

MEMORANDUM



Date: January 26, 2022

To: **Ryan O'Sullivan**
Development Engineering, City of Kelowna

Project #: 17118

Project Name: Appaloosa Road Neighbourhood

Re: Service Agreement

The Appaloosa Road Neighbourhood Group are applying for rezoning of the following properties from the current A1 designation to the I6 Zone. The Members of the Appaloosa Group have formed a numbered company (1230386 BC Ltd.) to administer the bonding and construction of the Appaloosa Road and Palamino Road off site works as per the completed December 21, 2021 CoK Development Servicing Agreement. The members of the Appaloosa Group, the corresponding lot # and street address, and the status of their applications are as follows:

- Lot 6 – DL Capital Inc. No. BC0820774, Dave and Karen Desjardins - 3008 Appaloosa Rd (formally 265 Arab Crt) – current application in process and is joined to company;
- Lot 8 - Bhupinder Singh and Balwant Kaur Mroke - 3036 Appaloosa Rd – current application in process and is joined to company;
- Lot 11 - 1056175 BC Ltd. No. BC1056175, Darcy Holloway - 3128 Appaloosa Rd – current application in process and is joined to company;
- Lot 12 – Sara Diane and Angus Bruce Aitken (Hotshot Transport) - 3156 Appaloosa Rd – current application in process and is joined to company;
- Lot 14 - Micheal Holzhey. Watermark Developments LTD., Inc. No. 1191800 - 3196 Appaloosa Rd – current application in process and is joined to company;
- Lot 40 – 1046958 BC Ltd., Inc. No. BC1046958, Tony KhunKhun 185 Arab Rd – current application in process and is joined to company;
- Lot 41 - Viking Refrigeration Ltd., Inc. No. BC0495457, Blaire Keller, Dan Hynman - 3029 Appaloosa Rd – current application in process and is joined to company;
- Lot 42 – Suresh Kumar and Babita Khurana - 3039 Appaloosa Rd – current application in process and is joined to company;
- Lot 43 – 1571937 Alberta Ltd. (99%) & Garrett Kristopher Radchenko (1%) - 3089 Appaloosa Rd – current application in process and is joined to company;

- Lot 44 – Mark David and Selma Marilyn Kornell - 3109 Appaloosa Rd – no application, but would like to complete the frontage works as part of the group and is joined to company;
- Lot 45 - Pitura Enterprises - 3139 Appaloosa Rd – current application in process and is joined to company (not currently party to the CoK Development Servicing Agreement); and
- Lot 46 – 1301318 BC Ltd. Inc. No. BC1301318, Ernie Therrien. Therrien Bros Construction - 3169 Appaloosa Rd – current application in process and is joined to company.

The rezoning of the above noted properties triggers the frontage improvements for Appaloosa Road and Palamino Road. Appaloosa Road is proposed to be upgraded from a two-lane rural roadway to a two-lane urban industrial collector including curb and gutter and sidewalks, with utility upgrades including water, sanitary and storm sewer. Palamino Road is currently undeveloped right of way and will be upgraded to a two-lane rural industrial lane with storm sewer. The attached Drawing SK-01 shows the properties included within the Service Agreement and the typical sections for the proposed improvements to Appaloosa Road and Palamino Road.

The Appaloosa Group is also providing bonding for the frontage improvements of the adjacent properties (between Arab Road and Academy Way) that have not applied for rezoning at this time. The following properties will be subject to a late comer for the above noted frontage improvements that will be payable upon rezoning:

- Lot 7 - 3020 Appaloosa Road;
- Lot 9 - 3066 Appaloosa Road;
- Lot 10A - 3096 Appaloosa Road;
- Lot 10B - 3116 Appaloosa Road;
- Lot 13 - 3166 Appaloosa Road;
- Lot 39 - 215 Arab Court; and
- Lot 47 - 3199 Appaloosa Road.

