline.

**General Development Requirements**

**1) Pipeline Permits**

The Pipeline Act of British Columbia requires that an application be made for a "Pipeline and/or Right of Way Permit" for all work within the pipeline right of way. A permit application must be forwarded to Terasen Gas for all work within the pipeline right of way. An application can be obtained from the Permit Representative by calling (604) 576-7021 or toll free 1-800-773-7001.

Each utility designed to cross a Terasen Gas right of way (i.e. road, driveway, parking lot) will require a pipeline crossing permit from Terasen Gas. It is recommended that, given the nature of the development and proposed use of the right of way, the applicant submit an application for pipeline crossing permit to Terasen Gas as soon as possible so that the issues can be dealt with in timely manner.

## 2) Inspection

A Terasen Gas Pipeline Representative **must be** on site to witness **all work** within the pipeline right of way. The applicant must notify Terasen Gas a minimum of **72 hours** in advance of starting any activities within the right of way and have an approved permit on site.

## 3) Vehicle Crossing -Parking Lots – New Roads

In respect to vehicle crossings and parking lots, Terasen Gas is required to complete an engineering assessment of all proposed vehicle crossings of a Terasen Gas transmission pipeline. A physical inspection and possible upgrading of the pipeline is required at all proposed road and parking lot locations. All costs to complete this work will be borne by the property owner or applicant.

Upon receipt of the applicant's final design drawings and permit application, Terasen Gas will prepare an estimate of costs to complete these works and shall include the following:

Physical inspection and engineering assessment and analysis of loads that will be potentially imposed on the pipeline for a minimum distance of seven meters (7m) beyond the proposed travelled surface; and

- Mitigative action by Terasen Gas to protect or upgrade our pipelines or facilities. This may require upgrading, realigning or replacing the existing pipeline in order to accommodate the development proposal and change in land use.

The property owner or applicant is responsible for the following costs:

- To retain the services of a qualified geotechnical engineer to prepare a soils report of the existing soil conditions below and around the pipeline;
- To provide an engineering drawing illustrating the geodetic elevation of the pipeline, existing grade and proposed grade; and
- Terasen Gas' costs to complete the pipeline inspection, engineering assessment and facility upgrade. The property owner must commit the necessary funds to Terasen Gas by way of certified cheque or an irrevocable letter of credit prior to Terasen Gas commencing its works. Scheduling of the pipeline inspection and upgrade will be at the discretion of Terasen Gas.

## 5) Right of Way Identification

The pipeline right of way must remain clearly identifiable from the ground and the air at all times. Provision must be made for the installation of Terasen Gas' pipeline markers, which must be placed directly over the gas pipeline. The Terasen right of way should be defined on the development plan and all property boundaries intersecting with the Terasen Gas right of way should be posted with new iron pins at the applicant's expense.

If the applicant plans to pave the right of way, both vent grates and painted pavement identification will be required over the pipeline.

As a general comment, effective March 1, 1998, Terasen Gas will not endorse a subdivision plan that consents to the dedication of a new roadway or park over an area presently charged with a Terasen Gas Statutory Right of Way. This applies to Transmission pipelines only, operating in excess of 2069 kPa. Terasen Gas will require that a new lot be created over the right of way, which is to become road or park. The new lot must be assigned a lot number and registered with the Land Title Office. For road, it can be noted on the plan that the lot is "For Road Purposes Only". This policy is to ensure that our rights of way, which allow us to protect and maintain the pipeline, are not extinguished. Additionally, Terasen Gas would prefer not to sign any subdivision plan until we are assured that any inspection and/or upgrade to the gas pipeline are completed.

#### 6) Landscaping

Landscaping within the right of way shall be restricted to low growing ground cover within 1 metre either side of the pipeline (i.e. grass or ground cover shrubs); the balance of the right of way by may be planted with vegetation that does not exceed 1.8m maximum height at maturity. Trees exceeding 1.8 m in height should not be planted in a location outside the right of way where the tree canopy will encroach on the right of way.

#### 7) Statutory Right Of Way Agreement

The conditions in this letter are to be read in conjunction with the Statutory Right of Way Agreement charged on the land and shall not be construed as diminishing the terms of the Right of Way Agreement.

Terasen Gas Inc. shall be released from all claims and demands from future property owners that may arise directly or indirectly from the construction, operation, protection, surveillance, maintenance and repair of the pipeline or any other future activities within the gas pipeline Right of Way.

#### Construction Fill Material

All fill material placed within the Right of Way must be clean and free of any Hazardous Substances. This would include all materials that present a hazard to human, animal and plant life or health. No material is to be imported onto the Right of Way that would cause any damage to the environment. The placement of fill within the Right of Way must be done in accordance with all laws and authorities pertaining to contaminated soil regulations. If the property owner introduces any Hazardous Substance within the Right of Way, then the property owner shall remove all such Hazardous Substances at its sole cost and expense and the property owner shall indemnify Terasen Gas from any costs, damages or claims which may be made against Terasen Gas including all clean-up costs and legal or professional fees. Prior to placing any material within the Right of Way, the applicant must provide Terasen Gas with analytical data assuring that no Hazardous Substances are present in the fill material.

### Building Construction

The developer is responsible to ensure that their actions adjacent to the Terasen Gas right of way do not adversely impact our facilities. This includes:

- Activities such as land filling, preloading or excavation which have the potential of displacing the pipeline as a result of loading or sloughing; and
- The existing drainage must not be altered in a manner that will result in water accumulation within the right of way.

In respect to the future buildings proposed outside of the right of way, no building, structure or foundation or portions thereof, and roof overhangs are permitted within the pipeline right of way. We recommend that the future buildings be set back far enough from the Terasen right of way to ensure that the foregoing structures do not encroach into the Terasen Gas right of way.

### Utilities

Utilities (i.e. future telephone and electrical ducts, storm and sanitary sewers, water main etc.) will not be permitted to run parallel within the Terasen Gas right of way. Crossing angles must be between 45 and 90 degrees to the gas pipeline. All street light poles, junction boxes, luminaries, catch basins or manholes and signage are to be located outside the pipeline right of way.

We trust the information contained herein is suitable for your purposes at this time. However, if you require any further clarification, please contact the undersigned directly at (604) 576-7253. Please ensure the applicant is aware of the requirements and conditions in respect to the use of the Terasen Gas right of way.

