



**TO:** Board of Directors  
**FROM:** Planning Department

**File No:** 21-1055-B-OR  
**Date:** November 29, 2022

**SUBJECT:** OCP Amendment Bylaw No. 2926 and Zoning Amendment Bylaw No. 2927

## **BYLAW PROCESS RECOMMENDATION:**

That Official Community Plan Amendment Bylaw No. 2926 which proposes to change the Electoral Areas “B” and “C” Official Community Plan land use designation of a 100.44 ha portion of the property legally described as The Fractional N 1/2 of Sec 36, Twp 14, ODYD, Except Plans B826, 37599 & H823 and located at Highway 97, Electoral Area “B” from Large Holding to Commercial be given Second Reading; and further,

That Zoning Amendment Bylaw No. 2927 which proposes to change the zoning of a 100.44 ha portion of the property legally described as The Fractional N 1/2 of Sec 36, Twp 14, ODYD, Except Plans B826, 37599 & H823 and located at Highway 97, Electoral Area “B” from the Large Holding (L.H) zone to the Recreation Commercial (C.5) zone be given Second Reading; and further,

That a Public Hearing for Bylaw Nos. 2926 and 2927 be withheld until the applicant has submitted a Traffic Impact Study which has been accepted by the Ministry of Transportation and Infrastructure; and further,

That the Public Hearing for Bylaw Nos. 2926 and 2927 be delegated to the Electoral Area Advisory Committee under Section 231 of the *Local Government Act*; and further

That Final Adoption of Bylaw No. 2926 and Bylaw No. 2927 be withheld until:

1. the applicant has made suitable arrangements with the Regional District of North Okanagan to secure a 5 m wide corridor on the property for a future public trail;
2. comments have been received from the Okanagan Indian Band following their review of the proposal.

## **BACKGROUND:**

This report relates to an application to change the Electoral Areas “B” and “C” Official Community Plan (OCP) land use designation and the zoning of a portion of a property located on the west side of Highway 97 near the intersection with Bailey Road, in Electoral Area “B”. The property is partially within the Agricultural Land Reserve (ALR) and the applicant proposes to change the OCP land use designation of the non-ALR portion of the property from Large Holding to Commercial and to change the zoning of the same portion of the property from Large Holding (L.H) to Recreation Commercial (C.5). If approved, the applicant proposes to develop the property for a variety of uses including a gondola, ziplines, restaurants, retail sales, outdoor light show area, wedding and event venues, tree forts, playground, plaza, amphitheatre, mountain biking and walking trails, agricultural activities, parking and on-site access routes.

At the Regular Meeting held on March 16, 2022, the Board of Directors considered the application and resolved that staff be directed to prepare an OCP Amendment Bylaw and a Zoning Amendment Bylaw for First Reading. The Board also resolved that Second Reading of the Bylaws be withheld until:

1. comments have been received from: RDNO Community Services (Parks) Department, First Nations, City of Vernon, and the Ministry of Transportation and Infrastructure; and,
2. the applicant has held a Public Information Meeting in accordance with the Public Information Meeting Guide; and
3. the applicant has provided confirmation in writing from a qualified professional Geotechnical Engineer that the subject property is safe for the intended use; and,
4. the applicant has submitted a hydrogeological study to determine the impacts, if any, of the proposed development on the water supply of existing users in the surrounding area and the underlying aquifer; and,
5. the applicant has submitted a study prepared by a professional Geotechnical Engineer which evaluates the subject property and provides recommendations for potential on-site septic sewage disposal associated with the proposed development.

The Board further resolved that Final Adoption of the Bylaws be withheld until:

1. a Commercial, Environmentally Sensitive Lands, and Riparian and Swan Lake Development Permit associated with the proposed development has been approved for issuance; and
2. the applicant has obtained approval from the Agricultural Land Commission for any proposed non-farm use of those portions of the subject property within the Agricultural Land Reserve, any non-farm use of private roads in the ALR, and road construction in the ALR if applicable; and,
3. the applicant has registered a covenant against the title of the property legally described as The Fractional N 1/2 of Sec 36, Twp 14, ODYD, Except Plans B826, 37599 & H823 and located at Highway 97, Electoral Area "B" that would:
  - a. prohibit subdivision of the lands unless and until access to the subject property is provided by a public road other than Highway 97; and,
  - b. restrict the range of uses permitted on the subject property to those which are proposed as part of the subject application or as defined by the Board of Directors.

At the Regular Meeting held on April 20, 2022, the Board gave First Reading to Electoral Areas "B" and "C" Official Community Plan Amendment Bylaw No. 2926, 2022 and to Zoning Amendment Bylaw No. 2927, 2022.

#### **REFERRAL COMMENTS:**

Since the subject Bylaws received First Reading, the following comments have been received from the RDNO Building Inspections Department, RDNO Community Services (Parks) Department, RDNO Community Services (Solid Waste) Department, RDNO Utilities Department, City of Kelowna Regional Compost Facility Supervisor, OKIB and the Ministry of Transportation and Infrastructure.

#### **RDNO Building Inspections Department**

- A Structural Engineer, Geotechnical Engineer and Architect will certainly be required.
- The Architect should be one of the first professionals engaged, as these buildings are for an Assembly Occupancy. This means the building will need to be designed taking into account all Fire Protection, Occupant Safety and Accessibility into account. Further to this, the buildings will need to take into account the occupant loads on the building with respect to exiting and egress, and Health Requirements.

- One of the big issues is the access for firefighting. The area the buildings are proposed is outside the 10 minute response time from the local fire department, this can have an effect on not only the construction and cladding of the building, but access routes, provisions for firefighting, fire alarm and detection systems etc.
- We don't know for certain whether or not a sprinkler system will be required, however, we know that either a sprinkler system OR some form of provisions for firefighting will be required. Regardless, a professional engineer will need to design either with an Architect overseeing this.
- 3.2.5.7 - Water Supply
  - 1) Every building shall be provided with an adequate water supply for firefighting
  - 2) Buildings that are sprinklered throughout with a sprinkler system conforming to Article 3.2.5.12 or have a standpipe system conforming to Article 3.2.5.8 to 3.2.5.10 are deemed to comply with sentence (1)

#### RDNO Parks Department

- RDNO Parks has an interest in establishing a trail connection in the vicinity of the Gondola property. The Area B & C Parks and Trails Master Plan (2019, Fig. 1) shows a proposed trail connection coming from the Predator Ridge development down to Highway 97.
- RDNO Parks request a 5 m SROW if the property were developed, to establish a public trail connection through the property, from west to east. The exact location of the trail to be determined.

#### RDNO Solid Waste Department

- The yard waste composting facility should not cause any odour complaints to the area (as we are quite a bit further from the gondola development and the type of odour from a yard waste composting system is distinctly different than a biosolids site (where the regional composting facility is located).
- I would expect that there potentially could be conditions when you could smell the regional composting facility from the proposed Gondola location (with the right wind direction and low wind speeds) and it would kind of be like driving through a smoking fire area, where you experience smoke smells for a short timeframe.

#### City of Kelowna Regional Compost Facility Supervisor

- This feedback is provided on behalf of the City of Kelowna, which operates the Regional Biosolids Compost Facility and funds it in partnership with the City of Vernon.
- The proposed OG project would be located approximately 2 km away from the Kelowna-Vernon Regional Biosolids Compost Facility. This is a critical and large-scale wastewater management facility in the Okanagan valley, composting biosolids from Kelowna, Lake Country and Vernon. Seven days a week, between 4 and 6 loads of biosolids are transported daily along Bailey Road and Commonage Road from the local waste water treatment plants, which are received and processed into compost.
- In addition to this traffic we also haul feedstock materials and compost in and out of the facility on a daily basis, and service customers who purchase our compost in bulk on weekdays.
- The Commonage area has been historically used for agricultural purposes and our neighbors understand that as a Municipally owned and operated compost facility, even with a significant Odour Management Plan and controls such as misting and monitoring programs, a certain level of odours and traffic is to be expected from a composting operation of our size, which in our view would not be compatible with the OG project's proposed recreational land-use (i.e. amphitheater, cafe and restaurant). In our experience, odour complaints/reports from neighbours have mainly come from homes located between 1.5 and 2 kilometres from our facility.

- We wanted to bring this to your attention as we expect the OG project would result in additional odour complaints, which would put the operation and ongoing existence of this critical municipal infrastructure at risk.

### Okanagan Indian Band (OKIB)

On June 13, 2022, OKIB sent a letter to the RDNO which states the following:

We write on behalf of Okanagan Indian Band ("OKIB") to provide its preliminary views and questions regarding the OK Gondola (the "Project") proposed by Okanagan Gondola Ltd. and the Regional District of North Okanagan (collectively, the "Proponent"). The referral, submitted to OKIB via NationsConnect on May 4, 2022.

This letter provides general, preliminary information about Okanagan Indian Band's Aboriginal rights and title, and its initial concerns about potential impacts of the Project. In order to provide more detailed feedback and engage in meaningful consultation on this Project we require support for our internal capacity. Without sufficient capacity support, we will be unable to meaningfully engage in consultation on this referral. This Project takes place within an area covered by Syilx Aboriginal title. OKIB is a relatively large community with many competing priorities and challenges that must be addressed. We have a small staff of three people in our Territorial Stewardship Division responsible for reviewing and responding to all referrals in our territory. We do not receive any dedicated funding from the Crown to engage in consultation and instead rely on funds allocated from our general budget, supplemented by occasional project-specific funding from the Crown or proponents. This budget is insufficient to allow us to meaningfully respond to all referrals we receive.