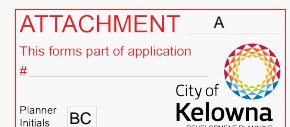
The City of Kelowna has collected Cash in Lieu towards the south half of the Palamino Road improvements from the properties fronting Sexsmith Road that have recently rezoned. The Cash in Lieu funds will also be used towards completion of the full cross section of Palamino Road.

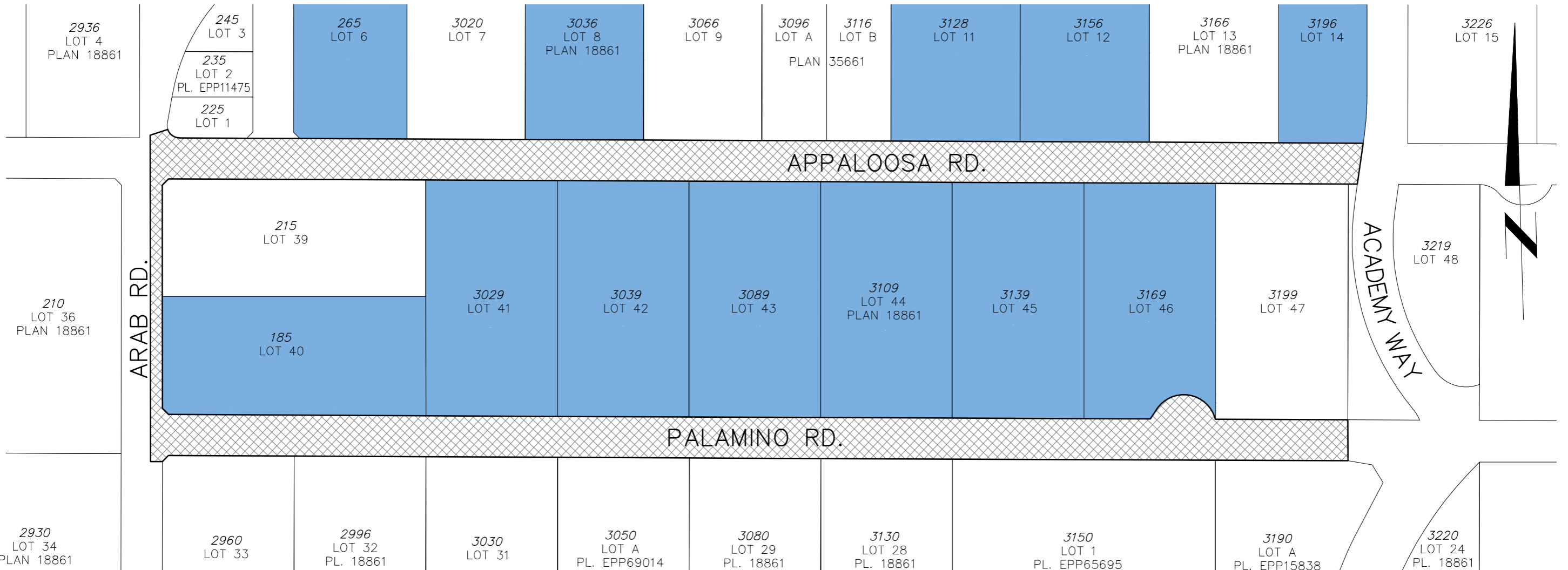
We trust the above addresses the background information in support of the Service Agreement for the Appaloosa Road and Palamino Road improvements and rezoning of the above note subject properties.