Yours truly,

**TERASEN GAS INC.**

for 

Lorne Sandstrom  
Right of Way Management

Cc: Bryan Balmer, Manager, System Integrity Programs, Terasen Gas



Stantec Consulting Ltd.  
400 - 1620 Dickson Avenue  
Kelowna BC V1Y 9Y2  
Tel: (250) 860-3225  
Fax: (250)-860-3367.

Stantec

December 23, 2008

File: 1127-20165

City of Kelowna  
1435 Water Street  
Kelowna, BC V1Y 1J4

**Attention: Planning and Development Services Department**

Dear Sir / Madam:

**Reference: Marshall West Development – Applications for OCP Amendment & Rezoning**

**Description of Proposed Development**

**Subject Property: Lot 1, Plan KAP84653, DL 124 & 415**

On behalf of Marshall Business Centre (the landowner) and Proventure Income Fund, Stantec is pleased to submit the enclosed applications for:

- OCP Amendment,
- Rezoning, and
- Environmental DP.

The proposal is to rezone the *non-ALR* portion of the subject property from A1 to RM6 to facilitate the phased development of multi-unit residential buildings. Although the Agricultural Land Commission's (ALC) mapping will not be updated until the westerly extension of McCurdy Road has been established by subdivision, correspondence from the ALC (attached) indicates that, within the subject property, all the land south of the planned McCurdy Road extension has been approved for exclusion (per ALC resolution #241/2002).

There are several attributes of the proposed development which would contribute in a positive way to the community.

It is proposed that all, or a significant proportion, of the proposed 1500 apartment & stacked townhouse units would be rental housing suitable for a wide cross section of household types. According to CMHC's *National Rental Vacancy Rates* report, Kelowna has the lowest rental vacancy rate in Canada at 0.3%. It is anticipated the proposed rental units would appeal to a broad range of people including students attending UBCO, seniors, singles and couples, and families who may find the ground oriented units particularly appealing. Increasing the amount and variety of dwelling units in the local rental pool will provide more attainable housing options for a greater number of people.

The site is close to major transportation routes including Highway 97, Dilworth Drive, the proposed Central Okanagan Multi-Modal Corridor (COMC) and upcoming phases of "Rails with Trails".

**Reference: Marshall West Development**

Public transit is within 0.5 km of the subject property. McCurdy Road is planned to extend through the site and, ultimately, connect to Dilworth Drive.

The proposed development will make efficient use of existing infrastructure and will provide residents with convenient access to centres of education, employment, shopping and commerce.

**Ecoscape Environmental Consultants Ltd.** has completed both an *Environmental Assessment and Sensitivity Analysis* (July 2008) and an *Environmental Impact Assessment* (EIA) (September 25, 2008) for the site and proposed development. These reports are included with this application submission.

Recognizing the site has Environmentally Sensitive Areas (ESAs) identified as "high" and "very high", a considered approach balancing development with conservation, mitigation and compensation is proposed.

- A "very high" rated stream corridor (a tributary to Mill Creek) will be conserved along the south side of the McCurdy Road extension.
- Mitigation of environmental concerns will be achieved by protecting green space around proposed development nodes which build "up" rather than "out", designing the McCurdy Road alignment to avoid the ancillary riparian corridor which connects to Mill Creek, minimizing cut and fill slopes, incorporating green space into site planning, and utilizing sustainable design and construction practices in landscaping, storm water management, and erosion and sediment control.
- Visual prominence of the proposed development can be mitigated in a number of ways. Buildings are proposed to be clustered on sites below the ridgelines and surrounded with open space. Architectural design techniques which reduce the apparent mass of buildings will be applied to minimize visual impacts. Building materials and colours would be selected to blend, not contrast, with the natural surroundings.
- Landscaping will be designed to screen and soften views of the development from off-site.
- Acknowledging that approximately 26% or 21,100m<sup>2</sup> of the proposed development area occurs within areas rated as having "high" environmental sensitivity, the developer proposes to compensate by leaving approximately 100,795m<sup>2</sup> or 37% as greenspace. Although areas set aside for greenspace may be zoned RM6 they may be protected from development by being designated by restrictive covenant as a "no-build" area. Detailed definition of potential no-build or otherwise protected areas will be determined as site planning proceeds.

The Environmental Impact Assessment (EIA) concludes, in part, that the proposed development "is considered a good balance between site development and the natural environment". Further, the EIA states that "with mitigative and compensative efforts elsewhere on the property and along Mill Creek, there will be little environmental impacts associated with the development" and "building up rather than out is a preferred design concept from an environmental perspective".

Stantec

December 23, 2008  
Planning and Development Services Department  
Page 3 of 3

Reference: Marshall West Development

Additional supplementary reports submitted with this application include:

- *The Marshall Hillside Development Wildland Fire Management Assessment Report*, Richard Swanson, RPF, October 19, 2008
- *Geotechnical Hazard Assessment Marshall Residential Hillside Development, Kelowna BC*, Beacon Geotechnical Ltd., December 16, 2008
- *Terrain Stability Mapping* by Polar Geoscience Ltd.
- *Preliminary Visual Assessment*, Stantec Consulting Ltd., December 2008, and
- *Traffic Impact Study for Proposed Marshall Hillside Residential Development*, Ward Consulting Group – A Division of EBA Engineering Consultants Ltd., October 2008 (*in the rezoning/OCP amendment application*)

D.E. Pilling & Associates Ltd. (project engineer) has worked closely with Stantec, the client, and the specialist consultant team. The project engineer prepared an initial grading concept which is included in the Beacon Geotechnical report as Figure A-02. It is to be noted that this Figure will not be the "final" site grading plan as noted in the geotechnical report. The *Preliminary Visual Assessment* (Appendix 1 – Preliminary Architectural Concept) suggests a design approach for Phase 1 which would tie-in the building sites with sensitive transitions to the natural topography, leaving more of the slopes and hilltops intact. In principle, this is the landowner's preferred approach to site grading for all phases of the project.

The site plan and architectural illustrations prepared for the *Preliminary Visual Assessment* are highly conceptual in nature and will be much more extensively developed for the City's review during the multi-family development permit process.

We have reviewed the City of Kelowna's *Sustainability Checklist* and responded to as many of the questions as possible. Given the preliminary nature of the development concept at this time, there are many questions our team will be better prepared to address at the multi-family development permit stage. In general, the landowner is open to integrating sustainable design and development practices in all phases of the Marshall West project.

