

CITY OF KELOWNA

MEMORANDUM

SCHEDULE		A
This forms part of application # Z21-0070		
Planner Initials	BC	 City of Kelowna DEVELOPMENT PLANNING

Date: July 22, 2021

File No.: Z21-0070

To: Planning and Development Officer (BC)

From: Development Engineering Manager (RO)

Subject: 3036 Appaloosa Rd A1 to I6

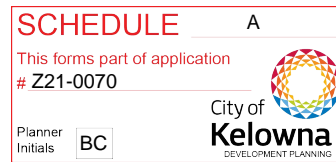
The Development Engineering Branch has the following comments and requirements associated with this application to rezone the subject property from A1 - Agricultural to I6 - Low Impact Transitional Industrial.

1. GENERAL

- a. The following requirements are valid for two (2) years from the reference date of this memo, or until the application has been closed, whichever occurs first. The City of Kelowna reserves the rights to update/change some or all items in this memo once these time limits have been reached.
- b. The subject lot is included in a group of properties which will work together in completing all road, water, sanitary and storm upgrading for Appaloosa Rd and Arab Rd and construction of Palamino Rd. CTQ Consultants Ltd. has created a master plan for this area.
- c. There is a possibility of a high water table or surcharging of storm drains during major storm events. This should be considered in the design of the onsite system.
- d. These Development Engineering comments/requirements are subject to the review and requirements from the Ministry of Transportation and Infrastructure (MoTI).

2. DOMESTIC WATER AND FIRE PROTECTION

- a. The subject lot is located within the Glenmore Ellison Improvement District (GEID) service area. The developer is required to make satisfactory arrangements with GEID for all water and fire protection-related issues. All charges for service connection and upgrading costs, as well as any costs to decommission existing services, shall be the responsibility of the developer.
- b. The Developer's Consulting Engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant requirements and service needs. All fire flow calculations approved by GEID are to be shared with the Development Engineering Branch upon submittal of off-site civil engineering drawings.




3. **SANITARY SEWER SYSTEM**

- a. The subject is not currently serviced by the City's Sanitary Sewer System. The Applicant's Consulting Mechanical Engineer will determine the requirements of the proposed development and establish the service needs.
- b. Only one service will be permitted for this development. Inspection manholes are required on all industrial connections, manhole is to be installed on private property with an access easement for City crews.
- c. The subject lot is in the Sexsmith / Appaloosa (No. 35) Sewer Connection Area. As per the Sewer Connection Charge Bylaw (No. 11540) the Developer will be required to pay a connection fee prior to connection of sanitary service at property line. The Sewer Connection Charge for this property was calculated using Bylaw 11540 Schedule 1 and Schedule 2. The required payment will be **\$68,042.80**.

4. **STORM DRAINAGE**

- a. The property is located within the City of Kelowna drainage service area. For on-site disposal of drainage water, a hydrogeotechnical report will be required, complete with a design for the disposal method (i.e. trench drain / rock pit). The Lot Grading Plan must show the design and location of these systems.
- b. Provide the following drawings:
 - i. A detailed Lot Grading Plan (indicate on the Lot Grading Plan any slopes that are steeper than 30% and areas that have greater than 1.0 m of fill);
 - ii. A detailed Stormwater Management Plan for this subdivision; and,
 - iii. An Erosion and Sediment Control Plan is to be prepared by a Professional Engineer proficient in the field of erosion and sediment control. The plan is to be prepared as per section 3.14 of Schedule 4 of Bylaw 7900. If a line item for ESC is not included in the Engineer's cost estimate for off-site work, then an additional 3% will be added to the performance security based on the total off-site construction estimate.
- c. On-site detention systems are to be compliant with Bylaw 7900, Schedule 4, Section 3.11.1 *Detention Storage*.
- d. As per Bylaw 7900, Schedule 4, Section 3.1.3 *Climate Change*, the capacity of storm works will include an additional 15 percent (15%) upward adjustment, and applied to the rainfall intensity curve stage (IDF) in Section 3.7.2.
- e. Show details of dedications, rights-of-way, setbacks and non-disturbance areas on the lot Grading Plan.
- f. Register right of ways on private properties for all the storm water infrastructure carrying, conveying, detaining and/or retaining storm water that is generated from the public properties, public road right of ways, and golf course lands.
- g. Identify clearly on a contour map, or lot grading plan, all steep areas (>30 %). Provide cross sections for all steep areas at each property corner and at locations where there are significant changes in slope. Cross sections are to be perpendicular to the contour of the slope. Show the proposed property lines on the cross sections. Not all areas have a clear top of bank; and therefore, field reconnaissance by City staff and the applicant may be needed to verify a suitable location for property lines.

