

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.

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	14th	day of	December, 2022

Advertised on this 22nd day of September, 2023
this 25th day of September, 2023

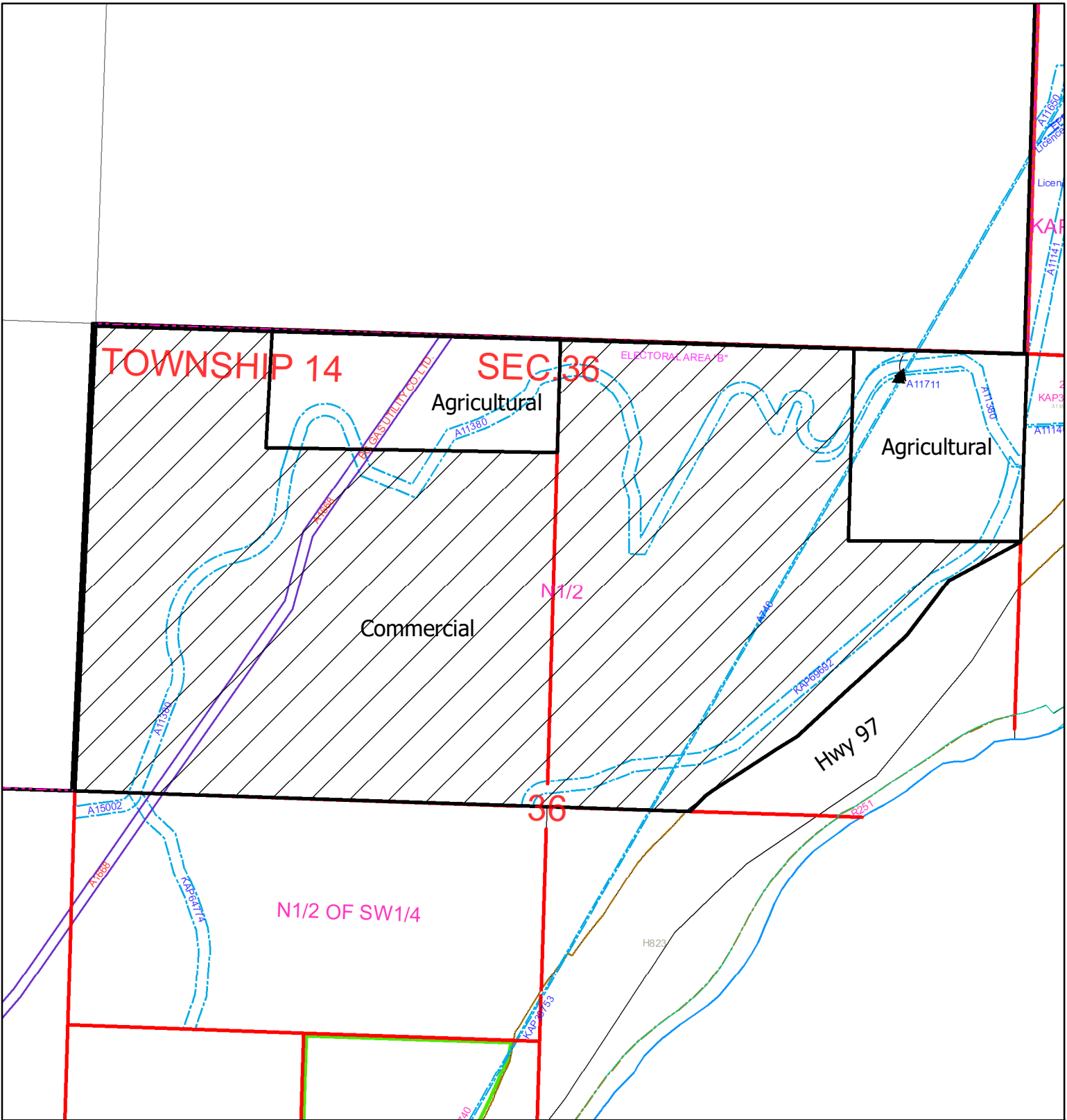
Delegated Public Hearing held this 5th day of October, 2023

Read a Third Time this day of , 2023

ADOPTED this day of , 2023


Chair

Deputy Corporate Officer



1:9,000

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

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

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**”.