Please do not hesitate to contact the undersigned should you require any additional information.

Sincerely,

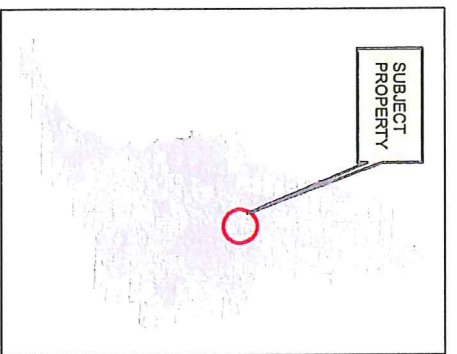
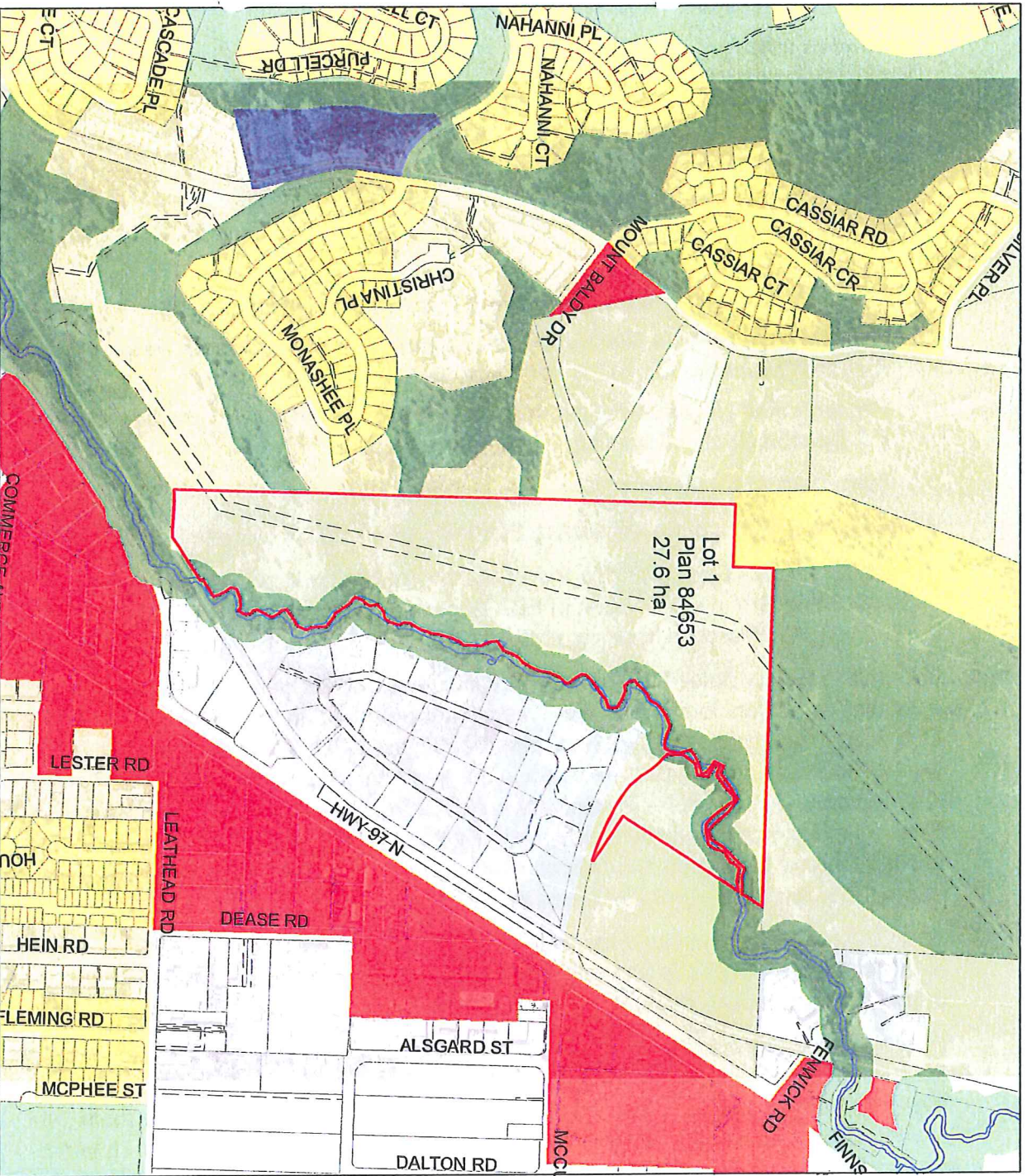
STANTEC CONSULTING LTD.



Marnie J. Skobalski, MCIP  
Planner  
Tel: (250) 470-4491  
Fax: (250) 860-3367  
E: marnie.skobalski@stantec.com

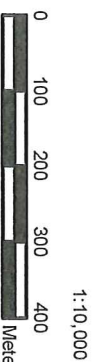
Attachment: Applications for OCP Amendment, Rezoning, & DP including supplementary documents

- c. H. Schneider, Marshall Business Centre on behalf of Proventure Income Fund



- LEGEND**
- COMMERCIAL
  - EDUCATIONAL / MAJOR INSTITUTIONAL
  - FIRST NATION RESERVE
  - FUTURE URBAN RESERVE
  - INDUSTRIAL
  - MAJOR PARK / OPEN SPACE
  - MULTIPLE UNIT RESIDENTIAL (CLUSTER HOUSING)
  - MULTIPLE UNIT RESIDENTIAL (LOW DENSITY)
  - MULTIPLE UNIT RESIDENTIAL (MEDIUM DENSITY)
  - MULTIPLE UNIT RESIDENTIAL (HIGH DENSITY)
  - PRIVATE RECREATION
  - PUBLIC SERVICE / UTILITIES
  - RURAL / AGRICULTURE
  - SINGLE / TWO-UNIT RESIDENTIAL
  - SUBJECT PROPERTY

Legal Description: Lot 1, Plan KAP84653,  
 District Lot 124, 415,  
 Osoyoos Div of Yale Land District