We have no in-house environmental, scientific, engineering or legal expertise and no annual budget for outside consultants. Without internal expertise on technical and legal issues, we must seek help from consultants who cost \$185-\$275 an hour, and lawyers who cost \$290-\$350 an hour. We simply cannot bear these costs alone and meaningfully participate in consultation. This funding will be used for some or all the following activities depending on our needs with respect to this particular Project as they evolve:

- Accessing the Indigenous Knowledge of elders, knowledge-holders and community members to inform our assessment of impacts to our Aboriginal rights and title, culture and community;
- Desktop assessment of the Project area to assess cultural sites, traditional use sites and other values present to strengthen our understanding of impacts to our rights and interests;
- Community engagement and consultation to gather views, concerns, and issues from the community to support our decision-making with respect to this Project;
- Engaging technical assistance to help us understand the environmental impacts of this Project, which may include cumulative impacts analysis, and how they might impact our rights and interests; and
- Retain legal assistance and advice to inform our assessment of impacts to our legal rights and interests.

OKIB is one of eight member communities of the Syilx people (also known as the Okanagan Nation) which has Aboriginal rights and title throughout Syilx territory (also known as tmxwulaxw).

The proposed area is within the OKIB area of responsibility. OKIB has a strong claim to Aboriginal rights in the project area, there clearly exists a duty to consult. Infringement of Aboriginal title including our right to decide how the land will be used, right of enjoyment and occupancy. In this letter, OKIB outlines additional information it requires and identifies some preliminary concerns, based on the information shared to date.

**Project and Authorizations Sought:**

We understand that Okanagan Gondola Ltd. proposes to construct a Gondola, ziplines, mountain bike and hiking trails and concession area. It is our understanding that the Project will require the following federal, provincial, and municipal authorizations:

- Ministry of Transportation
- Water Licence under s.26 of the Water Sustainability Act ("WSA")
- Species at Risk
- Weed control act
- Heritage Conservation Act
- Riparian Areas Protection Regulation
- Wildlife Act
- Engineers and Geoscientist Act.
- Local Government Act and
- Official Community Plans and associated development permit areas' requirements.

Please advise if there are additional authorizations that we have not identified. This does not include the OKIB's Cultural Heritage Investigation Permit that will be required.

**Initial Questions and Concerns regarding this referral:**

1. Management of water use and sewage disposal
2. Road use.
3. Fire hazards and fire protection. Whose jurisdiction would fire protection fall under.
4. Communication with the proponent and the staff of the OKIB Territorial Stewardship Division, Referrals department have not occurred at this time.

To engage in any degree of meaningful consultation, OKIB requires sufficient information on the proposed project before it can proceed.

NOTE: In response to the above comments, the Planning Department sent a letter to OKIB on June 22, 2022. The letter included information the applicant has provided to the RDNO since the original referral package was sent and in response to the Board of Directors request for additional information regarding the proposed development.

On October 31, 2022, OKIB sent a letter to the applicant which states the following:

We write in regards to the Capacity Funding offered by North Ridge America for consultation and engagement with Okanagan Indian Band ("OKIB") on North Ridge's proposed Gondola Project (the "Project"). North Ridge has offered OKIB \$27,345 in capacity funding, as follows:

- i. \$8560.00 – Archeological Review
- ii. \$2960.00 – Environmental Review
- iii. \$15,825.00 – Legal support

OKIB writes to confirm its acceptance of this capacity funding on the understanding that this capacity funding is a starting point, and additional funding may be required to support OKIB in the consultation process. Additionally, acceptance of this funding does not in any way constitute OKIB's consent for the Project, discharge the Crown from its obligation to consult OKIB on this Project or constitute an admission by OKIB that consultation has been fulfilled, or constitute permission for North Ridge to proceed with this Project.

This funding will provide initial support for OKIB to start to understand the potential impacts of the Project. However, this inquiry may result in additional funding being required. In particular, we note that the amount offered for Environmental Review is relatively low and may not be sufficient to adequately consider this Project's impacts on the resources and land that OKIB relies on for the practice of its Aboriginal rights and title.

Please confirm your understanding of the above. We look forward to continuing discussions with North Ridge regarding this Project.

### Ministry of Transportation and Infrastructure

Preliminary Approval is granted for the rezoning for one year pursuant to section 52(3)(a) of the Transportation Act, subject to the following conditions:

1. Submission of a suitable Traffic Impact Study, completed by a Professional Traffic Engineer registered to practice in British Columbia, identifying the impact and mitigation of all traffic that could be generated from this development. The developer's Traffic Engineer must contact myself to schedule a Scope Development Meeting prior to preparing the report. Additional requirements may result from this study including but not limited to restrictive covenants and offsite intersection improvements.
2. Submission of a suitable Stormwater Management Plan (SWMP), prepared by a Professional Engineer registered to practice in British Columbia, showing all calculations and rationale supporting how drainage will be mitigated onsite. The development proposal shows a number of trails covering the property which have a high potential to intercept overland sheet flow, concentrate it and direct it to new locations. The developer is responsible to ensure that the volume and velocity of post development runoff reaching the ditches along Highway 97 does not exceed the pre development rates. The SWMP must accommodate the 100yr flood event and add factors for climate change.
3. The access between Bailey Rd and the subject property must be dedicated as ROAD, a minimum of 20 m in width, to the Ministry of Transportation and Infrastructure.
4. The developer must apply for and receive a Commercial Access Permit for the driveway connecting to Bailey Road.
5. The subject property may contain Unexploded Explosive Ordnances (UXOs). The developer must contact the Government of Canada at [uxocanada@forces.gc.ca](mailto:uxocanada@forces.gc.ca) to see if sweeping operations are necessary.

### City of Vernon

The City of Vernon previously provided the following comments:

- This project appears to provide some interesting recreational offerings that could have positive impacts to tourism and the local economy.
- We have concerns about transportation impacts but will provide shared comments with MoTI.
- We are concerned that this project may open the door for future development. We recommend a restrictive covenant to eliminate future residential/tourist residential (including hotels, resort) development on the subject property.

Additional comments from the City of Vernon have not been received at the time of this report.

### RDNO Utilities Department (Greater Vernon Water)

- Connection to GVW – to connect to GVW, they must meet the Boundary Extension Policy ([https://www.rdno.ca/sites/default/files/2022-05/BPOL\\_004\\_0.pdf](https://www.rdno.ca/sites/default/files/2022-05/BPOL_004_0.pdf)). If they are not in a RGS zone they may be able to apply to the Board for approval if they can show they can move forward with the rest of the policy. If they are approved by the Board and met all the conditions, it is likely that they would need to either pay a latecomer for the Longspoon reservoir or complete an expansion. This option is expensive with land lift, connection fees and infrastructure construction costs required and may not be approved by the Board so not guaranteed to even move forward.
- Supplementing fire storage with offsite water supply – we have a truck fill station by the City yards on PV Road and registered water haulers can fill at. They can hire a local company which last time I checked a number of years ago was about \$125/truck, likely \$200 or more now. If they had their own truck, they would need to get a card to register (quarterly infrastructure base fee applies for the card) and pay consumption fees.

Note 1: The property is currently outside of the Greater Vernon Water (GVW) service area boundary. The GVW service area boundary abuts the property on the north and west sides.

Note 2: Section 112.12 of the Greater Vernon Water Subdivision and Development Servicing Bylaw No. 2650 states that “connection to the GVW System is not permitted for the following parcels: in the case of Development, a parcel proposed to be developed which parcel is not located within 500 m of the terminus of the existing Waterworks system as measured along the road centre line to the closest point of the parcel, and any Subdivision or Development of such parcel(s) shall be premised on the parcel(s) being serviced in accordance with the Regional District of North Okanagan Subdivision Servicing Bylaw No. 2600, 2013, with potable water from a source other than GVW.”

## **PUBLIC INFORMATION MEETING:**

In follow-up to the Board’s direction, the applicant held a Public Information Meeting (PIM) on Wednesday, June 15, 2022 beginning at 12:00 PM. The PIM was held via Zoom, at the entrance to the subject property and in their office in Kelowna located at Suite 200 – 215 Lawrence Avenue. In accordance with the requirements of the Regional District Public Information Meeting Guide, the applicant submitted a report to staff regarding the PIM including the following information:

- photos of the meeting notification sign posted on the property on May 31, 2022;
- copies of the advertisement that was run in the June 2 and June 9, 2022 editions of the Vernon Morning Star newspaper;
- a copy of the mail-out that was delivered to surrounding property owners including the following:
  - date, time, and purpose of the Public Information Meeting;
  - website with Zoom link and locations required to join the Public Information Meeting;
  - address of the subject property;
  - site plan of the property;
  - contact information for the applicant and for the Regional District of North Okanagan;
  - a description of the proposed OCP and Zoning amendments; and
  - a comment sheet inviting recipients to submit written comments to the Regional District.
- Minutes of the PIM indicate the following:
  - two members of the public attended on the subject property, one member of the public were in attendance in the Kelowna office and one member of the public (media) attended.
  - the onsite attendees had questions about the applicants plans for water and hydro servicing.
  - the applicants responded that they were investigating pump and haul as well as potentially drilling wells as referenced in the Western Water report. They also indicated that they were currently working with BC Hydro on a plan to service the property. The persons who attended onsite also asked if the development would be visible from the highway. The applicants indicated that they have been working with professionals to limit any visual impacts.
  - the person who attended in the Kelowna office asked the timeline of construction and what the access would be. The Minutes indicate the applicants responded that they plan to work through their approvals this summer with light work to begin in fall or spring. They also indicated that access would be from the common shared road.