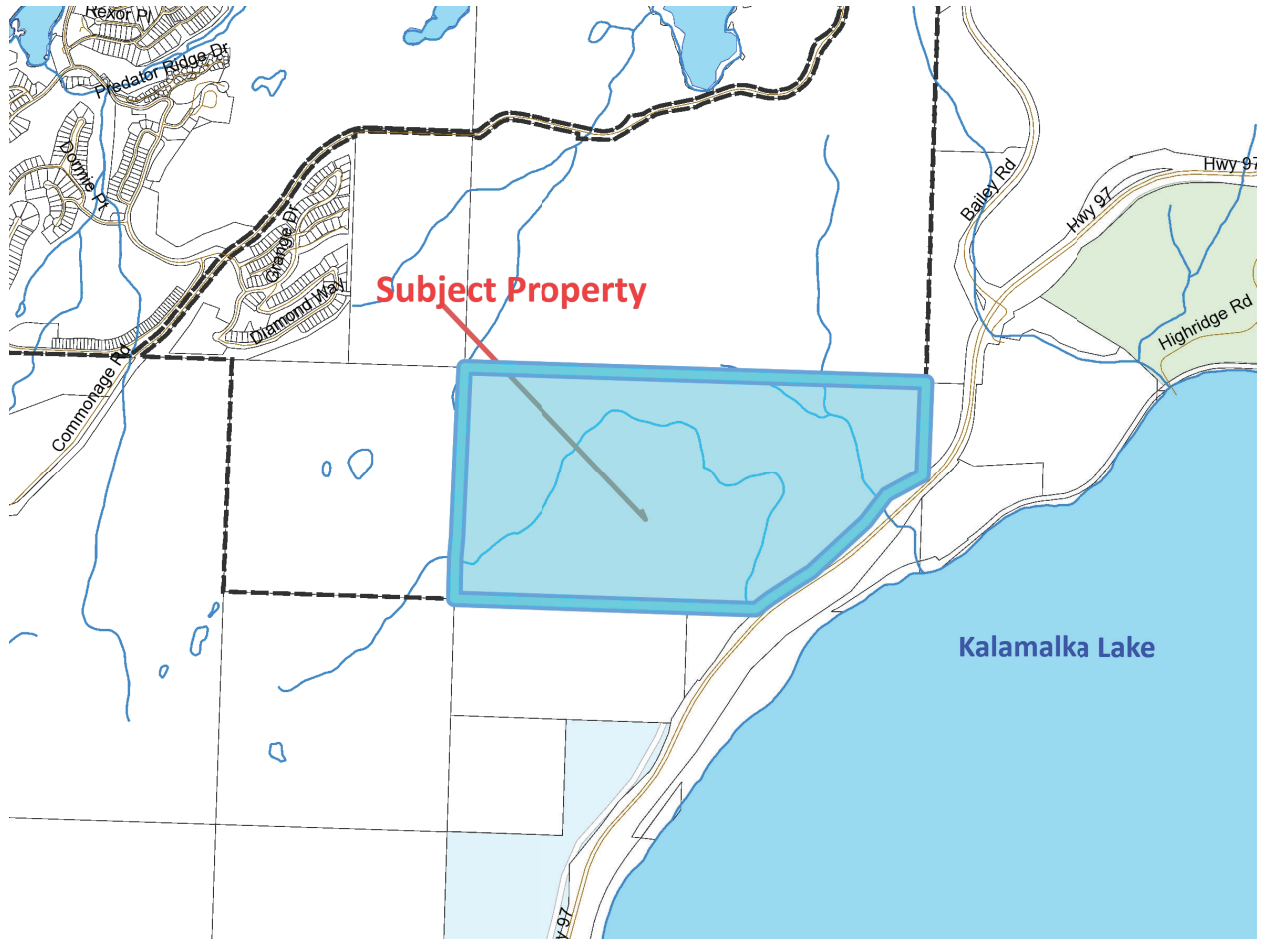
AMENDMENTS

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.

Read a First Time	this	20th	day of	April, 2022
Read a Second Time	this	14th	day of	December, 2022
Advertised on	this	22nd	day of	September, 2023
	this	25th	day of	September, 2023
Delegated Public Hearing held	this		day of	October, 2023