**FUTURE LAND USE (OFFICIAL COMMUNITY PLAN):**

- AGR - Rural / Agriculture - 22.4 ha
- PARK - Major Park / Open Space - 5.2 ha

**EXISTING**



**Stantec**

October 9, 2008  
 112720165

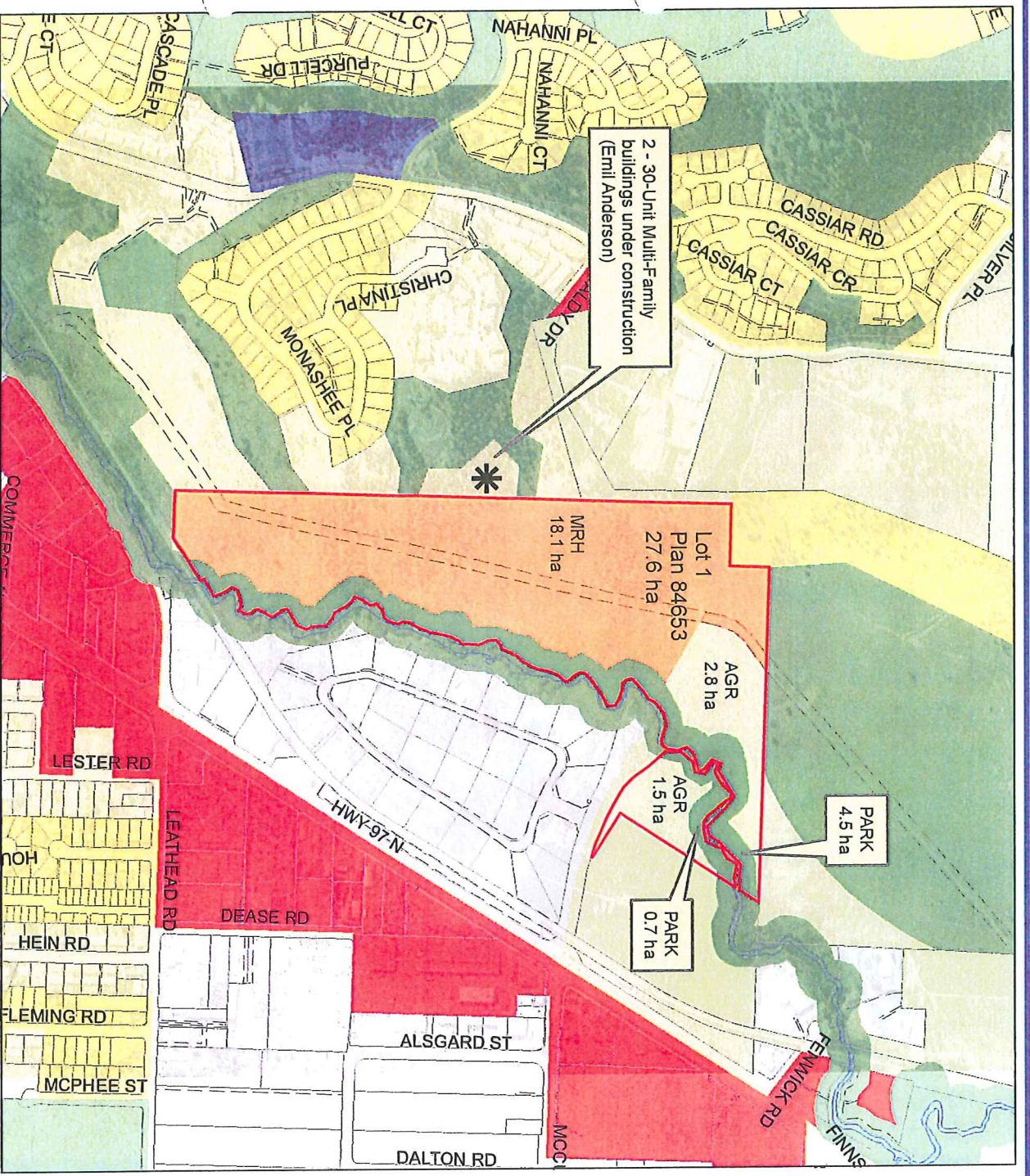




**Stantec**

**PROPOSED FUTURE LAND USE (OFFICIAL COMMUNITY PLAN):**

- AGR - Rural / Agriculture - 4.3ha
- PARK - Major Park / Open Space - 5.2 ha
- MULTIPLE UNIT RESIDENTIAL (High Density) - 18.1 ha



2 - 30-Unit Multi-Family buildings under construction (Emil Anderson)

Lot 1  
Plan 84653  
27.6 ha

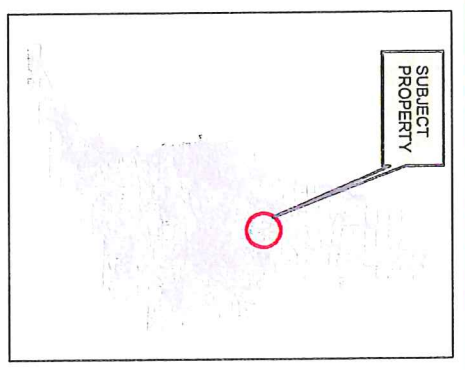
MRH  
18.1 ha

AGR  
2.8 ha

AGR  
1.5 ha

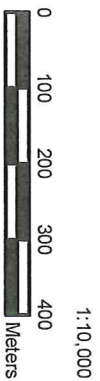
PARK  
0.7 ha

PARK  
4.5 ha



- LEGEND**
- COMMERCIAL
  - EDUCATIONAL / MAJOR INSTITUTIONAL
  - FIRST NATION RESERVE
  - FUTURE URBAN RESERVE
  - INDUSTRIAL
  - MAJOR PARK / OPEN SPACE
  - MULTIPLE UNIT RESIDENTIAL (CLUSTER HOUSING)
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  - MULTIPLE UNIT RESIDENTIAL (MEDIUM DENSITY)
  - MULTIPLE UNIT RESIDENTIAL (HIGH DENSITY)
  - PRIVATE RECREATION
  - PUBLIC SERVICE / UTILITIES
  - RURAL / AGRICULTURE
  - SINGLE / TWO-UNIT RESIDENTIAL
  - SUBJECT PROPERTY

Legal Description: Lot 1, Plan KAP84653,  
District Lot 124, 415,  
Osoyoos Div of Yale Land District