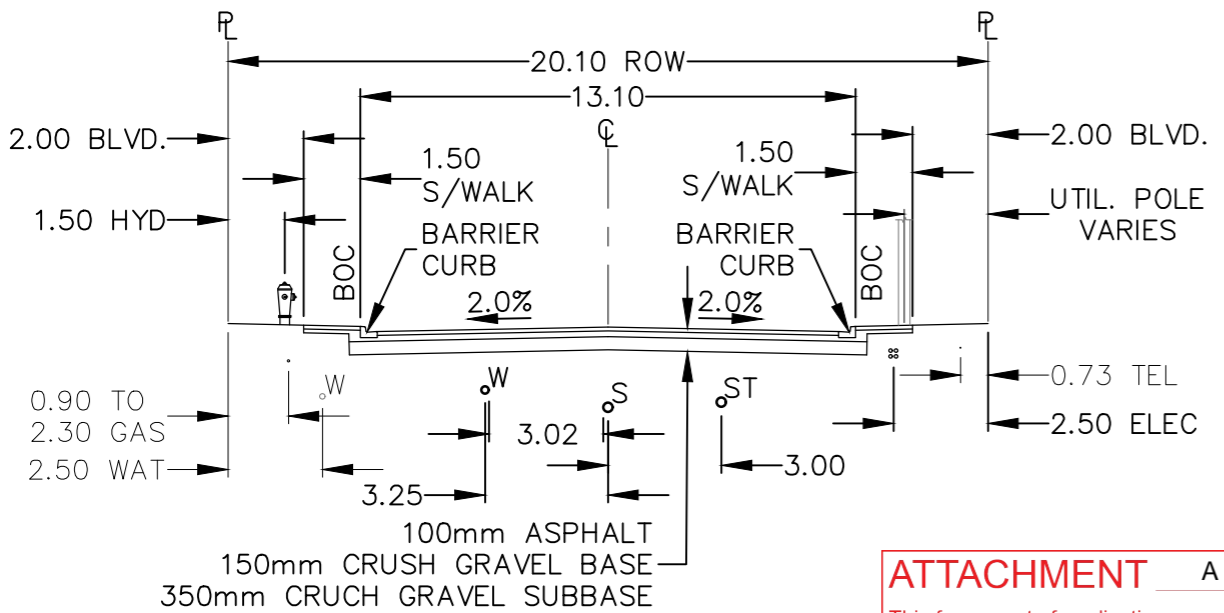
David D. Cullen, P.Eng.
Project Engineer
CTQ Consultants Ltd.