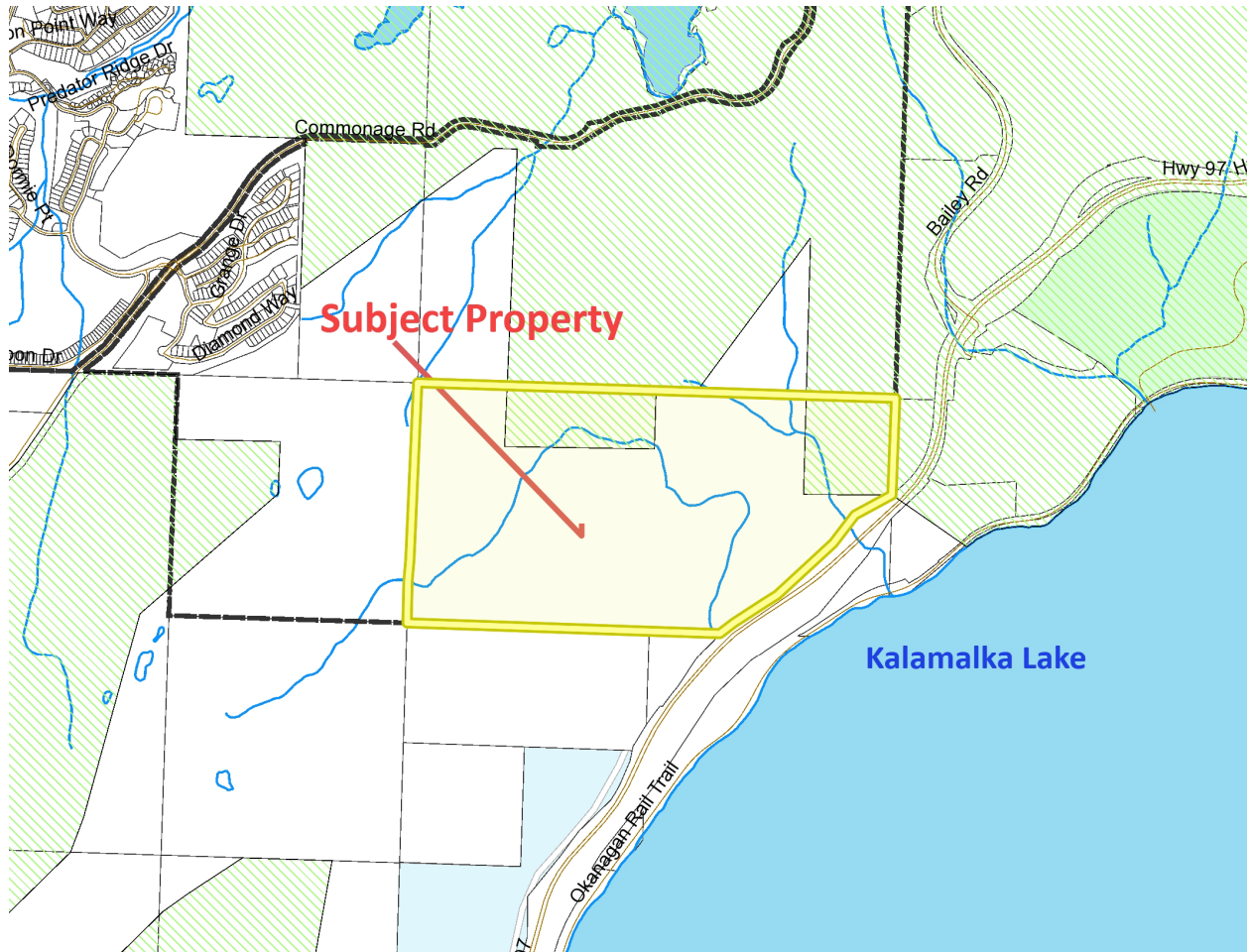
SUBJECT PROPERTY MAP OCP / REZONING

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



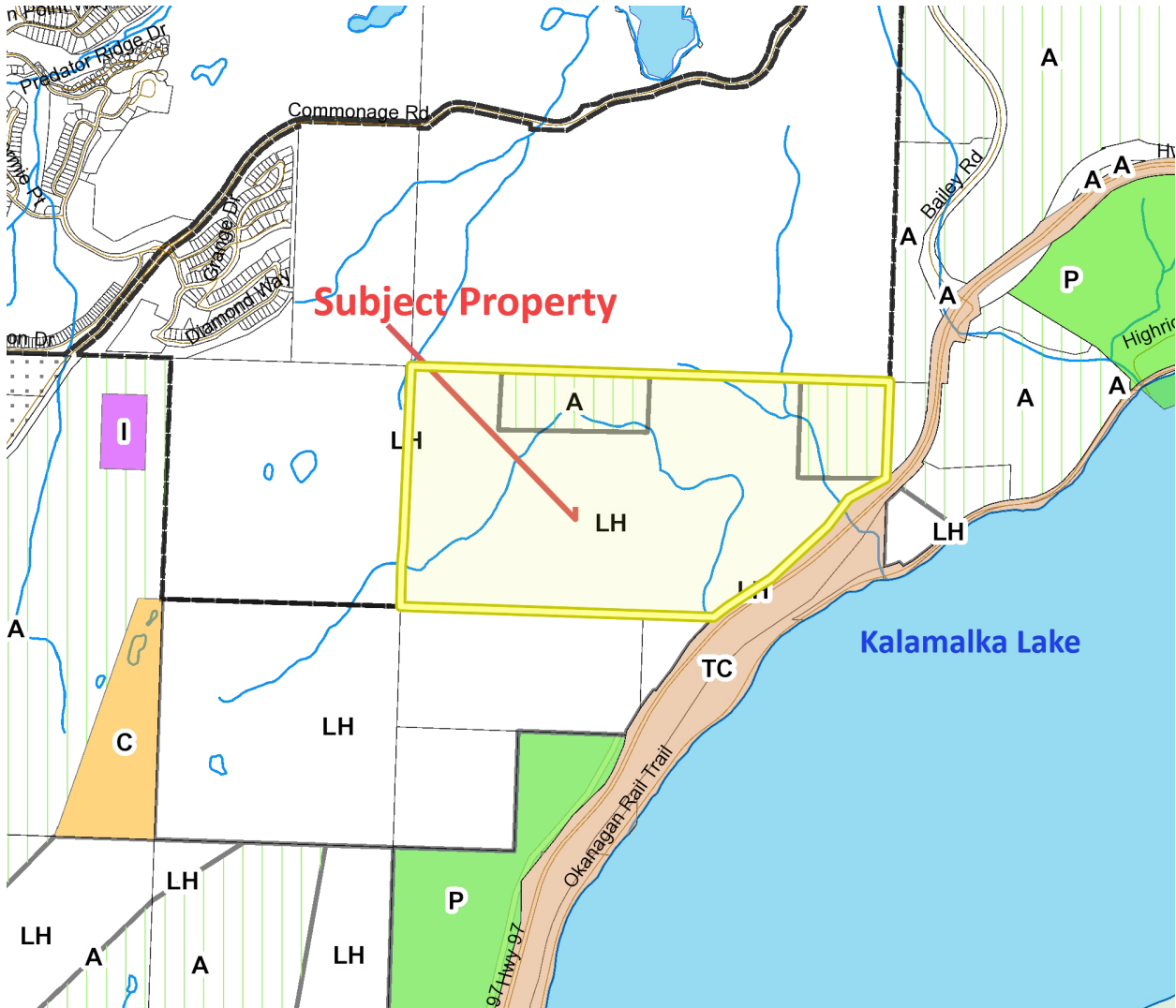
SUBJECT PROPERTY MAP OCP / REZONING – ALR BOUNDARIES