One written comment regarding the proposal was received by the Planning Department. The letter was not supportive and indicated concerns related to visual impacts and protection of the environment.

The applicant also held a public meeting at Predator Ridge Resort located at 301 Village Centre Place, Vernon on Friday, April 1, 2022 beginning at 12:00 PM. The meeting was not held in accordance with the notification requirements of the Regional District Public Information Meeting Guide. While the applicants provided notification letters to some of the adjacent property owners, the applicant did not deliver notifications to all of the surrounding property owners as required by the Guide.

The applicant has requested that the comments received at this meeting be incorporated into this report. The applicant provided the following information related to this meeting:

- photos of the meeting notification sign posted on the property on March 18, 2022;
- copies of the advertisement that was run in the March 24 and March 31, 2022 editions of the Vernon Morning Star newspaper;
- a copy of the mail-out that was delivered to two of the surrounding property owners including the following:
  - date, time, and purpose of the Public Information Meeting;
  - address and location of the Public Information Meeting;
  - address of the subject property;
  - site plan of the property;
  - contact information for the applicant and for the Regional District of North Okanagan;
  - a description of the proposed OCP and Zoning amendments; and
  - a comment sheet inviting recipients to submit written comments to the Regional District.
- Minutes of the meeting indicate the following:
  - 103 members of the public were in attendance in addition to two of the applicants.
  - attendees had questions about the proposed buildings on the property and how this may impact sight lines and noise. The Minutes indicate that the applicant responded that proposed development will likely not have any impacts related to sight lines of adjacent properties or noise from the gondola.
  - attendees had questions related to fire protection. The Minutes indicate that the applicants stated they would work with their neighbours and Predator Ridge for a comprehensive plan including fuel mitigation and fire breaks.
  - attendees had concerns related to traffic and the intersection with Highway 97.
  - attendees had questions regarding benefits to the community. The Minutes indicate that the applicants stated they would provide trail connections to Ellison and the Rail Trail.
  - attendees had questions and concerns related to environmental impacts. The Minutes indicate that the applicants stated they are working with Ecoscape to limit any impacts.

17 written comments regarding the proposal were submitted to the applicants at the meeting. Nine written submissions were in support of the proposal and an additional two submissions were in general support but noted concerns related to traffic. Two submissions were not in support of the proposal and noted concerns related to traffic, light pollution, noise and environmental impacts. The applicants also provided written comments from the (then) mayor of Kelowna and Thompson Okanagan Tourism Association in support of the proposal.

Six written comments regarding the proposal were received directly by the Planning Department. These submissions did not support the proposal and noted concerns related to highway safety/increased traffic, water supply, fire mitigation, environmental degradation, light pollution, visual impacts, precedent for further commercial development, and loss of privacy and noise.

## **TECHNICAL REPORTS:**

In follow-up to the Board's resolution, the applicant has provided the following information:

### Geotechnical Report:

In follow-up to the Board's resolution, the applicant has provided a report from Geopacific Consultants Ltd. dated March 30, 2022. The report states:

- Based on our review of the soil profile, the proposed structures can be supported on conventional spread and strip footings founded on natural compact to dense sands and gravels, dense to very bedrock, compact blast rock fill or compact engineered fill.



- The subsurface soils are not considered prone to liquefaction or other forms or other forms of ground softening under the design earthquake defined under the 2018 BC Building Code.
- We confirm, from a geotechnical stand point, that the proposed development is feasible provided that the recommendations outlined in Section 6 are incorporated into the overall design.
- Provided that our recommendations in Section 6 of this report are followed, we are of the opinion that the development will meet the required return period of 10,000 years for life-threatening or catastrophic landslides, under both static and seismic conditions. Therefore, we are satisfied that the property can be safely used for the intended purpose of the proposed development.
- GeoPacific has completed a cursory review of the adjacent properties and confirm the proposed development will have no slope stability related impacts on the adjoining properties based on the current topography beyond the property.

#### On-site sewage disposal:

In follow-up to the Board's resolution, the applicant has provided reports from DeansTech Consulting Ltd. dated April 8, 2022 and August 10, 2022. The reports state:

- During the site visit on March 17 there were 14 test pits excavated to various depths across the property but mainly concentrated near the proposed stations.
- During the site visits we did not observe any issues with regard to the function of an onsite sewage treatment and dispersal system for the proposed operation.
- Based on the site visits, it is our opinion that onsite dispersal to ground of treated sewage effluent is possible for the proposed development.
- There is no intention of using above ground spray irrigation as a method of effluent dispersal on this site. The design of the sewage systems for the project would likely involve collection and treatment of effluent to Type 2 levels of quality and dispersal to ground in suitable locations. For this type of operation, we would likely have collection and treatment systems at each of the stations. The restaurant flow could be split into a few collection systems so that the effluent could be dispersed at different locations to avoid point loading an area with higher volumes. Dispersal of effluent over a wider area allows for greater potential for infiltration to the underlying soils without the risk of mounding or breakout to surface.

The applicant has also provided a report from Lawson Engineering Ltd. (LEL) dated June 27, 2022. The report states:

- It is expected that the soil types observed within the existing site are considered suitable for ground dispersal of treated sewage wastewater, with an expected soil permeability in the range of 550-2000 mm/day.

#### Hydrogeological Study:

In follow-up to the Board's resolution, the applicant has provided the above noted report from Lawson Engineering Ltd (LEL) dated June 27, 2022. The report states:

- The conditions for developing an onsite groundwater supply system to provide water supply service to the development is considered marginally feasible due to the insitu bedrock conditions present onsite.
- It is expected that multiple wells at different locations will be required to satisfy the water demand for the site, with additional water sources also likely required to maintain these demands over the longer-term horizon.
- Water sources including the capture of rainwater for storage and reuse, as well as connection to an existing offsite water source (if available) for fire protection and irrigation, are two sources being considered to help compliment the onsite water supply strategy. Water from the supply wells at each location would be pumped to on-site storage (such as an aboveground storage tank) and fed to the local water system as needed.

- This will be required to facilitate operational demands as they vary through the day and during peak times if suspected long term sustainable well yields prove insufficient.

The applicant has also provided a report from Lawson Engineering Ltd. (LEL) dated August 11, 2022. The report states:

- Maximum Daily Demand (MDD) for the site at full buildout was calculated used the Sewerage Standard Practice Manual Version 3. LEL note that at the conceptual planning stage, sanitary flow rates were used to estimate water servicing requirements as it allows for a detailed review of water use which takes into account not only population but proposed commercial application as well.
- Table 1.1 of the report shows the estimated water servicing Maximum Daily Demand (MDD) to be 76,820 L/Day.
- LEL have assumed a sustainable flow rate of 4 USGM per well, or approximately 0.25 L/sec.
- Due to the large catchment area onsite, potential exists to supplement well flows with storm water. At a total area of approximately 115 hectares and a minimum average monthly precipitation of approximately 25 mm (see "Water Supply Feasibility Assessment Okanagan Gondola Development, Vernon, B.C. produced by Western Water Associates Ltd.) the site has the potential to produce close to 1,000 m<sup>3</sup> of precipitation per day, exceeding the total fire storage requirement. Storm water storage for the purposes of fire protection could take the form of ponds constructed in locations of low infiltration serving the purpose of both storm water detention and fire storage. Further investigation and modelling will be required to accurately determine catchment areas, infiltration, anticipated runoff, and storm water detention requirements, however, at the conceptual stage, it appears that stormwater capture may prove to be a viable supplementary source of water for the purpose of fire protection.
- It is the clients intention to provide road access to all 3 sites. With adequate road infrastructure in place, there is the possibility of supplementing fire recharge rates with a reliable offsite water supply. At a storage capacity of 360 m<sup>3</sup>, total recharge of the base camp and/or mid station fire storage could be completed using exclusively offsite sources in approximately 25 round trips assuming a 4,000 US gallon capacity water truck. This would likely equate to approximately a 2 day recharge rate using offsite sources only. With a lower storage requirement, the summit station is anticipated to require 15 round trips under similar conditions.
- It is currently anticipated that a total of five (5) wells should yield sufficient water to support the MDD generated from the proposed development. Three (3) additional wells, when combined with potential supplementary sources of water such as storm water runoff and supply from offsite sources, could feasibly provide sufficient flows to adequately recharge fire storage after a significant fire event. All three (3) development areas are likely to require high flow pumps to sustain the required fire flow rates. Irrigation requirements were unknown at the time of this memo and were therefore excluded from all calculations.

