

REGIONAL DISTRICT OF NORTH OKANAGAN

Extract from the Minutes of a Meeting of the

Board of Directors

Held on

Wednesday, March 16, 2022

Electoral Areas "B" & "C" Official Community Plan Amendment / Zoning Amendment Application

OKANAGAN GONDOLA LTD. c/o C. JAMES, DIALOG DESIGN [File No. 21-1055-B-OR]

Highway 97, Electoral Area "B"

That the application to amend the Electoral Area "B" and "C" Official Community Plan Bylaw No. 2626, 2014 by changing the land use designation of a portion of the property legally described 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 supported in principle and staff be directed to prepare an Official Community Plan Amendment Bylaw for First Reading only; and further,

That the application to amend the Regional District of North Okanagan Zoning Bylaw No. 1888, 2003 by changing the zoning of a portion of the property legally described 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 (L.H) to Recreation Commercial (C.5) be supported in principle and staff be directed to prepare a Zoning Amendment Bylaw for First Reading only; and further,

That the referral process outlined in the Planning Department report dated February 18, 2022 be considered appropriate consultation for the purpose of Sections 475 and 476 of the *Local Government Act*; and further,

That in accordance with Section 477 of the *Local Government Act*, the Official Community Plan Amendment Bylaw be considered in conjunction with the Regional District of North Okanagan's Financial Plan and the Regional Solid Waste Management Plan; and further,

That Second Reading of the proposed Official Community Plan and Zoning Amendment 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; and further,

That Final Adoption of the proposed Official Community Plan and Zoning Amendment Bylaws be considered in conjunction with consideration of a Commercial, Environmentally Sensitive Lands, and Riparian and Swan Lake Development Permit associated with the proposed development; and further,

That Final Adoption of the proposed Official Community Plan and Zoning Amendment Bylaws be withheld until:

1. 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,
2. 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.

REGIONAL DISTRICT OF NORTH OKANAGAN

Extract from the Minutes of a Meeting of the
Board of Directors

Held on
Wednesday, April 20, 2022

**Bylaw 2926 - Electoral Areas "B" and "C" Official Community Plan Amendment
Bylaw 2927 - Zoning Amendment
OKANAGAN GONDOLA LTD. c/o C. JAMES, DIALOG DESIGN [File No. 21-1055-B-
OR]
Highway 97, Electoral Area "B"**

Moved and seconded

That Electoral Areas "B" and "C" Official Community Plan Amendment Bylaw No. 2926, 2022, which proposes to amend the Electoral Areas "B" and "C" Official Community Plan Bylaw No. 2626, 2014, by changing the land use designation of a 100.44 ha portion of the property legally described 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 First Reading; and further,

That Zoning Amendment Bylaw No. 2927, 2022, which proposes to rezone a 100.44 ha portion of the property legally described 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 First Reading.

CARRIED

REGIONAL DISTRICT OF NORTH OKANAGAN

Extract from the Minutes of a Meeting of the Board of Directors

Held on
Wednesday, December 14, 2022

**Bylaw 2926 - Electoral Areas "B" and "C" Official Community Plan Amendment
Bylaw 2927 - Zoning Amendment
OKANAGAN GONDOLA LTD. c/o C. JAMES, DIALOG DESIGN [File No. 21-1055-B-
OR]
Highway 97, Electoral Area "B"**

Moved and seconded

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 Board of Directors have received:

1. a Traffic Impact Study which has been accepted by the Ministry of Transportation and Infrastructure;
2. a written response from the Okanagan Indian Band following their review of the proposal;
3. information to address water supply issues related to the proposed commercial use and wildfire protection;
4. information about how the impact of road access to mid and upper lift stations and potential reservoirs would be addressed.

CARRIED

Moved and seconded

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.

CARRIED

Moved and seconded

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

CARRIED

REGIONAL DISTRICT OF NORTH OKANAGAN

Extract from the Minutes of a Meeting of the Board of Directors

Held on
Wednesday, July 19, 2023

**Bylaw 2926 - Electoral Areas "B" and "C" Official Community Plan Amendment
Bylaw 2927 - Zoning Amendment
OKANAGAN GONDOLA LTD. c/o C. JAMES, DIALOG DESIGN [File No. 21-1055-B-OR]
Highway 97, Electoral Area "B"**

Moved and seconded

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 forwarded to a Public Hearing; 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 forwarded to a Public Hearing; and further,

That a letter be sent to the Okanagan Indian Band to advise the Band that they can provide further comments on the proposed development prior to or at the Delegated Public Hearing; 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 to secure a 5 m wide corridor on the property for a future public trail;
2. a Commercial, Environmentally Sensitive Lands, and Riparian and Swan Lake Development Permit associated with the proposed development has been approved for issuance; and
3. 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 (ALR), any non-farm use of private roads in the ALR, and road construction in the ALR if applicable; and,
4. 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" which 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;
 - b. restrict the range of uses permitted on the subject property to the following: outdoor entertainment limited to outdoor light show areas, plazas, amphitheatres; amusement and recreation facilities limited to mountain

- biking and walking trails; tourist amusement facilities limited to gondolas, ziplines, mountain coasters, tree forts, playgrounds, souvenir shops; food services limited to the service of food and beverages that are prepared off-site; and accessory buildings and structures;
- c. allow the above described range of uses to be increased to include food services which serve food and beverages that are prepared on-site provided such uses and all of the other above described uses on the property are serviced with an on-site water supply that does not involve hauling water from off-site;
 - d. require that the issuance of Building Permits for the proposed development be withheld until a Registered Professional Forester has confirmed that the recommendations for wildfire mitigation as outlined in the report prepared by Forsite Forest Management Specialists dated April 1, 2023 have been implemented, including the completion of a Wildfire Response Plan.

CARRIED

Moved and seconded

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 the Delegated Public Hearing be held on October 5, 2023.

CARRIED