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



SUBJECT PROPERTY MAP OCP / REZONING – OCP BOUNDARIES

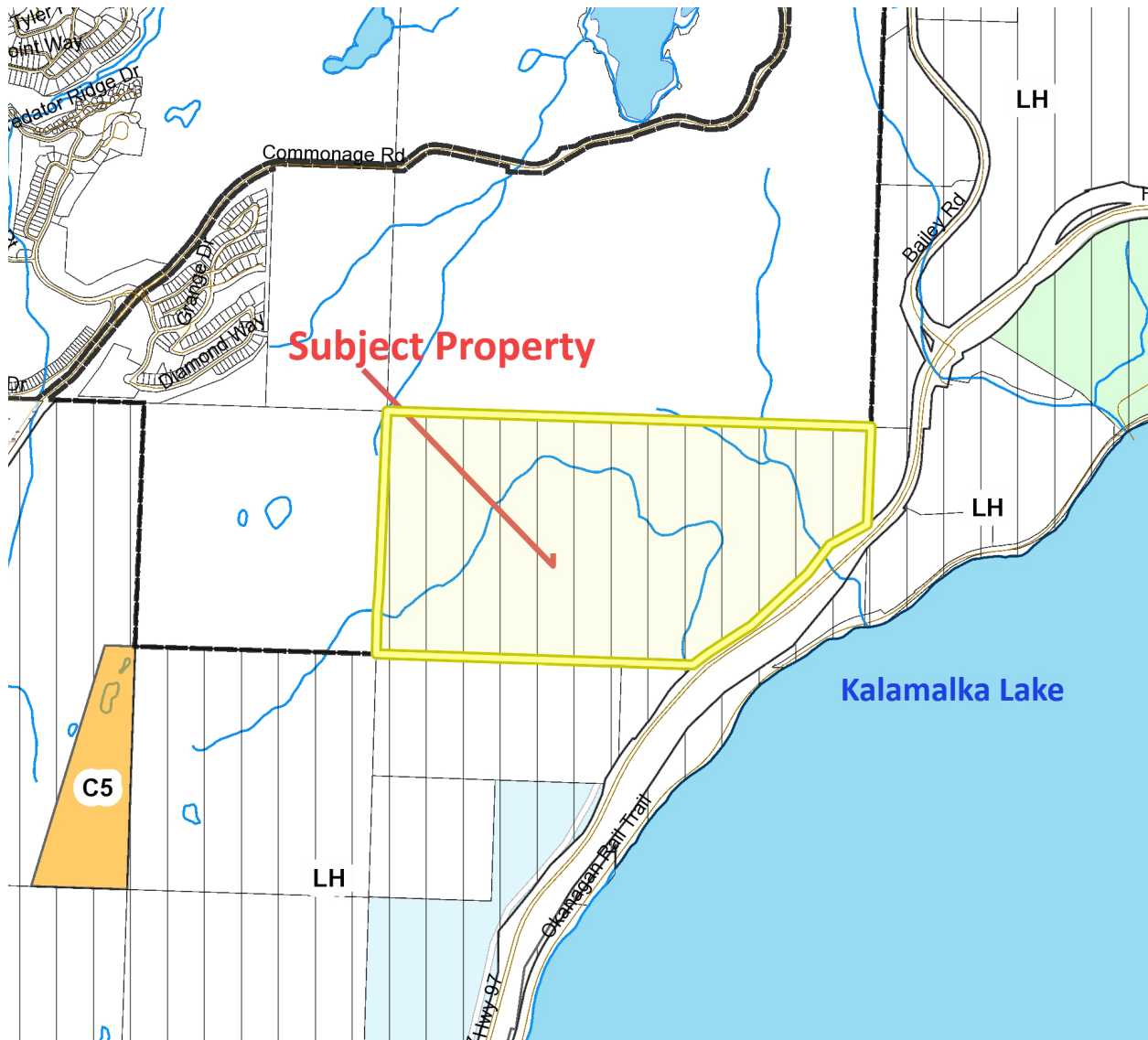
File: 21-1055-B-OR
Location: Highway 97



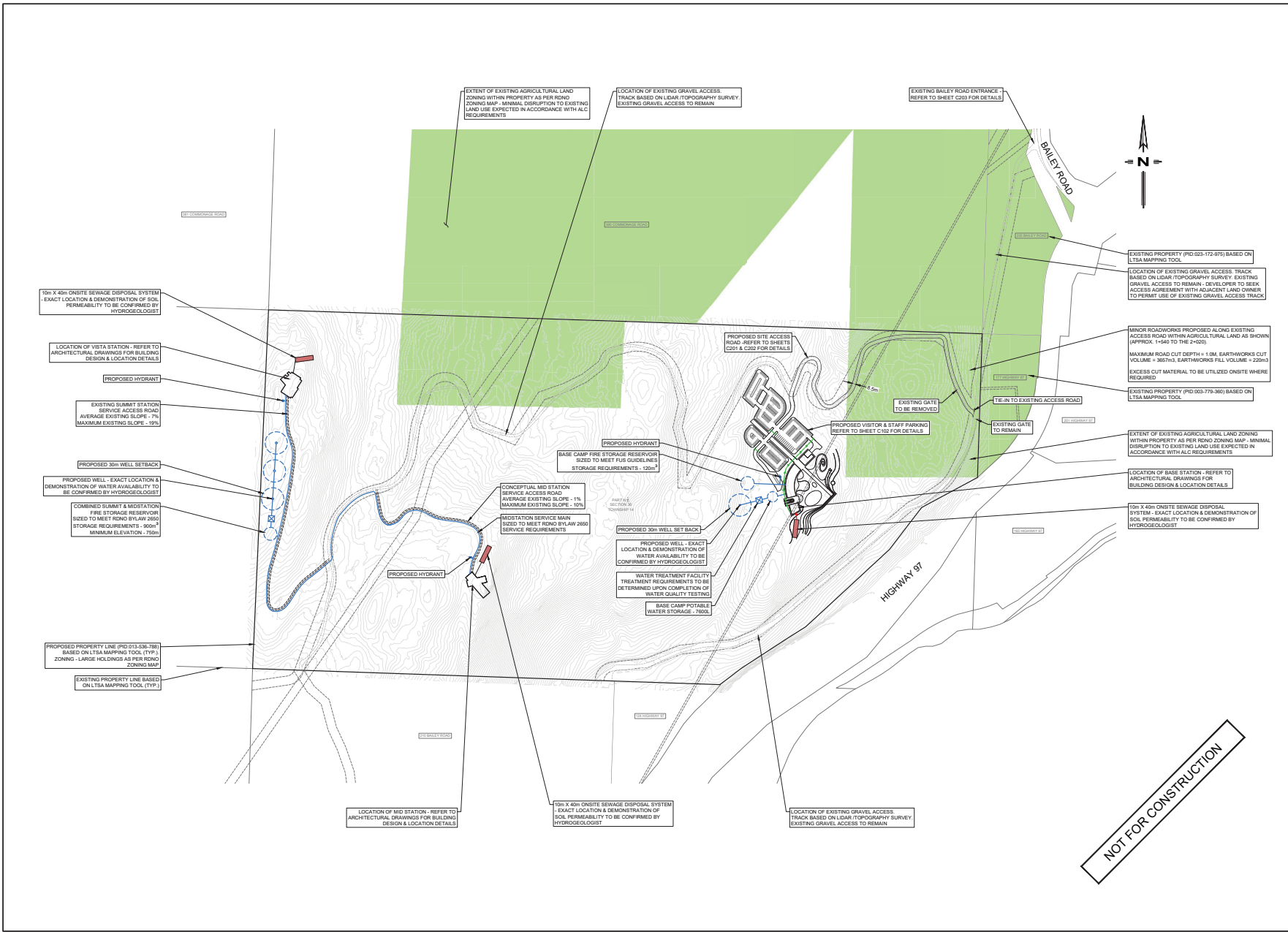
- A – Agricultural
- C – Commercial
- I - Industrial
- LH – Large Holding
- P - Parks

SUBJECT PROPERTY MAP OCP / REZONING – ZONING BOUNDARIES

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



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



LEGEND

- HYDROTELEPHONE POLE
- HYDROTELEPHONE POLE ON SHIRT
- TELEPHONE POLE
- HYDRO POLE
- HYDRO POLE ON TRANS
- POST TOP STREET LIGHT
- SOFT
- SANITARY MANHOLE
- STORM MANHOLE
- GATEWAY
- FIRE HYDRANT
- GATE VALVE
- SANITARY SEWER
- STORM SEWER
- WATER MAIN
- GAS
- DITCH
- ECOLOGICAL/EVERGREEN
- HEDGE
- SANITARY MANHOLE
- STORM MANHOLE
- GATEWAY
- GATE VALVE
- FIRE HYDRANT
- SANITARY SEWER
- STORM SEWER
- WATER MAIN
- INLET/OUTLET HEADWALL
- 800 CAP
- WHEEL CHAIR RAMP
- DRIVEWAY LITTERBOX

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THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND UTILITY LOCATIONS AND REPORT ALL ERRORS AND OMISSIONS PRIOR TO COMMENCING WORK.