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- h. Individual lot connections are required for all industrial lots as per Bylaw 7900 Schedule 4, Section 3.9.12. Ensure that payment of connection fees has been completed (please provide receipt).
- i. Where structures are designed or constructed below the proven high groundwater table, permanent groundwater pumping will not be permitted to discharge to the storm system. The City will approve designs that include provisions for eliminating groundwater penetration into the structure, while addressing buoyancy concerns. These design aspects must be reviewed and approved by the City Engineer.

5. ROAD IMPROVEMENTS


- a. The frontage of Appaloosa Road is to be upgraded to a full urban standard complete with curb and gutter, storm works, sidewalk, asphalt removal and replacement, landscaped and irrigated boulevard, lane markings, street lighting, removal and/or relocation existing utilities as may be required, etc. These works will be included in the Appaloosa Rd Upgrading and Palamino Rd Construction project. The developer is responsible for contributing for their half of Appaloosa Rd for the frontage of the subject property.

6. POWER AND TELECOMMUNICATION SERVICES

- a. All proposed distribution and service connections are to be installed underground. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services, which would be at the applicant's cost.
- b. If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, Telus, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager. Re-locate existing poles and utilities, where necessary including within lanes. Remove aerial trespass(es).

7. GEOTECHNICAL STUDY

- a. At time of Building Permit application, provide a comprehensive geotechnical report (3 copies), prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: **NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.**
- b. The Geotechnical reports must be submitted to the Planning and Development Services Department (Planning & Development Officer) for distribution to the Works & Utilities Department and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.
 - i. Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
 - ii. Site suitability for development.
 - iii. Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).

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- iv. Any special requirements for construction of roads, utilities, and building structures.
 - v. Recommendations for items that should be included in a Restrictive Covenant.
 - vi. Recommendations for roof drains and perimeter drains.
 - vii. Recommendations for erosion and sedimentation controls for water and wind.
 - viii. Any items required in other sections of this document.
- c. Should any on-site retaining walls surpass the following limits, an Over Height Retaining Wall Permit will be required:

“Retaining walls on all lots, except those required as a condition of subdivision approval, must not exceed a height of 1.2 m measured from natural grade on the lower side, and must be constructed so that any retaining walls are spaced to provide a 1.2 m horizontal separation between tiers. The maximum number of tiers is two with a maximum total height of 2.4 m. Any multi-tier structure more than 2 tiers must be designed and constructed under the direction of a qualified professional engineer.”

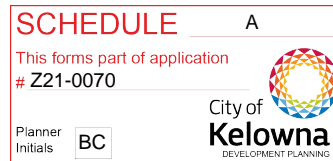
The design of all retaining walls is to conform with Engineer & Geoscientists British Columbia's Professional Practice Guidelines for Retaining Wall Design. Submission requirements for the Over Height Retaining Wall Permit include Engineer of Record documents (Appendix A of Retaining Wall Design Guideline) and any necessary independent reviews (as per EGBC's Documented Independent Review of Structural Designs).

- d. Any modified slopes having a finished slope greater than 2H:V1 (50%) and an elevation change greater than 1.2 m must be installed under the direction of a qualified professional engineer.
- e. Any exposed natural rock surface on a lot that has the potential for materials to displace causing a hazardous condition, must be reviewed by a qualified professional engineer with the appropriate and measures undertaken as prescribed by the engineer. For adequate Rockfall Protection adjacent to walls and rock cuts, please consider BC MoTI Supplement to TAC Geometric Design Guide 440, page 440-8, which outlines a ditch bottom width depending on wall height. Sidewalks and utilities should be kept out of this protection area. Additional ROW may be required.

Where walls are on the high side, the City's preference is that the walls remain setback and on private property. Where the walls hold up a public road, the City's preference is that additional dedication be provided, and the walls be owned by the City. Please design any geogrids or tie-backs so that they do not encroach into the required road ROW.

8. DESIGN AND CONSTRUCTION

- a. Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.