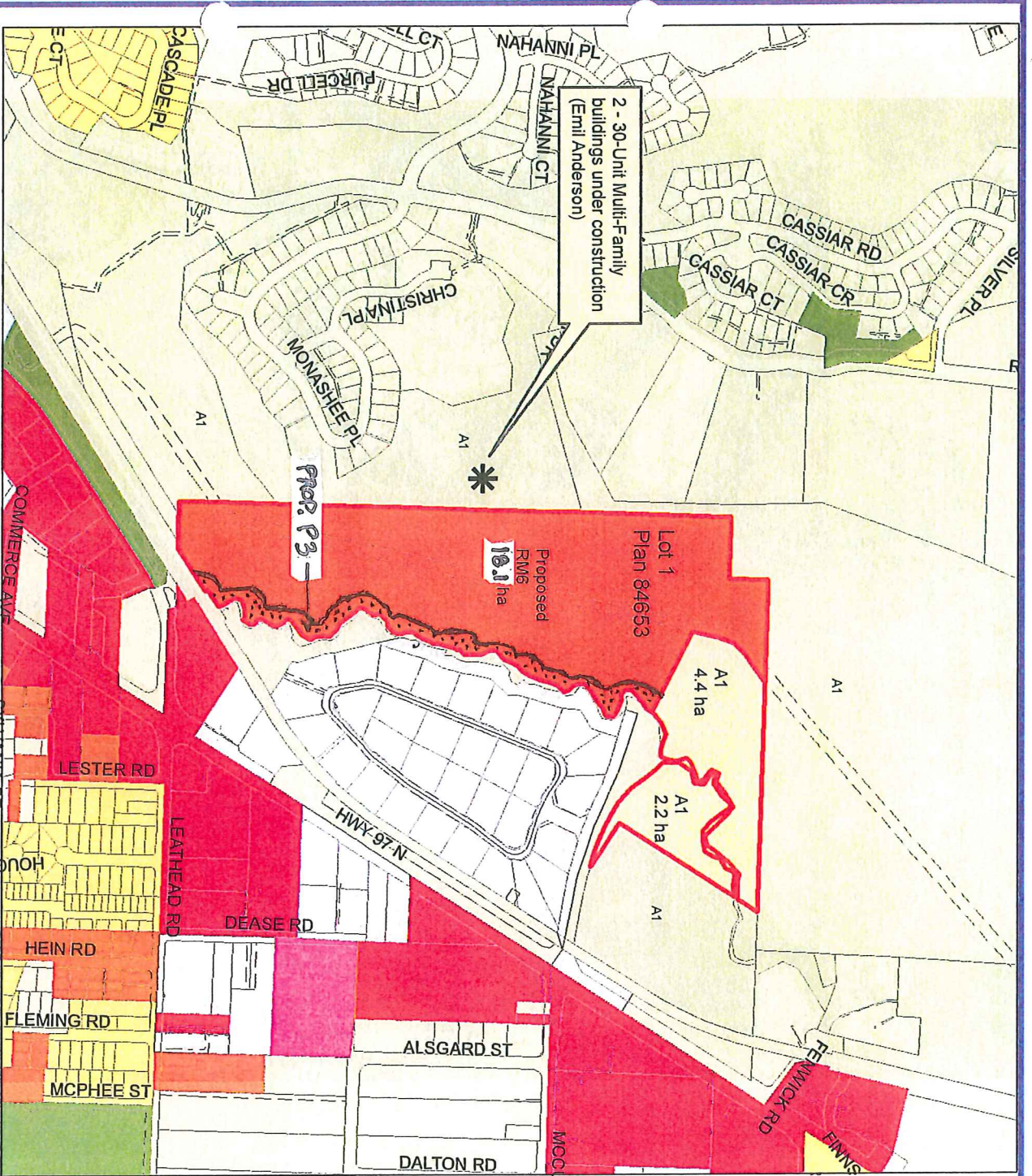
1:10,000

October 10, 2008  
112720165



Stantec

**PROPOSED ZONING:**  
 RM6 - High Rise Apartment Housing - 18.1 ha  
 A1 - Agriculture 1 - 6.6 ha



2 - 30-Unit Multi-Family buildings under construction (Emil Anderson)

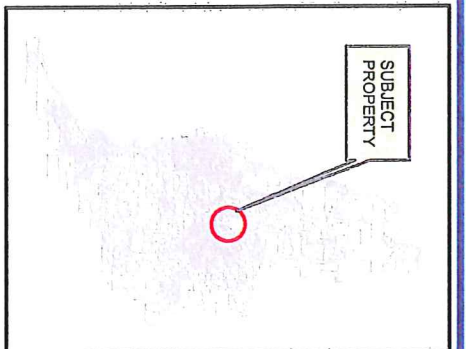
- LEGEND**
- P-Zone
  - LAYER
  - A1
  - RM6
  - AGRICULTURE
  - COMMERCIAL
  - INDUSTRIAL
  - PARKS & OPEN SPACE
  - PUBLIC & INSTITUTIONAL
  - RURAL RESIDENTIAL
  - URBAN RESIDENTIAL
  - URBAN RESIDENTIAL (2 DWELLINGS)
  - URBAN RESIDENTIAL (MULTI-FAMILY)
  - UTILITIES
  - SUBJECT\_PROPERTY