DRAWINGS ARE NOT TO BE SCALED

NO.	DATE	DESCRIPTION	BY	APP'D
A	2023/01/13	ISSUED FOR REVIEW	PAH	STL

REVISIONS

DESIGN	FDS
DRAWN	PAH
DATE	2023/01/13
CHECKED	FDS

PERMIT No.: 1001279

SCALE: 1:4000

LAWSON ENGINEERING LTD.
8522 LANESHORE DRIVE W
PO BOX 106 SALMON ARM, BC V1E 4N2
P: (250) 832-3220

Ridge north america

**OKANAGAN GONDOLA
BAILEY ROAD
VERNON, BC**

**CONCEPTUAL WATER
SERVICING PLAN**

PROJECT No. 234-3

SHEET 1 OF 1

CDWG. No. C101 REV. No. A

NOT FOR CONSTRUCTION

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

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



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 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). 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 m³ 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 m³, 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 m³, 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.

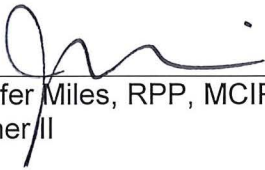
ALTERNATE BYLAW PROCESS RECOMMENDATION #1:

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

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, 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.



PLANNING DEPARTMENT INFORMATION REPORT

OFFICIAL COMMUNITY PLAN AMENDMENT / ZONING AMENDMENT APPLICATION

DATE:	February 18, 2022
FILE NO.:	21-1055-B-OR
OWNER/APPLICANT:	Okanagan Gondola Ltd. c/o Chrissy James, Dialog Design
LEGAL DESCRIPTION:	The Fractional N 1/2 of Sec 36, Twp 14, ODYD, Except Plans B826, 37599 & H823
P.I.D.#:	013-561-235
CIVIC ADDRESS:	Highway 97
PROPERTY SIZE:	116.11 ha
A.L.R.:	Partially within the A.L.R (19.8 ha)
PRESENT ZONING:	Large Holding (L.H)
PROPOSED ZONING:	Large Holding (L.H) and Recreation Commercial (C.5)
PRESENT O.C.P. DESIGNATION:	Large Holding and Agricultural
PROPOSED O.C.P. DESIGNATION:	Commercial and Agricultural
PROPOSED USE:	Gondola, zip lines, restaurants, retail sales, outdoor light show area, wedding and event venues, tree forts, playground, plaza, amphitheatre, mountain biking and walking trails, and agricultural activities

PLANNING DEPARTMENT RECOMMENDATION:

That the application to amend the Electoral Areas "B" and "C" Official Community Plan Bylaw No. 2626, 2014 by changing the land use designation 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 and Agricultural to Commercial and Agricultural not be supported; and further,

That the application to amend the Regional District of North Okanagan Zoning Bylaw No. 1888, 2003 by changing the zoning 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 (L.H) to Large Holding (L.H) and Recreation Commercial (C.5) not be supported.

SUMMARY:

This report relates to an application for an amendment to the Official Community Plan (OCP) land use designation and 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 amend the OCP land use designation of the non-ALR portion of the subject property from Large Holding to Commercial and to change the zoning of the non-ALR 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, zip lines, 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.

The Planning Department recommends that the application not be approved as it is not supported by Official Community Plan policies which:

- encourage commercial development on lands designated Commercial in the OCP; and
- discourage commercial development and signage along the Highway 97 corridor in the southern gateway area.

Should the Board of Directors wish to give further consideration to this proposal, an Alternate Resolution is provided in the Planning Analysis section.

BACKGROUND:

Site Context

The 116.11 ha subject property is located adjacent to and on the west side of Highway 97 approximately 670 m south of the intersection with Bailey Road. Two portions of the subject property, totalling approximately 19.8 ha, are within the ALR. The north and west sides of the property abut the City of Vernon boundary, the Vernon Fire Protection Area boundary, and the Greater Vernon Water Service Area boundary. Rights of way for hydro and natural gas cross the property in a north/south direction. The property is currently undeveloped and access to the property is gained via an easement which passes through two adjacent properties and is connected to Bailey Road.

The property consists of moderate to steeply sloping terrain which rises from east to west. The application notes that the total elevation gain, from the lowest to highest points of the property, is 317 m.

The Electoral Areas "B" and "C" Official Community Plan identifies the subject property as having "Moderate", "High", and "Very High" environmental conservation values.

The Official Community Plan land use designations, zoning, ALR status, and use of surrounding properties are as follows:

- North and west (within City of Vernon): designated ALR Lands and Rural / Agricultural in City of Vernon OCP, zoned Rural – Large Holdings (A2) in City of Vernon Zoning Bylaw, partially within the ALR, undeveloped;
- South: designated Large Holding, zoned Large Holding (L.H), not in the ALR, mining use;
- East: designated Agricultural, zoned Large Holding (L.H), in the ALR and undeveloped.

Maps depicting the OCP designation, Zoning, and ALR status of the subject and surrounding properties are attached.

The following orthophoto of the subject and surrounding properties was taken in 2018.



Easements

Easement No. K14621 was registered on the title of the subject property in 1975 and is shown on Plan No. A11380 and as extended by Plan No. A11711. This easement provides access through the subject property from the east property boundary, across the northern part of the property and through the westerly part of the property where it terminates at the south boundary near the southeast corner of the property. The easement is ± 20 m wide. The easement provides access for the benefit of the owner(s) of adjacent properties located to the south and southwest of the subject property (including the quarry and other parcels). A clause in this easement provides the owner of the subject property with the right to relocate any portion of the easement in the event that it may conflict with future uses of the subject property.

Easement No. KR79116 was registered on the subject property in 2001 and is shown on Plan No. KAP69692. This easement is ±20 m wide and provides access through the subject property from the east property boundary and across the southerly part of the property to its terminus near the mid-point of the south property boundary. The easement provides access for the benefit of the owner of an adjacent property to the south of the subject property (the quarry).

Easement No. J21815 was registered in 1974 on a property adjacent to the northeast corner of the subject property which is owned by the Crown and City of Vernon. The easement is ±20 m wide and provides access from Bailey Road to the northeast corner of the subject property. This easement touches the northeast corner of the subject property but does not, in itself, provide access to the subject property.

Easement No. J21813 was registered in 1974 on the property adjacent to and flanking the east side of the subject property. Easement No. J21813 connects to Easement No. J21815 and together they provide access to the subject property, and lands beyond, from Bailey Road. This easement is ±20 m wide. Both Easement Nos. J21813 and J21815 allow the grantee (owners of the subject property and other parcels to the south and southwest) the right to enter onto the easement area for access and this right of access extends to the grantee's successors, assigns, agents, workmen, and visitors.