The applicant has also provided reports from Western Water Associates Ltd. dated August 11, 2022 and October 13, 2022. The reports state:

- The proposed Phase I development (3-5 year horizon) would include:
  - A base area with quick service café and public washroom facilities.
  - A mid-station activity centre with public washrooms.
  - A hilltop station, with viewing platform and public washrooms.
  - A 200 person capacity restaurant and event venue with dedicated washroom facility.
- There are currently no water wells located on the property, nor any licensed points-of-diversion from either Kalamalka Lake or the watercourses on the property.
- In this assessment, three water supply options were investigated:
- Water supply be provided by the RDNO by a metered connection to the municipal water system servicing Predator Ridge;

- Lake intake within Kalamalka Lake, with a lakeshore lift station to pump water up the hill and across the highway;
- Distributed groundwater wells situated at each of the proposed buildings/landing where water is required, to service the local area under three independent small water systems.
- Related to Option 1, the report states that as the terminus of the current water system is beyond 500 m from the site, connection to GVW is not permitted as the nearest connection point for the upper terminal is 800+ m away from Commonage Road at its closest point.
- Related to Option 2, the report states that there is a statutory right-of-way that connects the eastern side of the parcel to Kalamalka Lake via a 15 ft wide easement. This easement was put in place specifically for future development potential of the parcel and includes provision for crossing underneath Highway 97. However, MFLNRORD have currently put a moratorium on new commercial surface water licences from the lake.
- Related to Option 3, the report states that bedrock aquifer 471 is mapped as being located underneath the site; however, it is known that this area can be water-scarce area, with many dry boreholes drilled historically in the vicinity of the site. The granitic rock in this area is fairly tight, with some fracture sets conveying appreciable water. However, in the absence of these fractures, the host bedrock is fairly competent, and does not yield appreciable groundwater on its own. Any water wells should look to take advantage of pre-existing fracture sets within the rock. Any water encountered during initial test well drilling should be tested for a significant amount of time (72-hours or more) to confirm well yield and that the well will recharge over time. This testing is often best done in the late summer or fall/winter months, away from the enhanced period of recharge during snowmelt and freshet expected in the March-July period.
- The report states that well interference effects between these proposed new onsite wells and existing offsite wells at these flow rates are not anticipated.
- 72-hour tests will likely be required in order to licence wells under the B.C. *Water Sustainability Act*.
- Western Water Associates Ltd. (WWAL) has reviewed an electronic copy of a Lawson Engineering Ltd. *Okanogan Gondola Site Servicing (Water Servicing & Fire Protection)* Memorandum (the Lawson report) dated August 11, 2022. The Lawson report was meant to provide preliminary calculations and recommendations based on current site conditions and proposed build -out as they relate to water servicing requirements for the proposed development (on PIO 013-561-235).
- The Lawson report assumed a sustainable flow rate of 4 USgpm per well or approximately 0.25 L/s is available, and each of the three development areas (base camp, mid station and summit station) will require between 1 to 2 wells at the above noted sustainable yield in order to meet projected MDD requirements. This sustainable yield assumption is consistent with the conclusion of our report that wells in the area should be expected to have yields < 5 USgpm.
- The RDNO has requested by email that WWAL confirm that our report takes into consideration the water demand calculations and conclusions in the Lawson report, and this letter is intended to satisfy that request.
- The Lawson Report refines (the) demand estimate based on current design elements and focuses on Maximum Daily Demand (MDD), which was estimated to be to 76,820 L/day (or 14.1 USgpm continuously). An Average Daily Demand (ADD) is not specifically provided in the Lawson report. While onsite storage is being planned for, we understand that the expectation is that the wells are capable of providing this MDD.
- It is our opinion that sustainable groundwater production at the MDD rate of 76,820 L/day is not feasible at the site.
- It remains our opinion that development of groundwater supplies capable of meeting the assumed development ADD (21,000 L/day) is marginally feasible, and that several wells would be required to meet that demand. We reiterate our previous comment that to date, no wells have been drilled or tested on the site. A test well program is required to provide a more conclusive opinion on groundwater availability.

## **DISCUSSION:**

The Board of Directors resolved that Second Reading of the subject Bylaws be withheld until:

1. comments have been received from: RDNO Community Services (Parks) Department, First Nations, City of Vernon, and the Ministry of Transportation and Infrastructure (MOTI); and,
2. the applicant has held a Public Information Meeting in accordance with the Public Information Meeting Guide; and
3. the applicant has provided confirmation in writing from a qualified professional Geotechnical Engineer that the subject property is safe for the intended use; and,
4. the applicant has submitted a hydrogeological study to determine the impacts, if any, of the proposed development on the water supply of existing users in the surrounding area and the underlying aquifer; and,
5. the applicant has submitted a study prepared by a professional Geotechnical Engineer which evaluates the subject property and provides recommendations for potential on-site septic sewage disposal associated with the proposed development.

The following outlines how the above noted conditions of Second Reading of the subject Bylaws have been addressed and how the Board of Directors could advance the Bylaws for further consideration.

### Comments from RDNO Community Services (Parks)

The Parks Department have advised that the Electoral Areas “B” and “C” Parks and Trails Master Plan shows a proposed trail connection coming from the Predator Ridge development down to Highway 97. To address this, the Parks Department has requested a 5 m SROW through the subject property to establish a public trail connection. In response to these comments, the applicant has indicated that they support this request at a high level.

Based on the above, it is recommended that Adoption of the subject Bylaws be withheld until the applicant has made suitable arrangements with the Regional District to secure a 5 m wide corridor on the property for a future public trail.

### Comments from First Nations

The Regional District and the applicant have received comments from OKIB.

OKIB has confirmed its acceptance of capacity funding from the applicant on the understanding that the funding is a starting point, and additional funding may be required to support OKIB in the consultation process. Additionally, acceptance of the funding does not in any way constitute OKIB’s consent for the Project, discharge the Crown from its obligation to consult OKIB on the Project or constitute an admission by OKIB that consultation has been fulfilled, or constitute permission for North Ridge to proceed with the Project.

The Planning Department recommends that Final Adoption of the subject Bylaws be withheld until comments have been received from the Okanagan Indian Band following their review of the proposal.

### Comments from City of Vernon

The Regional District has not received additional comments from the City of Vernon. Should the City wish to provide further comment, such comments could be provided prior to the Public Hearing.

### Comments from Ministry of Transportation and Infrastructure

The Ministry has granted Preliminary Approval pursuant to section 52(3)(a) of the Transportation Act, subject to the: submission of a Traffic Impact Study; a Stormwater Management Plan; the registration of a statutory right-of-way over the access route between Bailey Rd and the subject property; receipt of a Commercial Access Permit for the driveway connecting to Bailey Road; and the applicant contacting the Government of Canada at to see if sweeping operations are necessary for potential Unexploded Explosive Ordnances.

The applicant has hired an engineering firm to complete a Traffic Impact Study and a copy of the Study has been submitted to MOTI for review and acceptance. To date, the Regional District has not received a final copy of the Traffic Impact Study.

It is recommended that a Public Hearing for the subject Bylaws be withheld until the applicant has submitted a Traffic Impact Study which has been accepted by MOTI. Staff caution that, in accordance with case law established in the province to allow for a fair process, should issues and questions arise at the Public Hearing, no new information can be provided following the Public Hearing without the need to hold a new Public Hearing. As many questions from the Public Information Meeting held by the applicant related to traffic concerns, staff suggest the Traffic Impact Study required by MOTI should be made available prior to the application being forwarded to a Public Hearing.

The applicant will require the approval of the Agricultural Land Commission (ALC) for the dedication of a Road or the registration of a statutory right-of-way (SROW) over the access route between Bailey Rd and the subject property. The ALC will also have to authorize the application for the Road or SROW as they own land which the access route crosses.

The Center of Expertise for Unexploded Explosive Ordnance of the Department of National Defence has advised the applicant that the footprint of their project area does not coincide with any known UXO areas. Accordingly, there is no known UXO Risk associated with the scope of the project. This means that no additional health and safety measures will be required in support of the project other than health and safety measures which would be considered normal on any construction site.

### Comments from City of Kelowna

In response to the original referral of the subject application, the City of Kelowna Regional Compost Facility Supervisor provided comments on behalf of the City of Kelowna, which operates the Regional Biosolids Compost Facility and funds it in partnership with the City of Vernon. The Facility Supervisor advised that a certain level of odours and traffic is to be expected from the composting operation, which in the City's view would not be compatible with the proposed recreational land-use. Based on past experience, odour complaints/reports from neighbours have mainly come from homes located between 1.5 and 2 km from the facility.

The northeast corner of the subject property would be 2.6 km away from the facility while the northwest corner would be 4.2 km from the facility. Should the Board wish to address this matter, a Section 219 Restrictive Covenant could be required to be placed on the title of the property to ensure that the proposed development is designed to mitigate the smell of odours coming from the compost facility and to safe harmless the Regional District from any claims made to the smell of such odours.

### Public Information Meeting

As directed by the Board, the applicant has held a Public Information Meeting in accordance with the Public Information Meeting Guide. The comments received at the meeting are outlined above.

### Geotechnical Report

As directed by the Board, the applicant has provided confirmation in writing from a qualified professional Geotechnical Engineer that the subject property is safe for the intended use. No further actions are recommended in this regard.

### On-site Septic Sewage

As directed by the Board, the applicant has submitted a report from DeansTech Consulting Ltd stating that onsite dispersal to ground of treated sewage effluent is possible for the proposed development. No further actions are recommended in this regard.