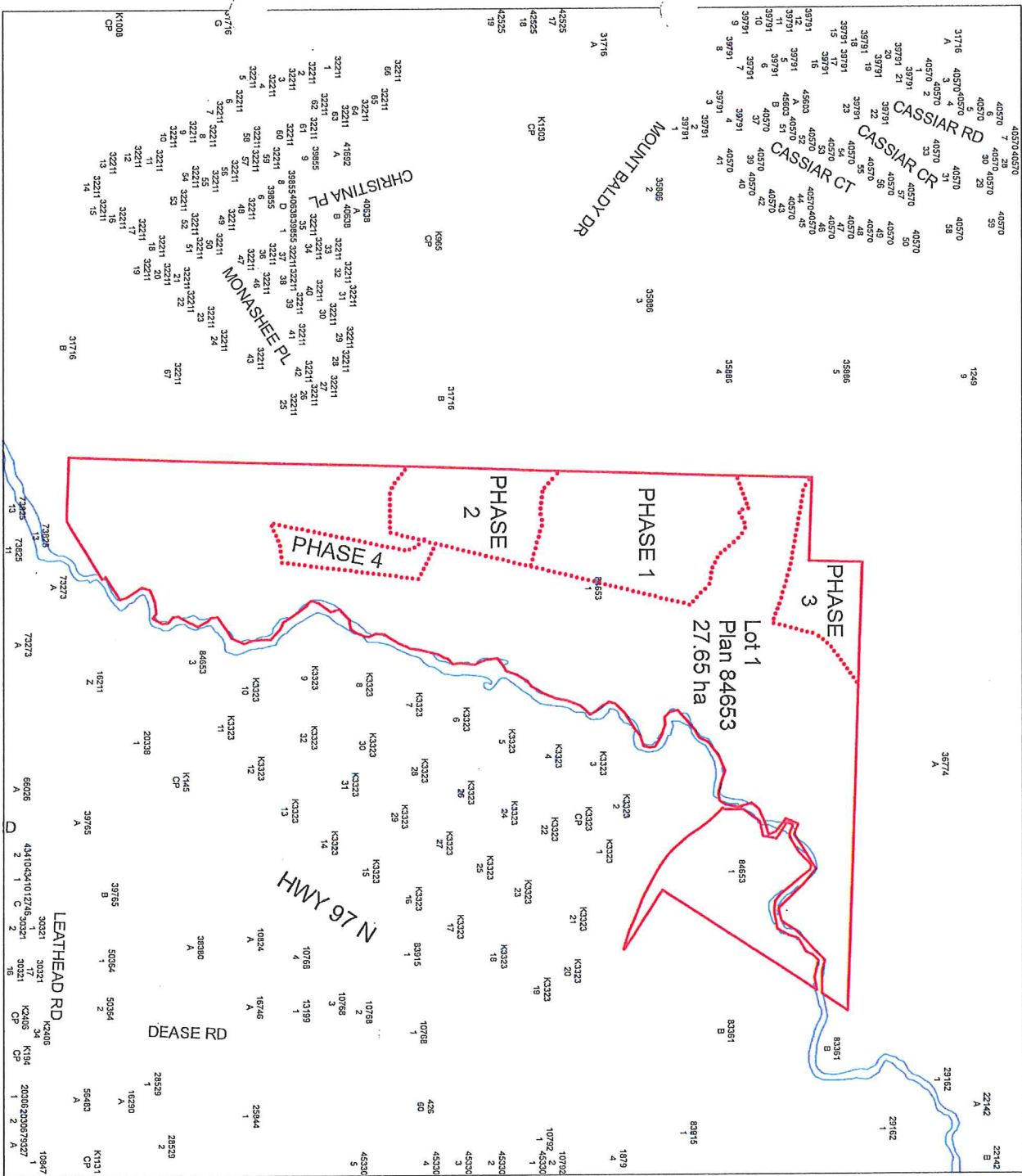
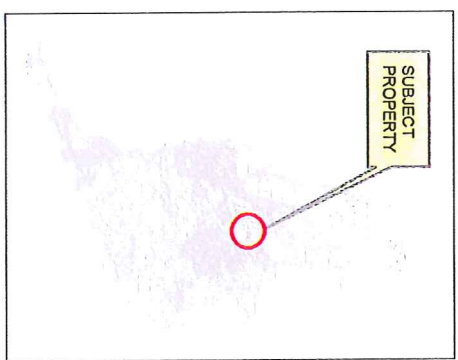
Legal Description: Lot 1, Plan KAP84653, District Lot 124, 415, Osoyoos Div of Yale Land District



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October 10, 2008  
 112720165





**LEGEND**  
 SUBJECT PROPERTY



**MARSHALL WEST - PHASING PLAN**  
Lot 1, Plan KAP84653, District Lot 124, 415, Osoyoos Division Yale Land District

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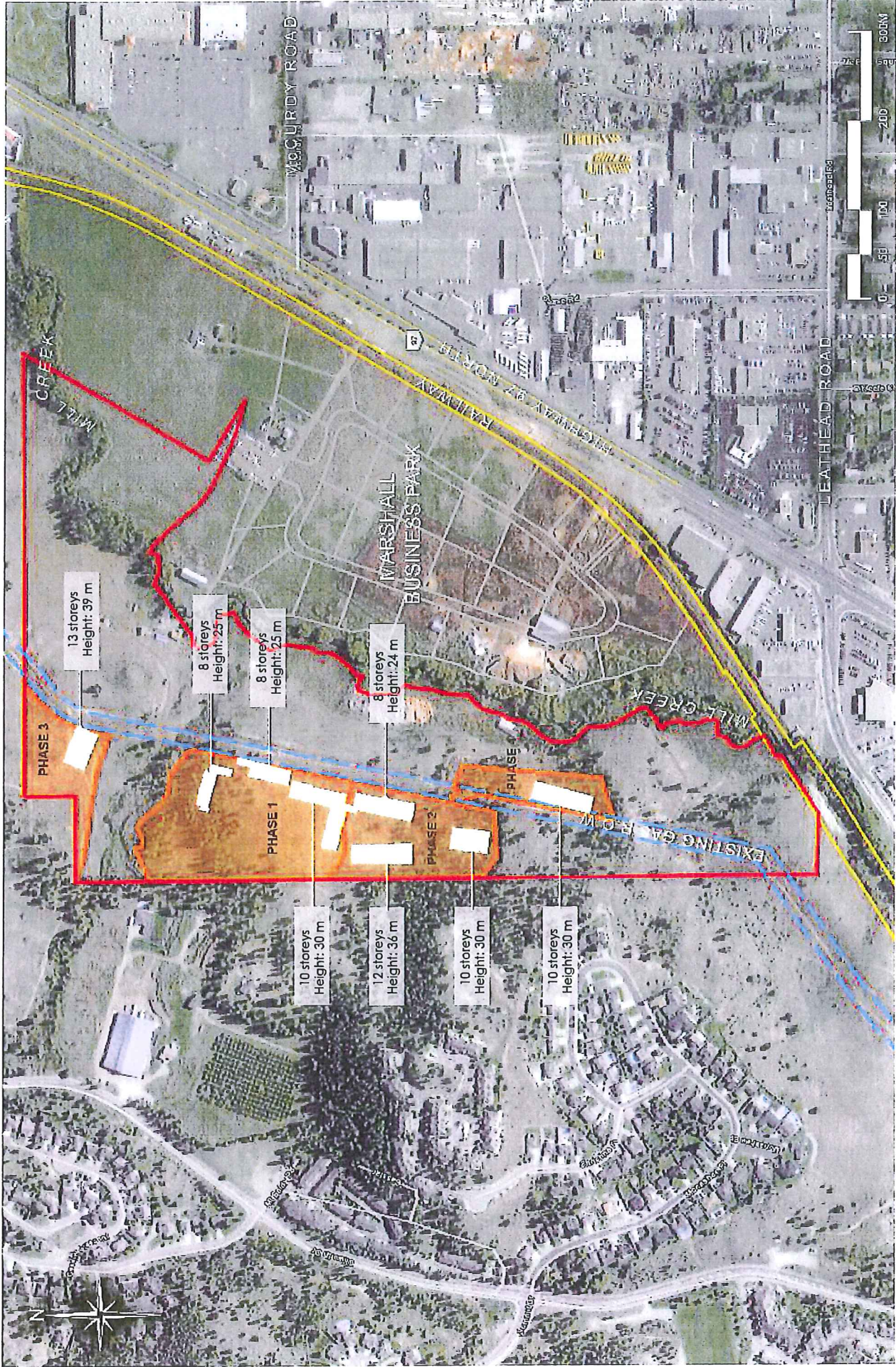