cc: John Hertay, Darcy Holloway – Appaloosa Group

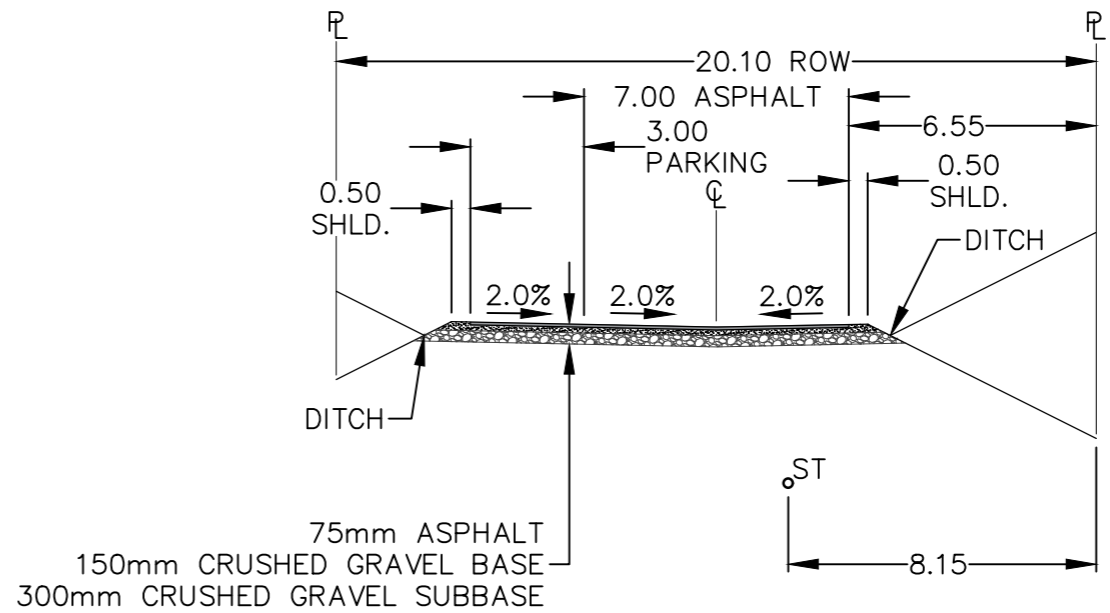




PLAN VIEW
SCALE 1:2000



APPALOOSA ROAD SECTION
SCALE 1:200



PALAMINO ROAD SECTION
SCALE 1:200

INCLUDED IN
SERVICE
AGREEMENT

APPALOOSA RD.
NEIGHBOURHOOD
PROJECT LIMITS
PROJECT No. 17118
DRAWING No. 17118-SK-01
SCALE AS NOTED
July 21, 2021

ATTACHMENT A
This forms part of application # _____

Planner Initials BC

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Appendix A: Previous Council Resolutions – Arab/Appaloosa Road Area

Resolution	Date
<p>THAT Council receives, for information, the Report from the Manager, Urban Land Use dated November 19, 2012 with respect to the Industrial – Limited future land use designation contained in the Kelowna 2030 Official Community Plan;</p> <p>AND FURTHER THAT Council directs staff to report back with options for amending the I6 – Low Impact Transitional Industrial Zone to ensure consistency of intent and purpose with the Kelowna 2030 Official Community Plan.</p>	December 3, 2012
<p>THAT Council receives, for information, the Supplemental Report from the Manager of Urban Land Use dated March 19, 2013, with respect to the Industrial – Limited future land use designation contained in the Kelowna 2030 Official Community Plan;</p> <p>AND THAT Council directs staff to pursue Land Use Alternative 1, as identified in Report from the Manager of Urban Land Use dated March 19, 2013;</p> <p>AND THAT Council directs staff to initiate the process to advance Sanitary Sewer Connection Area #35 to a Specified Sanitary Sewer Service Area;</p> <p>AND FURTHER THAT Council direct staff NOT to accept further Rezoning applications for the Arab/Appaloosa Road area, pending final resolution of land for the area.</p>	March 25, 2013
<p>THAT Council receives, for information, the Report from Utilities Planning Manager dated September 30, 2013, regarding the Arab/Appaloosa Water, Sewer and Road Pre-design and Public Review;</p> <p>AND THAT Council direct staff to abandon the Local Area Service process required to construct the infrastructure needed to meet the I6 – Low Impact Transitional Zoning as costs are in excess of what will likely be considered reasonable by area property owners;</p> <p>AND FURTHER THAT staff be directed to report back to Council with alternative options for future land uses in the Arab/Appaloosa area.</p>	September 30, 2013
<p>THAT Council receives, for information, the Report from Utilities Planning Manager, Bylaw Services Manager and Urban Planning Manager, dated December 16, 2013 regarding the Arab/Appaloosa Land Use and Servicing Options;</p> <p>AND THAT Council directs staff to follow Option 1 as identified in the Utilities Planning Manager, Bylaw Services Manager and Urban Planning Managers report, dated December 16, 2013 regarding the Arab/Appaloosa Land Use and Servicing Options;</p>	December 16, 2013