### Hydrogeological Study

As directed by the Board, the applicant has submitted a hydrogeological study which states that well interference effects between new onsite wells and existing offsite wells are not anticipated.

While the Board did not request confirmation that the proposed development could be serviced with onsite wells, the hydrogeological study does address this matter. In this regard, the study concludes that sustainable groundwater production at the development's maximum daily demand rate is not feasible. It also concludes that development of groundwater supplies capable of meeting the development's average daily demand is marginally feasible, and that several wells would be required to meet that demand. The study notes that to date, no wells have been drilled or tested on the site and that a test well program would be required to provide a more conclusive opinion on groundwater availability.

Recognizing that additional water sources would likely be required to maintain the above noted demands over the longer-term horizon, the applicant has explored the potential to use other water sources including the capture of rainwater for storage and reuse and hauling water from off-site sources.

In this regard, the applicant's submitted a report from Lawson Engineering Ltd. which states that due to the large catchment area on-site, potential exists to supplement well flows with storm water. The report states that further investigation and modelling would be required to accurately determine catchment areas, infiltration, anticipated runoff, and storm water detention requirements, however, at the conceptual stage, it appears that storm water capture may prove to be a viable supplementary source of water for the purpose of fire protection.

The report from Lawson Engineering Ltd. also states that it is the client's intention to provide road access to all 3 building sites and that with adequate road infrastructure in place, there is the possibility of supplementing fire recharge rates with a reliable offsite water supply. At a storage capacity of 360 m<sup>3</sup>, total recharge of the base camp and/or mid station fire storage could be completed using exclusively offsite sources in approximately 25 round trips assuming a 4,000 US gallon capacity water truck. This would likely equate to approximately a 2 day recharge rate using offsite sources only. With a lower storage requirement, the summit station is anticipated to require 15 round trips under similar conditions.

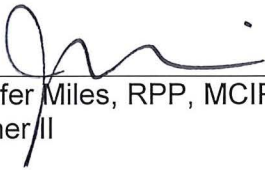
**ALTERNATE BYLAW PROCESS RECOMMENDATION #1:**

Should the Board of Directors wish to receive assurances that the property can be developed and serviced with sustainable on-site water supplies, the Board could resolve that Second Reading of the subject Bylaws be withheld until the applicant has presented a revised development proposal that could be serviced with sustainable on-site water supplies as demonstrated by studies which assess the findings of an on-site well testing program.

**ALTERNATE BYLAW PROCESS RECOMMENDATION #2:**

Should the Board of Directors not wish to support the application, the Board could resolve that the subject application be denied and that First Reading of Bylaws No. 2926 and 2927 be rescinded.

Submitted by:



Jennifer Miles, RPP, MCIP  
Planner II

Reviewed by:



Greg Routley  
Deputy Planning Manager

Endorsed by:



Rob Smailes, RPP, MCIP  
General Manager, Planning and Building

Approved for Inclusion:

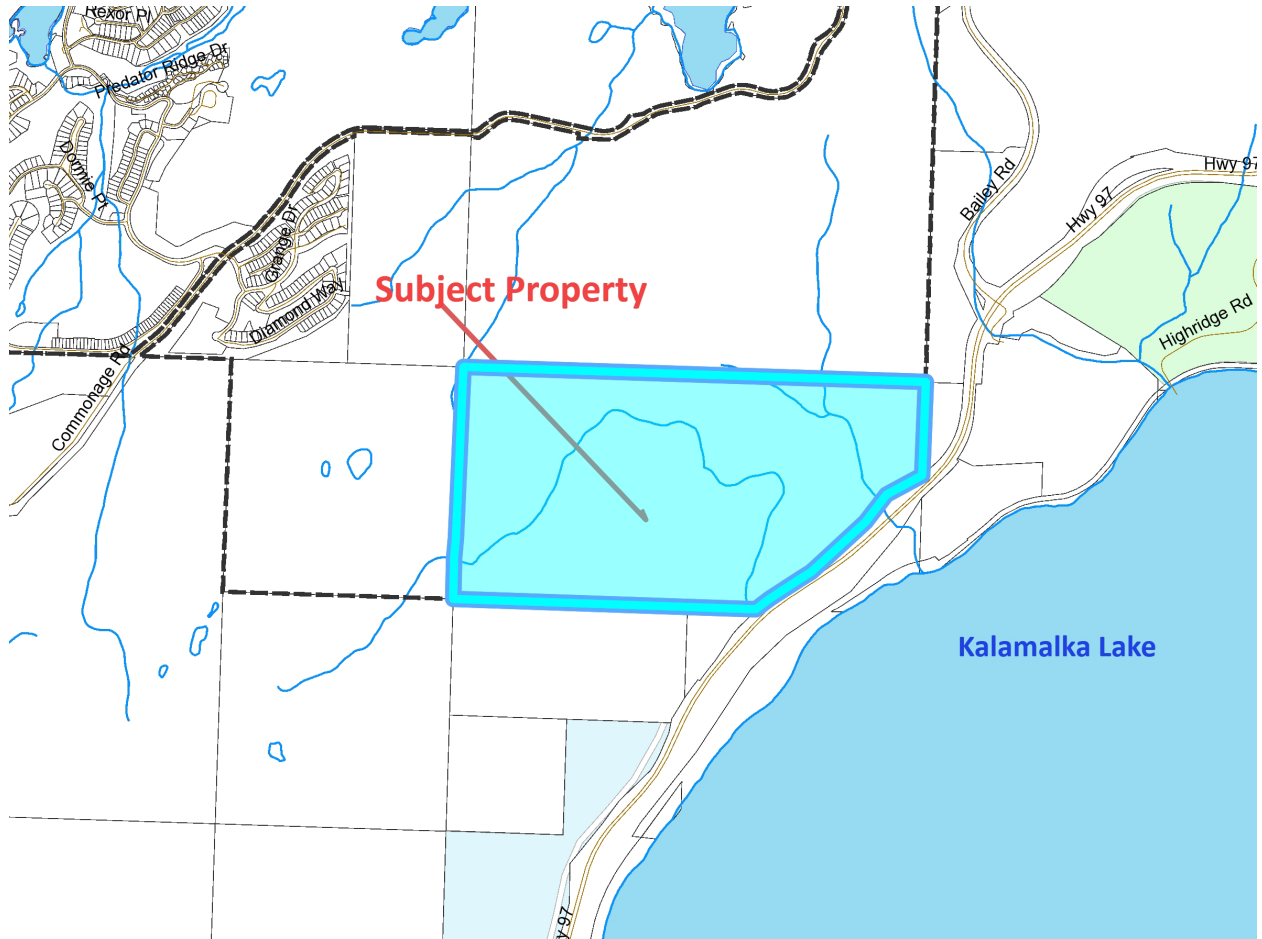


David Sewell  
Chief Administrative Officer

# SUBJECT PROPERTY MAP OCP / REZONING

File: 21-1055-B-OR  
Location: Highway 97

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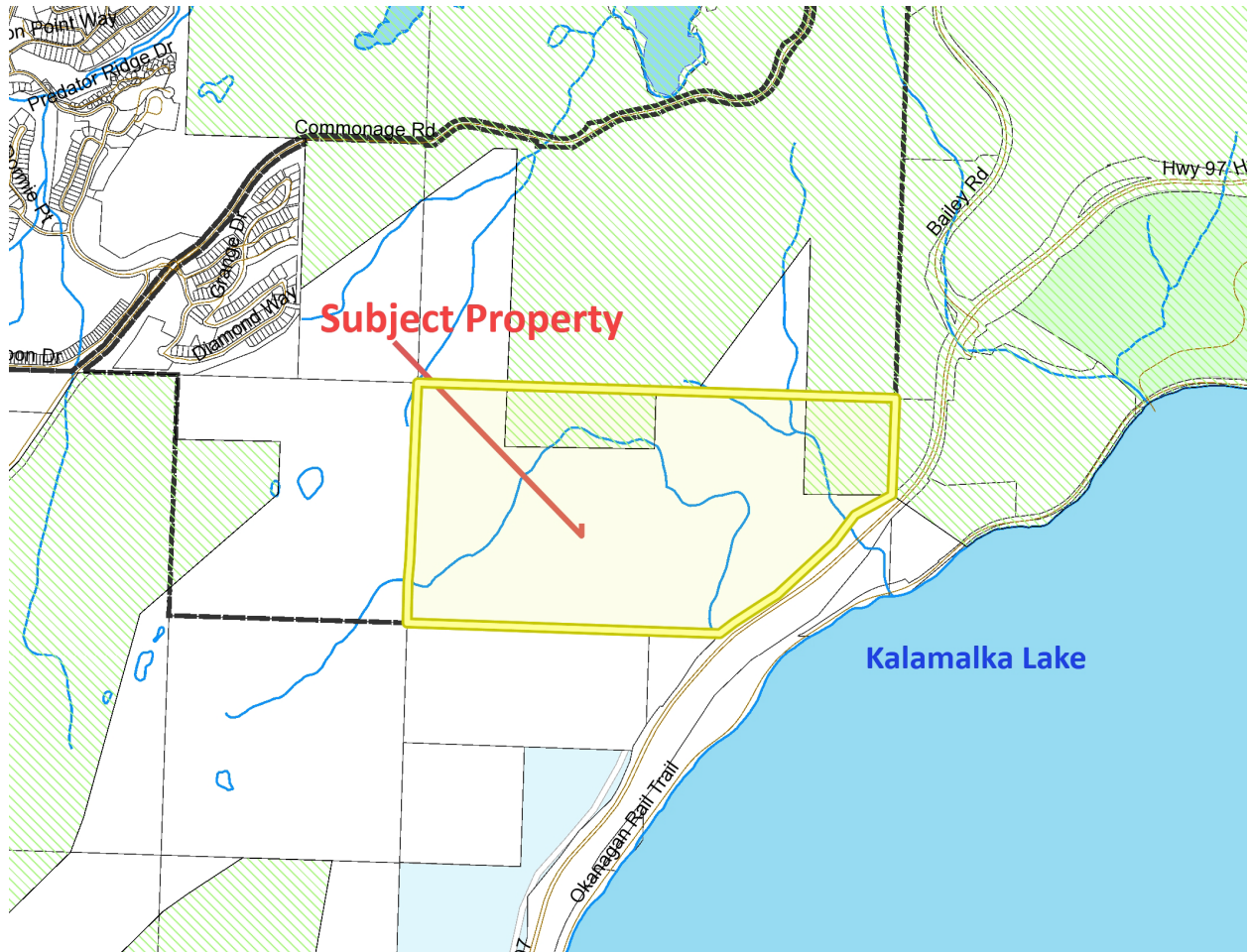