The Proposal

The applicant proposes to amend the OCP land use designation of the non-ALR portion of the subject property from Large Holding to Commercial and to change the zoning of the non-ALR 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, zip lines, restaurants, retail sales, outdoor light show area, wedding and event venues, tree forts, playground, plaza, amphitheatre, mountain biking and walking trails, agriculture related activities and education, parking, and on-site access routes.

It is proposed that the development would be serviced by a private on-site water system sourcing water from an on-site drilled groundwater well. Sewage disposal is proposed to be addressed with private on-site septic systems.

Access to the development is proposed to be provided by the existing easements connected to Bailey Road.

Site Inventory / Environmental Survey

The subject application includes a *Site Inventory/Environmental Survey* report prepared by Ecoscape Environmental Consultants Ltd.¹ The Ecoscape report describes the property as being within an area of open coniferous forest and bunchgrass ecosystems which includes some areas disturbed by logging and livestock grazing. In addition, the report notes that there are several moisture receiving areas/ephemeral stream corridors, rocky outcrops and wildlife trees throughout the property. The report explains that terrestrial ecosystem mapping (TEM) was

¹ Ecoscape Environmental Consultants Ltd., Technical Memorandum, *Summary of Environmental Survey and Associated Findings and Recommendations for the Proposed Okanagan Adventure Park Development in RDNO, BC*, September 15, 2021.

reviewed, ground-truthed, and adjusted to describe the ecosystem polygons at a finer spatial scale based on field inventory and professional judgement. The Ecoscape report identifies 16 ecosystem polygons which overlay the project area. Of the 16 ecosystem polygons, three (3) are classified as “Red” which denotes ecological communities that are extirpated, endangered, or threatened in B.C. Seven (7) of the identified ecosystems are classified as “Blue” which means they are of special concern in B.C. and the remaining six (6) ecosystem polygons were not ranked. The Ecoscape report also references at-risk ecological communities, species-at-risk, and critical habitat occurrences identified by the BC Conservation Data Centre within 1 km of the subject property. Multiple varieties of noxious weeds were identified within the subject property and it is noted that there is a duty to control noxious weeds under the *Weed Control Act*.

The Ecoscape report notes that none of the mapped streams on the property appeared to connect to Kalamalka Lake as there are permanent obstructions to flow at the access road leading to the mine located on the property to the south. The report states that the mapped streams also lack defined channels and visible High Water Marks, and did not exhibit surface flow at the time of site assessment. The Ecoscape report notes that, for the above noted reasons, these minimally wetted areas likely could not provide habitat for protected fish and it is likely that the Riparian Areas Protection Regulation (RAPR) does not apply to the mapped streams and that no riparian setbacks, required under the RAPR, would be required for the streams.

The Ecoscape report recommends:

- High value habitats and features throughout the project area (i.e mature vegetation, rock outcrops, and moisture receiving/ephemeral stream/wetland ecosystems) should be retained and protected where possible, particularly in the areas of the gondola bases and areas where high levels of activity are proposed.
- The proposed on-site road should be redesigned to largely avoid the potentially wet ecosystems. The report notes that impacts of road construction in the current locations would include loss and thinning of wildlife trees, loss of riparian habitat, and the need for substantial fill to achieve a road design that would not experience periodic flooding. It is noted that fill placement could trigger an application under the *Water Sustainability Act*.
- Hiking and mountain biking trails should be constructed as elevated boardwalks, bridges or with other infrastructure to avoid damage to habitat, particularly in wetted areas. Additional design recommendations are also noted as means to avoid erosion and other damage to riparian corridors. Visitors should be prevented from creating auxiliary trails.
- The proposed parking lot should not be located in the Red Listed Trembling Aspen/Common Snowberry/Kentucky Bluegrass ecosystem. Additional site assessment is recommended to determine the best location for the parking area in order to minimize environmental impacts and to preserve rare and at-risk ecosystems and habitat features.
- Clearing and grubbing limits must be clearly marked in the field prior to construction and be minimized wherever possible. Draft trail alignments should be walked and re-aligned where necessary to avoid important environmental features.
- Every effort should be made to protect mature vegetation, especially cavity trees, dead snags and blown out tops (i.e. Black Cottonwood, Interior Douglas Fir).
- A habitat restoration plan should be prepared to offset any disturbances to natural areas and to enhance environmental values.

- Herptile (reptile and amphibian) crossing requirements should be incorporated into culvert design associated with any roads or trails.
- The light show area should not be located in mature forest as owls and bats rely on darkness to hunt at night. Ecoscape notes that the light show area is primarily planned to be within an area of young coniferous forest.

Okanagan Gondola Site Servicing Concept

The application also includes a *Site Servicing Concept* prepared by Lawson Engineering Ltd.² The Site Servicing Concept describes the following proposed services:

- Road access is proposed to be provided utilizing the existing roadway which the application refers to as Beal Road. (*Note: Beal Road is not a dedicated public road.*)
- Water is proposed to be supplied by a private on-site water system. Details of the water system require further study and confirmation of potability.
- Sewage disposal is proposed to be addressed with private on-site wastewater disposal systems. The disposal systems may be independent for each building. Details of each system will require future studies.
- Hydro service is expected to be provided by BC Hydro.
- Telecommunication service is expected to be provided by Shaw and/or Telus.
- School bus service has not been considered as the proposed development does not include a residential component.

Current OCP / Zoning Amendment Applications

As directed by the Board of Directors, applications for Official Community Plan amendments are to be considered in batches so that the cumulative effect they will have on the area and its character can be better analyzed.

The application subject of this report was received in November 2021.

In October 2021, the Regional District received an application to change the OCP land use designation of a 4.79 ha property located at 6402 Highway 97A in Electoral Area “F” from Non-Urban to Industrial and to change the zoning of the property from Non-Urban (N.U) to Light Industrial (I.1). If approved, the applicant proposes to construct a truck service and repair shop with a caretaker’s residence and a commercial storage facility including an 18 unit mini storage building and an outdoor space for storage of RVs and boats. This application will be addressed in a separate report for the consideration of the Board of Directors.

Previous OCP / Zoning Amendment Applications

The subject application is the first OCP amendment application received for a property in Electoral Area “B” since 2020. An overview of OCP amendment applications received in Electoral Area “B” over the past 10 years is provided below:

² Lawson Engineering Ltd., *Okanagan Gondola Site Servicing Concept*, October 27, 2021.