- b. Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- c. Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- d. A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- e. Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Development Engineering Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

9. SERVICING AGREEMENT FOR WORKS AND SERVICES

- a. A Servicing Agreement is required for all offsite works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- b. Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

10. CHARGES AND FEES

- a. The developer is responsible for contributing for their half of Appaloosa Rd upgrades for the frontage of the subject property. This contribution is yet to be finalized and will be determined at time of construction.
- b. Sewer Connection Charge as per Bylaw 11540:

i. Sexsmith (No. 35) Sewer Connection Charge	\$68,042.80
ii. Contribution towards area sanitary expansion	\$11,075.00
Total:	\$56,967.80

Ryan O'Sullivan
Development Engineering Manager

SK

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

Resolution	Date
<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>	April 13, 2015
<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>	March 21, 2016

Resolution	Date
<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>	November 28, 2016
<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>	February 27, 2017
<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>	April 25, 2017

Resolution	Date
<p>THAT Council receives, for information, the report from the Development Planning Department dated February 28, 2022, with respect to the Arab/Appaloosa Road Area Development Update;</p> <p>AND THAT Council endorses to the Arab/Appaloosa Road area engineering plan and project process as outlined in the report from the Development Planning Department dated February 28, 2022;</p> <p>AND FURTHER THAT Council directs staff to renew bylaw enforcement for the Arab/Appaloosa Road area as outlined in the report from the Development Planning Department dated February 28, 2022.</p>	February 28, 2021

PROJECT DESCRIPTION/RATIONALE

3036 Appaloosa Rd, City of Kelowna Development Proposal

Proposal to Rezone from A1 (non ALR) to I2



CTQ File 17118-50

June 21, 2021



Background

The Arab and Appaloosa Road area has been a neighborhood on the verge of transition since 2012. Primarily zoned for Agriculture (non ALR), many of the area's parcels have had a history of non-conforming uses (largely low impact industrial in nature) and a desire to legitimize those uses through rezoning to address the need for greater industrial lands within the City. To date, a lack of adequate servicing and coordination between property owners has been a hinderance to this transition.

However, in recent years the future land use of this area has been designated in the City's Official Community Plan (OCP) as *Industrial – Transitional*. A1 zoned area property owners are increasingly coordinating their efforts to achieve the necessary servicing required to complete this neighborhood transition and there are numerous rezoning applications currently in the City's que requesting I6 zoning.

Development Proposal

The property owner wishes to rezone the subject property from *A1 – Agriculture 1* to *I6 – Low-Impact Transitional Industrial* to accommodate a future office and equipment storage in accordance with the City's Development Permit guidelines to facilitate a contractor's services business.

Subject Property

3036 Appaloosa Rd is approximately 1.84 acres and is currently being utilized for residential purposes. The southern parcel boundary abuts Appaloosa Road and the northern parcel boundary abuts the rear yards of the Shetland Road neighbourhood.

Existing Zoning

The parcel is zoned *A1 - Agriculture 1* and is not contained within the ALR.

Future Land Use

The anticipated Future Land Use is *Industrial – Limited (IND-L)*, which envisions light industrial and residential but is limited by compatibility with nearby residential uses.

Servicing

The property owner is currently working with neighboring property owners and CTQ Consultants to establish a servicing plan which meets the area's requirements in accordance with the City's Subdivision, Development & Servicing Bylaw No. 7900.

Capital Costs

Industrial developments are responsible for contributing financially to the overall structural health of the community as it relates to parks, roads and community services where appropriate through development cost charges (DCCs).

Form and Character

Prior to obtaining a Building Permit, industrial developments are required to obtain an approved Development Permit for compliance with form and character guidelines. Transitional industrial areas must ensure appropriate screening to maintain privacy of residential uses, proper placement of window openings and loading doors and strategic orientation of lighting to minimize light trespass and overall disturbance to adjacent residential uses. The property owner intends to pursue approval of a Development Permit following successful rezoning of the parcel.

Summary

The proposed rezoning is in line with the City's anticipated future land use for the area, which will serve as a transitional buffer between the residential uses to the north and the general industrial uses to the south. The City is currently processing numerous rezoning applications within the area with the same zoning objectives and I6 zoned properties already exist along Appaloosa Road. Rezoning the subject property and transitioning this area into I6 zoning will provide much needed low impact industrial lands in the City.