# SUBJECT PROPERTY MAP OCP / REZONING – ALR BOUNDARIES

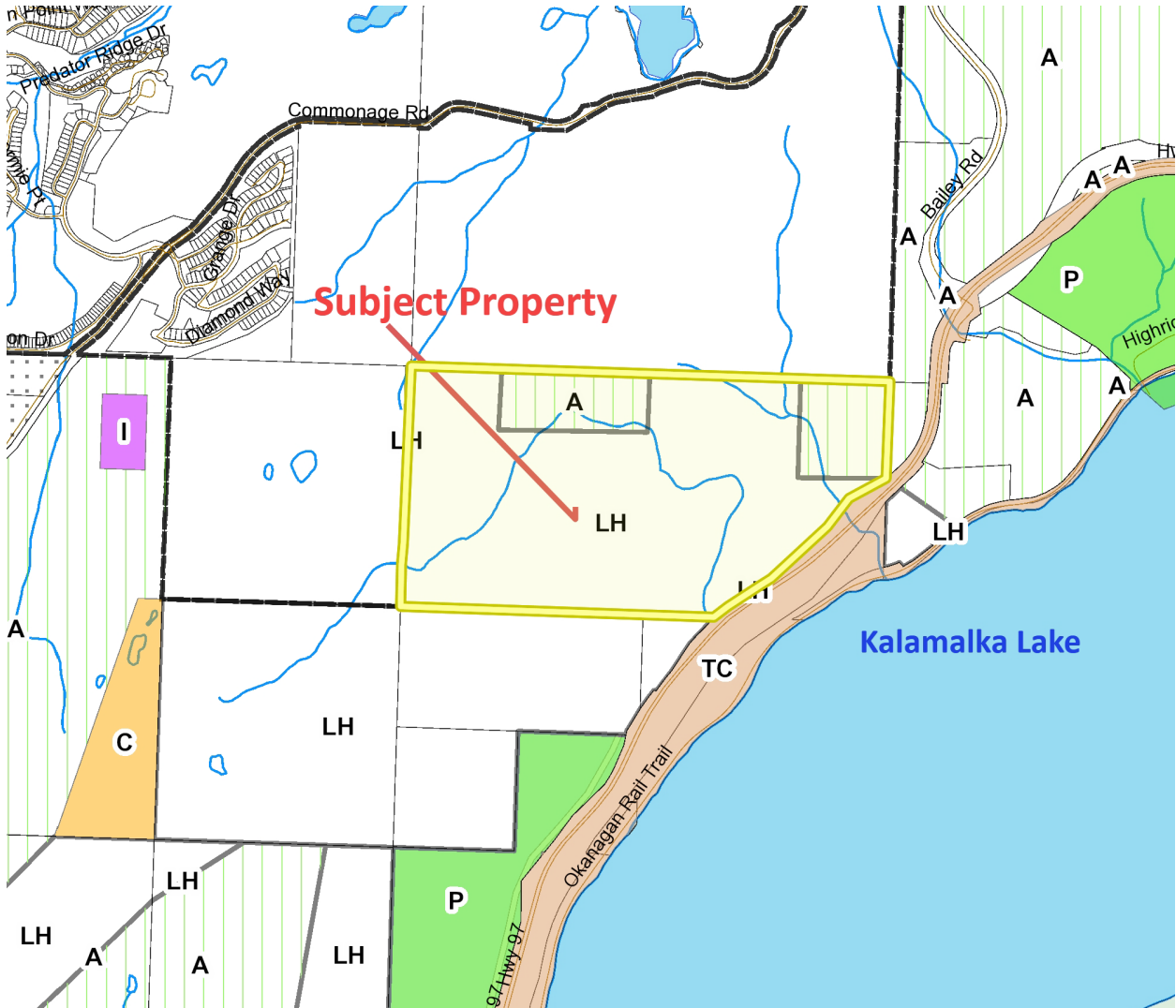
File: 21-1055-B-OR  
Location: Highway 97

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# SUBJECT PROPERTY MAP OCP / REZONING – OCP BOUNDARIES

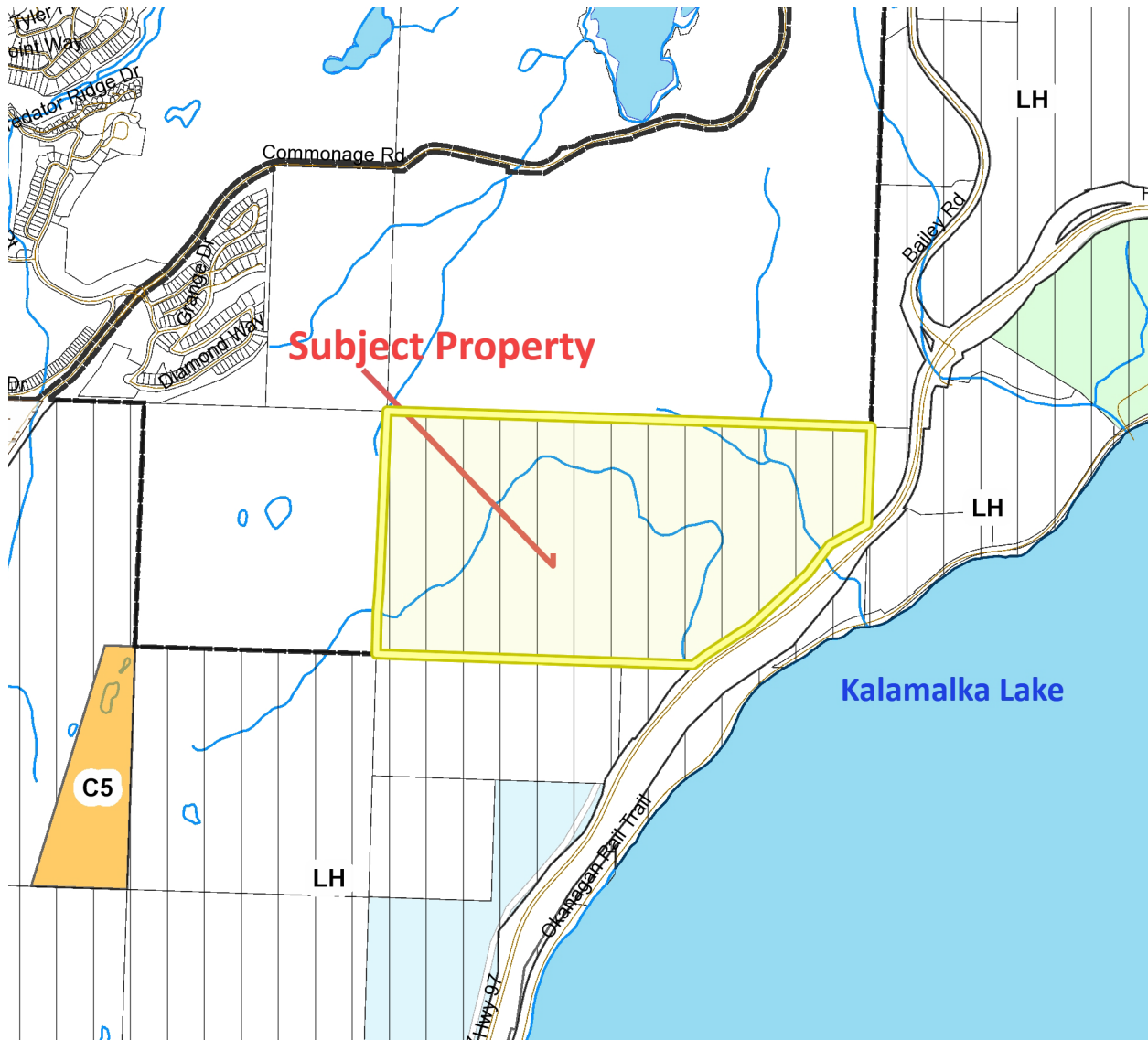
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Location: Highway 97