- 1) In July 2020, the Regional District received an application to change the OCP land use designation of a 2.33 ha property located at 7850 Redwing Road in Electoral Area “B” from Country Residential to Commercial and to change the zoning of the property from Country Residential (C.R) to Recreation Commercial (C.5). If approved, the applicant proposes to develop the property as a ±40 site campground. The OCP and Zoning Amendment Bylaws associated with this application were given Third Reading in October 2021 and the applicant is currently working to fulfill the following conditions of Final Adoption:
 - a. approval of a Riparian and Swan Lake Development Permit, and a Commercial Development Permit;
 - b. registration of a covenant against the title of the property that would:
 - i. prohibit fee-simple or bareland strata subdivision until a community sewer system is available;
 - ii. prohibit on-site septic sewage disposal systems; and
 - iii. require the property to be connected to a community sewer system once the sewer lines associated with the system have been extended to the subject property;
 - c. provision of a public trail within a Statutory Right of Way that would extend along the west side of the property from the north boundary to the south boundary of the subject property;
 - d. approval from CP Rail for a rail crossing;
 - e. the applicant must consult with First Nations; and
 - f. the applicant must provide an environmentally sensitive landscape maintenance plan which does not include the use of synthetic pesticides and fertilizers.

- 2) In April 2016, the Regional District received an application to change the OCP land use designation of a 2.9 ha property located at 6457 Rimer Road in Electoral Area “B” from Country Residential to Small Holding and to change the zoning of the property from Country Residential (C.R) to Small Holding (S.H). The applicant proposed to subdivide the property into two lots plus a 0.2 ha area for public park. The OCP and Zoning Amendment bylaws associated with this application were Adopted by the Board of Directors in March 2018. An application for subdivision of the property, consistent with the Small Holding (S.H) zoning, was subsequently approved in 2018 and the park area was provided by way of a Statutory Right of Way.

- 3) In December 2011, the Regional District received an application to change the OCP land use designation of two properties totalling 14.76 ha on Commonage Road and Howards Road in Electoral Area “B” from Non-Urban to Small Holding and to change the zoning of the same properties from Non-Urban (N.U) to Small Holding (S.H) as part of a proposal to create 7 lots. After considering the application in June 2012, the Board of Directors resolved not to support the application and the file was closed.

PLANNING ANALYSIS:

The Planning Department recommends that the subject application not be approved for the reasons outlined below:

- OCP Agriculture policies do not support non-farm use of land within the ALR nor the non-farm use of existing private access roads within the ALR.
- OCP Growth Management policies support commercial development on lands designated for commercial use in the Official Community Plan.

- The proposed development is not supported by the OCP Gateway policy which aims to prevent additional Commercial development at the south gateway (Commonage) to Electoral Areas “B” and “C” in order to retain its rural character.
- OCP Gateway policy discourages the placement of commercial signage within the highway corridor.
- OCP Gateway policy discourages direct access on to and off of Highway 97. It is acknowledged that the subject application does not propose direct access to the highway, however it is suggested that the majority of traffic travelling to and from the Okanagan Gondola site, would utilize the Bailey Road / Highway 97 intersection which does not have the benefit of traffic control signals.
- Support for the proposed development may set a perceived precedent leading to additional applications for commercial development within Rural designated areas along the Highway 97 corridor.

As a long range plan, the Regional Growth Strategy encourages growth within existing urban areas as much as possible. RGS policies encourage commercial services to locate within an existing community and support intensification of employment activity within Neighbourhood Centres and other identified economic nodes while respecting local jurisdictions’ land use decision-making autonomy in accordance with the provisions of the *Local Government Act*.

The proposal is not entirely inconsistent with the RGS and OCP. It is consistent with the RGS definition of a Rural Protection Area as the proposed development would not be serviced with community water and sewer, and the subject property is larger than one (1) hectare. In addition, OCP Commercial Lands policy states that the Regional District would consider a rezoning application for:

- a recreation commercial use which is in proximity to crown land recreational opportunities or adjacent to a natural aesthetic feature such as a lake or stream; or
- comprehensive commercial or other such uses that have unique site location requirements.

If, as proposed, the ALR portion of the property is utilized to grow crops to be utilized on-site and/or to benefit the community at large, such agricultural uses would be consistent with OCP Agriculture policies.

With respect to the above, it is acknowledged that the Okanagan Gondola project has unique site location requirements and the natural landscape and views of Kalamalka Lake are important components of the visitor experience as described in the application. However, in the final analysis, the Planning Department is of the opinion that the OCP Gateway Policies to discourage commercial development south of the City of Vernon are key to maintaining the rural character of the area.

Alternative Resolution

If the Board of Directors wishes to give further consideration to allowing the subject property to be used for recreation commercial purposes, the following Alternative Resolution to outline a process to have further community input on this proposal is provided:

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.

Rationale for Alternative Resolution

The Regional District of North Okanagan Development Application Procedures and Administrative Fees Bylaw No. 2677, 2018 states that when an application has been approved in principle by the Board of Directors subject to the applicant holding a Public Information Meeting, the applicant must hold the meeting in accordance with Board policy and with payment of the applicable fee. In this regard, as part of the Alternative Resolution staff have recommended that a Public Information Meeting be held prior to Second Reading of the OCP and Zoning Amendment Bylaws.

Recognizing that the proposed Okanagan Gondola project is proposed for a large parcel of undeveloped land that is largely in a natural state, and recognizing that proposed development of such a parcel may be of significant interest to local First Nations, it is recommended that the Regional District endeavor to obtain comments from local First Nations prior to consideration of Second Reading of the OCP and zoning amendment bylaws associated with this application.

Receipt of comments from RDNO Community Services (Parks) department is also recommended prior to Second Reading of the bylaws associated with this application as the Electoral Areas "B" and "C" Parks Master Plan identifies a Conceptual Trail passing through the subject property.

It is further recommended that, prior to Second Reading, the Regional District obtain comments from the City of Vernon and the Ministry of Transportation and Infrastructure as the subject property abuts the City of Vernon boundary on the north and west sides and access to the property passes through an adjacent parcel jointly held by both the City of Vernon and Crown Provincial. Both the City of Vernon and Ministry of Transportation and Infrastructure have indicated a shared concern regarding transportation impacts and the Ministry has indicated that they are actively working on a referral response regarding this application.