Figure 13: Preliminary Building Layout Plan

PRELIMINARY BUILDING LAYOUT

## VIEWPOINT 4 - Leathead Road and Highway 97



View towards the site facing northeast, from the intersection of Leathead Road and Highway 97.

### Viewpoint 4

This viewpoint is taken from the intersection of Highway 97 and Leathead Road facing northwest and towards the site. Viewpoint 4 is located approximately 750 metres from the site.

This viewing location will provide direct views into the proposed development as illustrated in the illustrative photomontage photo above. It is also anticipated that the buildings will extend above the hillsides of the site, yet not as high as the highest ridgelines along Dilworth Mountain

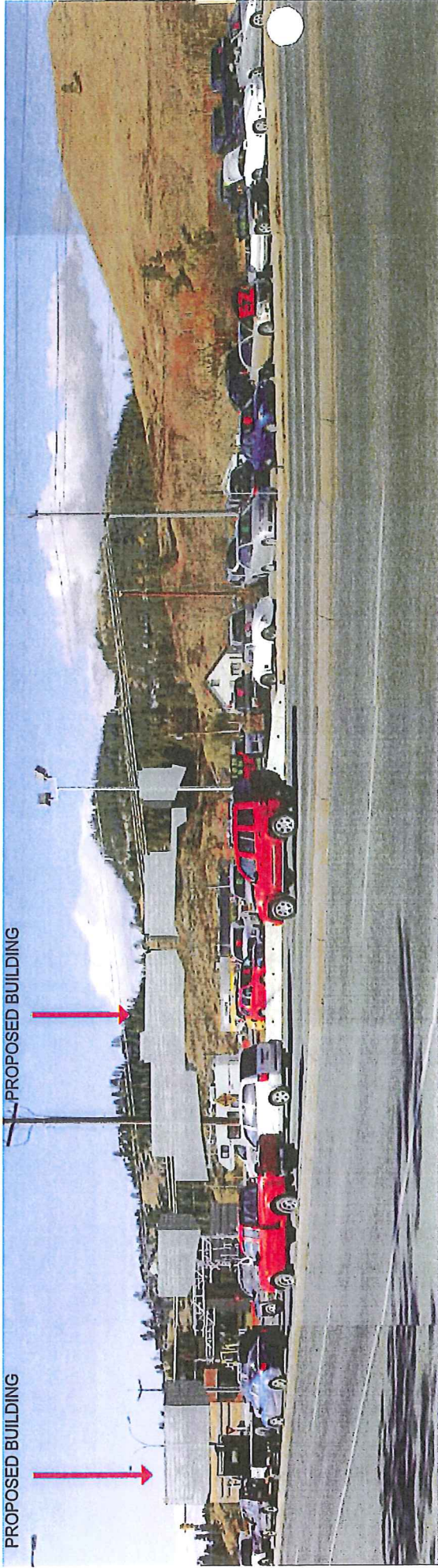
From this viewpoint the proposed buildings are anticipated to form a prominent element on the built and landscape context of the viewing location, in particular in the mid slope area, where currently no development exists. However, these will be distant views and seen within the greater Highway 97 corridor and its associated commercial development.

From this viewing location the proposed development is anticipated to have a high degree of visibility.

### Mitigation

Mitigation in the form of architectural controls (building articulation, massing, materials, colours etc.) as well as landscape intervention (planting along proposed roadways, in front and behind proposed buildings etc.) is highly recommended to further integrate the proposed buildings and associated infrastructure into the existing natural environment and landscape context of the site.

## VIEWPOINT 5 - McCurdy Road and Highway 97



View towards the site facing west from the intersection of McCurdy Road and Highway 97.

### Viewpoint 5

This viewpoint is taken from the intersection of McCurdy Road and Highway 97 facing west and directly into the site. Viewpoint 5 is located approximately 600 metres from the site.

This viewing location will provide direct and open views into the site. As with Viewpoint 4, views from this location are anticipated to alter the built and natural context of the property and surrounding area and form a dominant element in the landscape. These views will be set within the greater context of the Highway 97 corridor. It is anticipated that over time, views from this location will become progressively lessened by the presence of increased development and transportation infrastructure within the Marshall Business Park and along the commercial / industrial extension of McCurdy Road through the site.

Considering the above, it is anticipated that the proposed development will impact the existing hillside character of the site and surrounding landscape from this location. Even with the presence of existing single-family residential development visible along adjacent ridgelines and hillsides from this location, the density and height of the proposed buildings will be significantly greater than that of existing development in the vicinity.

It is considered that the proposed development will have a high degree of visibility from this viewpoint.

### Mitigation

Mitigation in the form of architectural controls (building articulation, massing, materials, colours etc) as well as site sensitive grading, landscape intervention (planting along proposed roadways, in front and behind proposed buildings etc) is highly recommended to further integrate the proposed buildings and associated infrastructure into the existing natural environment and landscape context of the site.

## VIEWPOINT 6 - Stremel Road and Highway 97



View of the site from the intersection of Stremel Road and Highway 97, facing southwest.

### Viewpoint 6

This viewpoint is taken from the intersection of Stremel Road and Highway 97 facing southwest and towards the site. Viewpoint 6 is located approximately 1.0 kilometre from the site.

This viewing location will provide distant yet clear views of the proposed multi-family residential development. From this location, the proposed buildings are anticipated to dominate most of the mid ground and mid slope views. Portions of the buildings will also dominate the upper hillslope areas of Dilworth Mountain, however for the most part, the proposed development will be below the existing ridgeline.