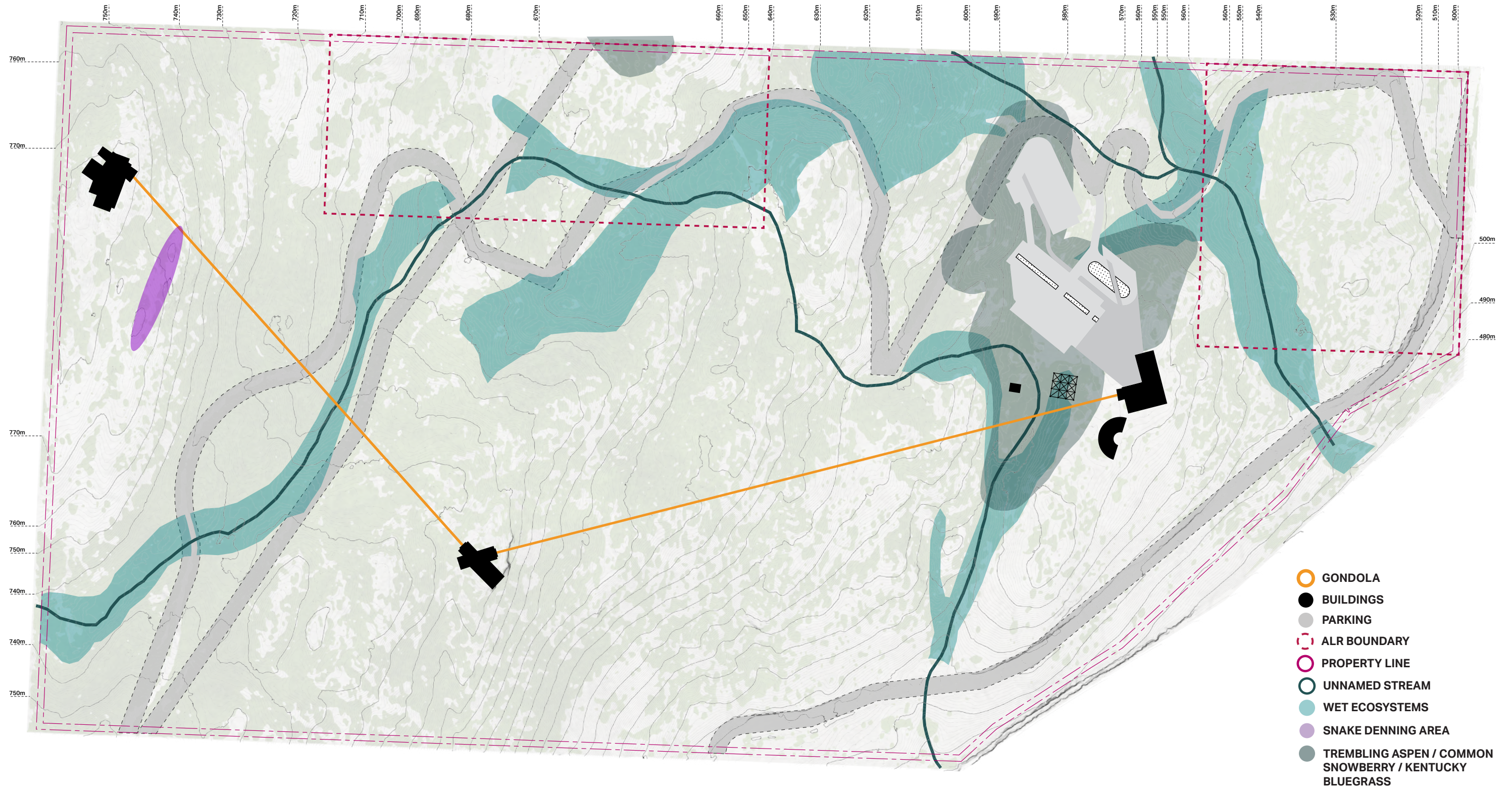
- A – Agricultural
- C – Commercial
- I - Industrial
- LH – Large Holding
- P - Parks

# SUBJECT PROPERTY MAP OCP / REZONING – ZONING BOUNDARIES

File: 21-1055-B-OR  
Location: Highway 97



C.5 – Recreation Commercial  
L.H – Large Holding



# GONDOLA



# REGIONAL DISTRICT OF NORTH OKANAGAN

## BYLAW No. 2926, 2022

A bylaw to amend Electoral Areas “B” and “C” Official Community Plan Bylaw No. 2626, 2014 and amendments thereto.

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**WHEREAS** pursuant to Section 472 [Authority to adopt a bylaw] of the *Local Government Act*, the Board of the Regional District of North Okanagan may, by Bylaw, adopt one or more official community plans;

**AND WHEREAS** the Board has enacted the “*Electoral Areas “B” and “C” Official Community Plan Bylaw No. 2626, 2014*” as amended to provide a statement of objectives and policies to guide decisions on planning and land use management, within the area covered by the plan;

**AND WHEREAS**, pursuant to Section 460 [Development approval procedures] of the *Local Government Act*, the Board must, by bylaw, define procedures under which an owner of land may apply for an amendment to an Official Community Plan and must consider every application for an amendment to the plan;

**AND WHEREAS** the Board has enacted the “*Regional District of North Okanagan Development Application Procedures and Administrative Fees Bylaw No. 2677, 2018*” as amended to establish procedures to amend an Official Community Plan, a Zoning Bylaw, or a Rural Land Use Bylaw, or to issue a Permit:

**AND WHEREAS** the Board has received an application to amend the Official Community Plan designation;

**NOW THEREFORE**, the Board of the Regional District of North Okanagan in an open meeting assembled, hereby **ENACTS AS FOLLOWS**:

### CITATION

1. This Bylaw may be cited as “***Electoral Areas “B” and “C” Official Community Plan Amendment Bylaw No. 2926, 2022***”.

### AMENDMENTS

2. The Official Community Plan marked Schedule “B” attached to and forming part of the Electoral Areas “B” and “C” Official Community Plan Bylaw No. 2626, 2014 and amendments thereto is amended by changing the land use designation of a 100.44 ha portion of the property legally described as The Fractional North 1/2 of Section 36 Township 14 ODYD Except Plans B826, 37599 And H823 and located at Highway 97, Electoral Area “B” from ***Large Holding*** to ***Commercial*** as shown on the attached Schedule “A” attached to and forming part of the this Bylaw.

**Read a First Time** this 20th day of April, 2022

**Bylaw considered in conjunction with the Regional District Financial Plan and Waste Management Plan** this 20th day of April, 2022

**Read a Second Time** this day of , 2022

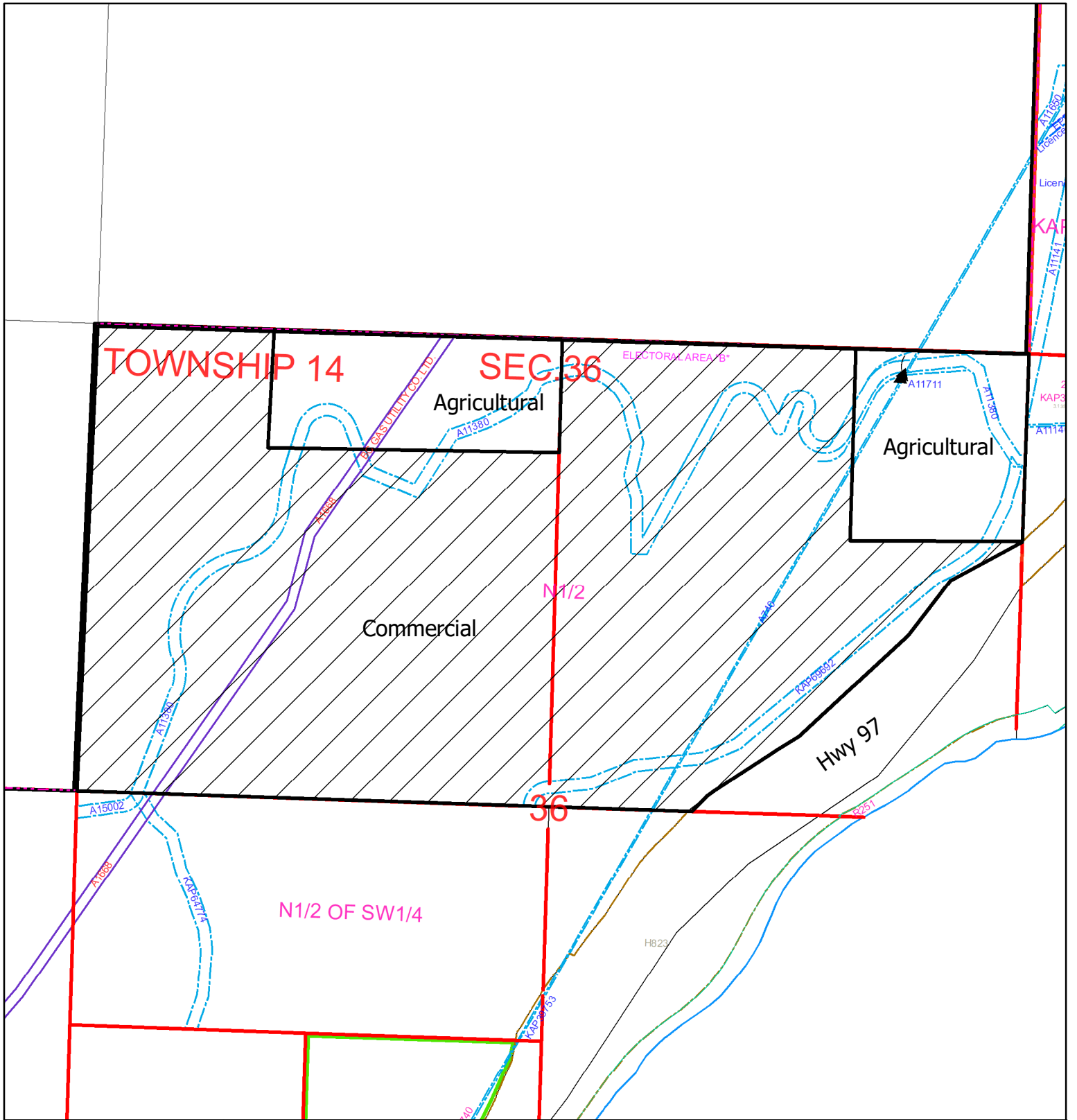
Advertised on	this	day of	, 2022
	this	day of	, 2022
Public Hearing held	this	day of	, 2022
<b>Read a Third Time</b>	this	day of	, 2022
<b>ADOPTED</b>	this	day of	, 2022