<p>AND THAT Council directs staff to bring forward the proposed amendments to the I6 Zone, including a provision for outdoor storage, and to require Development Permits, to ensure consistency with the intent and purpose of the Kelowna 2030 OCP and Industrial-Limited designation;</p> <p>AND THAT Council directs staff to ensure that the fire flow and servicing with respect to the I6 Zone be required as per Subdivision, Development and Servicing Bylaw No. 7900;</p> <p>AND THAT Council directs staff to commence bylaw enforcement action against the two (2) most prolific offenders;</p> <p>AND FURTHER THAT Council directs staff to hold a Local Area Servicing meeting in order to gauge support for a Local Area Servicing Bylaw and to explain the proposed changes to the I6 Zone.</p>	
<p>THAT Official Community Plan Bylaw Text Amendment No. OCP14-0002 to amend Kelowna 2030 – Official Community Plan Bylaw No. 10500 by amending Map 5.8 as outlined in the Report of the Community Planning and Real Estate Department dated April 13, 2015, be considered by Council;</p> <p>AND THAT Official Community Plan Bylaw Text Amendment No. OCP14-0002 to amend Kelowna 2030 – Official Community Plan Bylaw No. 10500 by adding Section 18 to the Comprehensive Development Permit Guidelines, as outlined in the Report of the Community Planning and Real Estate Department dated April 13, 2015, be considered by Council;</p> <p>AND THAT Zoning Bylaw Text Amendment No. TA14-0001 to amend City of Kelowna Zoning Bylaw No. 8000 by amending to I6 – Low Imp Report of the Community Planning and Real Estate Department dated April 13, 2015, be considered by Council;</p> <p>AND FURTHER THAT the Official Community Plan Amending Bylaw and the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration.</p>	<p>April 13, 2015</p>
<p>THAT Council receives, for information, the report from the Community Planning Department Manager dated March 21, 2016 regarding the Arab/Appaloosa Land Use and Bylaw Enforcement Strategy;</p> <p>AND THAT Council directs staff to follow the Bylaw Enforcement Strategy as identified in the Report from the Community Planning Department Manager dated March 21, 2016 regarding the Arab/Appaloosa Land Use and By Enforcement Strategy;</p> <p>AND THAT Council directs staff to prepare Official Community Plan amendments as identified in the Report from the Community Planning Department Manager dated March 21, 2016 regarding the Arab/Appaloosa Land Use and Bylaw Enforcement Strategy;</p>	<p>March 21, 2016</p>

<p>AND FURTHER THAT Council directs staff to lift the moratorium on accepting rezoning applications in the Arab/Appaloosa area as noted in the Report from the Community Planning Department Manager dated March 21, 2016 regarding the Arab/Appaloosa Land Use and Bylaw Enforcement Strategy.</p>	
<p>THAT Council receive for information, the supplementary report from the Community Planning Department dated November 28, 2016, with respect to the Industrial – Limited future land use designation for properties along the Arab and Appaloosa Roads;</p> <p>AND FURTHER THAT Council direct staff to pursue Option 3 (Informational Mail-Out and Survey with Public Open House / Meeting) as outlined in the report from the Community Planning Department dated November 28, 2016.</p>	<p>November 28, 2016</p>
<p>THAT Council receive for information the supplementary report from Community Planning dated February 27, 2017, with respect to the establishment of a Local Area Service along Arab and Appaloosa Roads;</p> <p>AND THAT Council direct staff to follow the future land use and bylaw enforcement strategy as identified in the Utilities Planning Manager report, dated March 21, 2016 regarding the Arab/Appaloosa Land Use and Bylaw Enforcement Strategy;</p> <p>AND FURTHER THAT Council direct staff to prepare Official Community Plan amendments as identified in the Utilities Planning Manager report, dated March 21, 2016 regarding the Arab/Appaloosa Land Use and Bylaw Enforcement Strategy.</p>	<p>February 27, 2017</p>
<p>THAT Council waive the requirement of the Development Application Procedures Bylaw 10540 that a defeated bylaw not be reconsidered for 6 months from the date of its defeat;</p> <p>AND THAT Official Community Plan Map Amendment Application No. OCP16-0020 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use Designation of the properties identified in Appendix 'A' attached to the Community Planning report dated April 10, 2017, from the Industrial – Limited (IND-L) designation to the Resource Protection Area (REP) designation be considered by Council;</p> <p>AND THAT the Official Community Plan Map Amending Bylaw be forwarded to a Public Hearing for further consideration;</p> <p>AND THAT Council considers the public processes detailed in the Report from the Community Planning Department dated February 27, 2017, to be appropriate consultation for the purpose of Section 475 of the <i>Local Government Act</i>.</p> <p>AND FURTHER THAT Council directs staff to pursue an escalating Bylaw Enforcement process on non-compliant properties in the subject area.</p>	<p>April 25, 2017</p>