As with the other viewpoints along Highway 97, these views will be set within the greater context of the Highway 97 corridor. However, at this portion of Highway 97 there is significantly less development visible.

From this viewing location, it is anticipated that the proposed development will have a moderate visual impact.

### Mitigation

Mitigation in the form of architectural controls (building articulation, massing, materials, colours etc) as well as landscape intervention (planting along proposed roadways, in front and behind proposed buildings and along the proposed access roads) is highly recommended. In particular, landscape plantings along the proposed extension of McCurdy Road and on the Marshall site from this viewpoint are specifically recommended to further mitigate views into the proposed development site.

**SUSTAINABILITY CHECKLIST  
REZONING APPLICATION  
for Commercial or Multi-Unit Development**



<b>ECONOMIC SUSTAINABILITY</b>		
<b>Proximity to Urban or Village Centre (IF APPLICABLE, SELECT ONE FROM LIST)</b>	<b>Points</b>	
• Less than 400 metres (1-4 minute walk)	5	
• 400 - 800 metres (5-10 minute walk)	4	
• 800- 1200 metres (10-15 minute walk)	3	3
• 1200-2400 metres (15- 30 minute walk)	2	
<b>Development Will Create Permanent Employment beyond Construction Phase</b>		
• Part-time	1-2	3
• Full-time	2-5	
Waste Management Plan (including materials found at site)	2	2
Zoning Supports Minor or Major Use of Home-Based Business	1	1
<b>ECONOMIC TOTAL</b>	<b>15</b>	<b>9</b>

**ENVIRONMENTAL SUSTAINABILITY**

<b>GREEN SPACE</b>	<b>Points</b>	
Environmentally-Sensitive Areas Permanently Protected (through a covenant, park dedication, etc.) <i>or</i> No Disruption of an Environmentally Sensitive Area	2-5 <i>or</i> 5	3
No Extension of Existing City Infrastructure	1-3	
• Water		
• Sewer		
• Roads		
Redevelopment of a Brownfield Site (existing development site)	3	
<b>AIR QUALITY</b>		
<b>Proximity to Transit Stop (IF APPLICABLE, SELECT ONE FROM LIST)</b>		
• Less than 400 metres (1-4 minute walk)	5	
• 400 - 800 metres (5-10 minute walk)	4	
• 800 - 1200 metres (10-15 minute walk)	3	4
• 1200 - 2400 metres (15-30 minute walk)	2	
<b>Tree Retention Plan</b> <i>or</i> <b>Tree Retention Plan Not Applicable (less than 5 trees on site)</b>	2	



**SUSTAINABILITY CHECKLIST  
REZONING APPLICATION  
for Commercial or Multi-Unit Development**



<b>ENVIRONMENTAL SUSTAINABILITY <i>cont'd</i></b>		
<b>WATER QUALITY &amp; QUANTITY</b>		<b>Points</b>
Hydrogeological Assessment Completed (for the protection and management of groundwater and surface water) <i>or</i> Hydrogeological Assessment Not Applicable	2	1
<b>ENVIRONMENTAL TOTAL</b>	<b>20</b>	<b>8</b>
<b>SOCIAL SUSTAINABILITY</b>		
Site 1200 metres or less (15 minute walk) to:		<b>Points</b>
• Daycare/School	2	2
• Medical Facilities	2	2
• Parks	2	2
• Shopping	2	2
• Restaurant/Café	2	2
Housing Agreement for Affordable Housing, Purpose Built Rental Development <i>or</i> Housing Includes Secondary Suite(s)	5	
<b>SOCIAL TOTAL</b>	<b>15</b>	<b>10</b>
<b>CULTURAL SUSTAINABILITY</b>		<b>Points</b>
NO OCP Amendment Required <i>or</i> Staff Supported OCP Amendment (conforms to long-term community planning)	10	
Archaeological Site Identified and Recommendations for Conservation Followed <i>or</i> No Disruption of an Archaeological Site	5	5
<b>CULTURAL TOTAL</b>	<b>15</b>	<b>5</b>
<b>BONUS POINTS: Other Sustainability Measure(s), including but not limited to :</b> • Rehabilitation of a Contaminated Site Please provide details on attached form.	1-5	3
<b>TOTAL POINTS</b>	<b>70</b>	<b>35</b>
<b>FINAL</b>	<b>100%</b>	<b>50 %</b>

**SUSTAINABILITY CHECKLIST  
REZONING APPLICATION  
for Commercial or Multi-Unit Development**



**FURTHER DETAILS:**

Centre of site is:

- within 1 km of both the Rutland Urban Centre and the Highway Centre;
- within 500 m of multiple parks, natural areas, and greenspace corridors i.e. Dilworth Mtn., Mt. Baldy, Ben Lee Park, Mill Creek corridor;
- within 500 m of two bus stops: Route 8 UBCO and Route 3 Dilworth
- within approx. 1 km. of Dr. McCloskey's office at 2463 Hwy 97N.;
- within 1 km of Pearson Rd. Elementary School;
- within 1 km of Springvalley Elementary and Middle Schools;
- less than 800 m from Vedanta Academy;
- within 500 m of McCurdy Corner Shopping Centre (with bowling alley, movie theatres, pub, restaurants, etc.);
- within approx. 800 m of Costco;

It is pre-mature at this stage to know how many post-construction jobs will be created. Design and construction jobs should also be taken into consideration as these will contribute to the employment of a broad range of people including engineers, architects, accountants, lawyers, consultants, City staff, contractors, suppliers, and labourers. Environmental, geotechnical, wildland fire management, and traffic impact studies have been completed. Future COMC flanks site, Mill Creek corridor will be protected. Bike lanes nearby on McCurdy and Dilworth. Higher density residential is efficient use of land.

Name: Marnie J. Skobalski, MCIP

**Reset Form**

Organization: Stantec Consulting Ltd.

Project Name or Location: 2755 McCurdy Rd., OCP09-0002 / Z09-0010

Thank you for taking the time to complete the City of Kelowna Sustainability Checklist. If you have completed the form using Adobe Acrobat Standard or Pro, you will be able to save your copy to your computer. Please note that if you have completed the form using Adobe Acrobat you will not be able to save your copy to your computer; however we will receive a completed copy via email.

In either case once you have completed this form, press "Submit Form" below. Please also either print the Checklist and return the printed form to the attention of the Land Use Planner managing your file, or carbon copy (cc) them in the email that you submit.

Thank you!

**Submit Form**