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Chair

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Deputy Corporate Officer



SCHEDULE "A" to accompany the Regional District North Okanagan Electoral Areas "B" and "C" Official Community Plan Amendment Bylaw No. 2926, 2022.

Area redesignated from Large Holding to Commercial shown as ..... 

I hereby certify this to be a true and correct copy of SCHEDULE "A" attached to and forming part of the Electoral Areas "B" and "C" Official Community Plan Amendment Bylaw No. 2926, 2022.

Dated at Coldstream, BC this \_\_\_\_\_ day of \_\_\_\_\_, 2022

\_\_\_\_\_  
Corporate Officer



1:9,000

# REGIONAL DISTRICT OF NORTH OKANAGAN

## BYLAW No. 2927, 2022

A bylaw to rezone lands and amend the Zoning Map attached to the Regional District of North Okanagan Zoning Bylaw No. 1888, 2003 to change a zone designation

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**WHEREAS** pursuant to Section 479 [Zoning bylaws] of the *Local Government Act*, the Board of the Regional District of North Okanagan may, by Bylaw, divide the whole or part of the Regional District into zones, name each zone, establish boundaries for the zones and regulate uses within those zones;

**AND WHEREAS** the Board has created zones, named each zone, established boundaries for these zones and regulated uses within those zones by Bylaw No. 1888, being the “*Regional District of North Okanagan Zoning Bylaw No. 1888, 2003*” as amended;

**AND WHEREAS**, pursuant to Section 460 [*Development approval procedures*] of the *Local Government Act*, the Board must, by bylaw, define procedures under which an owner of land may apply for an amendment to a Zoning Bylaw and must consider every application for an amendment to the bylaw;

**AND WHEREAS** the Board has enacted the “*Regional District of North Okanagan Development Application Procedures and Administrative Fees Bylaw No. 2677, 2018*” as amended to establish procedures to amend an Official Community Plan, a Zoning Bylaw, or a Rural Land Use Bylaw, or to issue a Permit:

**AND WHEREAS** the Board has received an application to rezone property;

**NOW THEREFORE**, the Board of the Regional District of North Okanagan in open meeting assembled, hereby **ENACTS AS FOLLOWS**:

### CITATION

1. This Bylaw may be cited as “**Zoning Amendment Bylaw No. 2927, 2022**”.

### AMENDMENTS

2. The zoning of a 100.44 ha portion of the property legally described as The Fractional North 1/2 of Section 36 Township 14 ODYD Except Plans B826, 37599 And H823 and located at Highway 97, Electoral Area “B” is hereby changed on Schedule “A” of the *Regional District of North Okanagan Zoning Bylaw No. 1888, 2003* from the **Large Holding [L.H]** zone to the **Recreation Commercial [C.5]** zone as shown on the attached Schedule “A” attached to and forming part of the this Bylaw.

<b>Read a First Time</b>	this	20th	day of	April, 2022
<b>Read a Second Time</b>	this		day of	, 2022
Advertised on	this		day of	, 2022
	this		day of	, 2022
Public Hearing held	this		day of	, 2022



**Read a Third Time** this day of , 2022

**Approved by Minister of Transportation and Infrastructure** this day of , 2022  
*(Transportation Act s. 52(3))*

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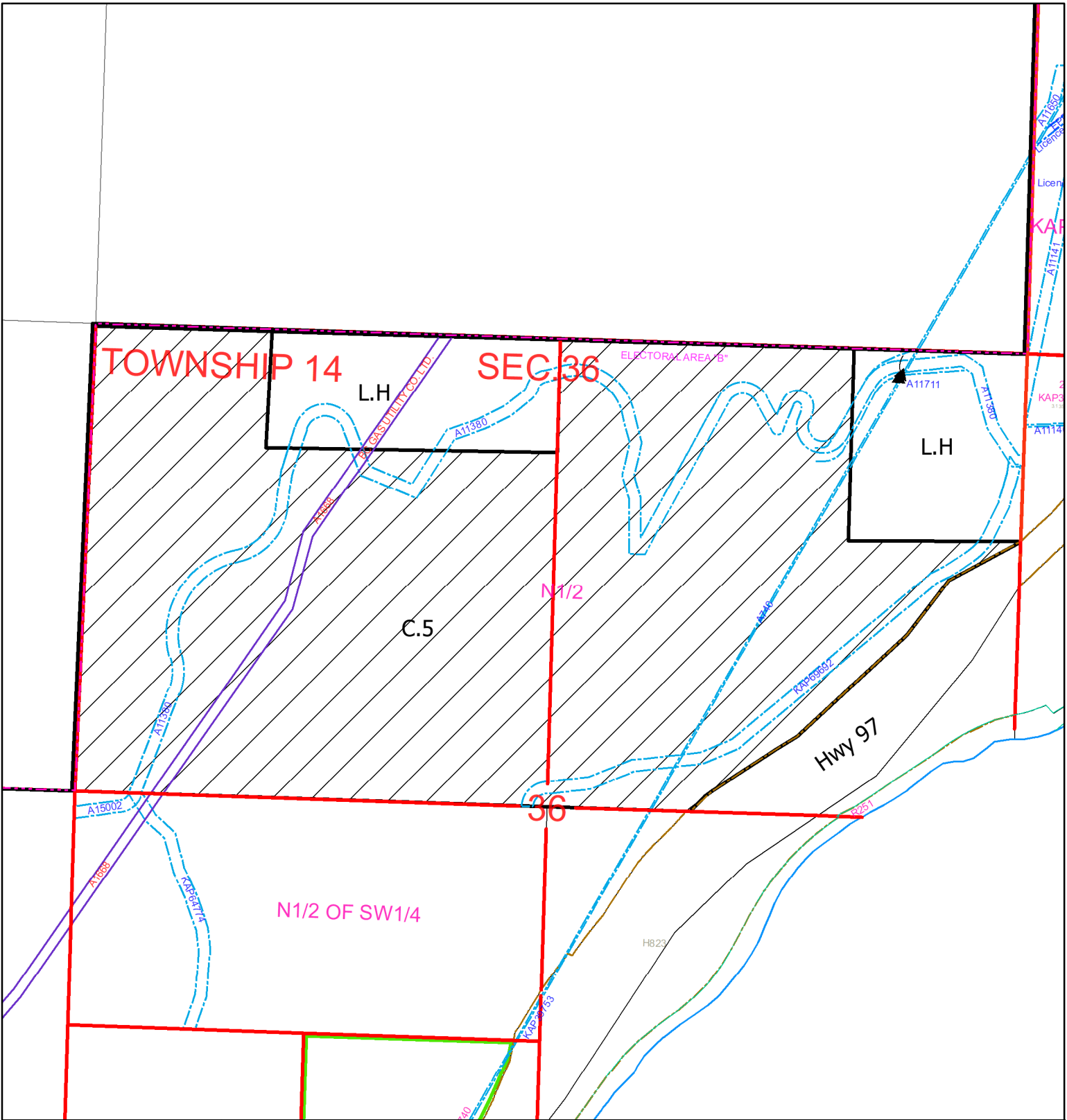
**ADOPTED** this day of , 2022

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Chair

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Deputy Corporate Officer




REGIONAL DISTRICT NORTH OKANAGAN



1:9,000

SCHEDULE "A" to accompany the Regional District North Okanagan Zoning Amendment Bylaw No. 2927, 2022.

Area rezoned from the Large Holding (L.H) zone to the Recreation Commercial (C.5) zone shown as ..... 

I hereby certify this to be a true and correct copy of SCHEDULE "A" attached to and forming part of the Regional District North Okanagan Zoning Amendment Bylaw No. 2927, 2022.

Dated at Coldstream, BC this \_\_\_\_\_ day of \_\_\_\_\_, 2022

\_\_\_\_\_  
Corporate Officer