The Alternative Resolution also recommends that, prior to Second Reading, a hydrogeological assessment be undertaken as Official Community Plan policy recognizes the importance of adequate water supplies in rural areas and it is noted that the Board of Directors may request that a hydrogeological study be provided to determine impacts, if any, of the proposed development on the water supply of existing users in the area and on the aquifer.

Given the steep slopes and shallow depth to bedrock, the Alternative Resolution recommends that, prior to Second Reading, a geotechnical study be undertaken to assess the property's capability for on-site septic sewage disposal to service the proposed development.

Confirmation of Ecoscape's findings with respect to the streams would need to be established through the preparation of an Assessment Report, prepared by a Qualified Environmental Professional (QEP), which is approved by the province. The Riparian Development Permit process would either confirm Ecoscape's conclusions or would require compliance with the provisions of the RAPR. It is recommended in the Alternative Resolution that required Development Permits be considered prior to Final Adoption of the subject OCP and rezoning bylaws.

It is recommended that, prior to Final Adoption of the OCP/rezoning bylaws, the applicant obtain approval from the Agricultural Land Commission (ALC) for any proposed non-farm use of the ALR portions of the subject property as the Agricultural Land Commission has, in their referral response, noted that hiking and biking trails, and any non-farm use of the existing private access road, would require approval by the ALC of a Non-Farm Use application. The ALC also noted that any construction or upgrading of the private access road within the ALR would require ALC approval pursuant to Section 18 of the ALR Use Regulation.

The Alternative Resolution recommends a covenant be registered prior to Final Adoption of the bylaws associated with this application to restrict subdivision and the range of uses permitted under the Recreation Commercial (C.5) zone. A restriction on the range of permitted uses is recommended as the C.5 zone would allow for a wide range of commercial uses on the property which may not be compatible with the surrounding rural area. A restriction on subdivision of the subject property is recommended as the minimum lot size in the C.5 zone is 1 ha which would allow the non-ALR portion of the subject property to be subdivided, potentially, into over 90 lots provided all requirements of subdivision are met. Although road dedication requirements, slope and environmental constraints would impact actual build-out, the subdivision potential of the C.5 zone would create a node of recreation commercial development which is not currently supported by OCP policy at this location. To protect the safety and efficiency of the highway, access to lands from a Controlled Access Highway should be avoided and should be gained from an alternate public road if possible.

Recognizing the steep grades within a large portion of the property, the Alternate Resolution recommends that a geotechnical report be provided to the Regional District to confirm that the property is safe for the intended use.

AGRICULTURAL CAPABILITY OF THE SUBJECT PROPERTY:

The Canada Land Inventory agricultural capability classification system groups land into seven classes according to the land's potential and limitations for agricultural use depending on soil and climate characteristics. Class 1 land is capable of producing the very widest range of crops whereas Class 7 land has no capability for soil bound agriculture. As the class numbers increase from Class 1 to 7, the range of crops decreases. Associated with each class is a subclass that identifies limitations or special management practices needed to improve the soil. The classification usually gives land two ratings: unimproved and improved. Unimproved ratings describe the land in its native condition. Improved ratings indicate the land's potential once management practices have been implemented, such as irrigation, stone removal or drainage.

The Canada Land Inventory rates the ALR portions of the subject property as 60% Class 4 and 40% Class 6. The balance of the property is rated as 70% Class 6 and 30% Class 4. Both ALR and non-ALR portions of the property have limitations related to adverse topography and shallowness to solid bedrock.

AGRICULTURAL LAND COMMISSION REGULATIONS:

The Agricultural Land Commission asserts that agricultural activity is the highest priority with respect to land in the ALR and agri-tourism uses must be secondary, incidental and compatible with the agricultural production activities. BC Regulation 30/2019 (Agricultural Land Reserve Use Regulation or the "Use Regulation") allows agri-tourism activities in the ALR provided the land is assessed as "farm" under the *Assessment Act*.

Agricultural Land Commission Act Policy No. L-04 states that permanent facilities must not be constructed or erected for any agri-tourism activity. Permanent facilities include, but are not restricted to, any permanent structure, hard surfacing such as asphalt, concrete or other hard surface paths or parking areas, concrete pads, structural foundations, retaining walls, permanent tents (erected for more than 90 days) and permanent alteration to the landscape (permanent fill, gravel, berms, hills, dugouts, amphitheatres). If permanent facilities are required, an application and approval of the Agricultural Land Commission is necessary. Agri-tourism parking areas must not be permanent (asphalt, concrete, gravel, etc.) and parking must not interfere with the farm's agricultural productivity. Services that support or enhance an agri-tourism activity, such as food product sales, portable washrooms, ticket booths, temporary stages, and eating areas must be temporary. Bistros, cafes and restaurants are not agri-tourism activities and are considered non-farm uses in the ALR.

REGIONAL GROWTH STRATEGY:

The Regional Growth Strategy designates the subject property as being within a Rural Protection Area. The following definitions have been provided for Rural Protection Areas and Growth Areas:

"RURAL PROTECTION AREAS: are areas that will not have access to water and sewer infrastructure, consist of large lot sizes and are associated with rural uses. Rural Protection Areas are intended to provide for a variety of rural land uses, including low density rural residential development, natural resources, and agricultural and existing small scale neighbourhood commercial uses. Rural Protection Areas help protect rural landscapes and agricultural lands, prevent unsuitable urban development and densities, limit water and sewer infrastructure extensions beyond the Rural Protection Boundary and maintain rural lifestyle options. Natural lands, open spaces, agricultural lands and environmentally sensitive lands that are unsuitable for residential development are included within the Rural Protection Areas, including: the Agricultural Land Reserve, watersheds, conservation areas, natural habitats, grasslands, forests, wetlands, major parks and recreation areas. Rural developments around drinking water sources and reservoirs should be restricted to protect water quality and quantity."

"GROWTH AREAS: are serviced by water and sewer infrastructure and are defined by the Rural Protection Boundary. Growth Areas are intended to contain the diversity of the region's established communities with urban densities (lots less than 1 hectare). Urban levels of service, including water and sewer infrastructure extensions, will be limited to Growth Areas. Growth Areas

do not necessarily correspond to municipal or electoral area boundaries (existing or proposed). Growth Area boundaries respect past agreements and comprehensive neighbourhood planning initiatives that have access to existing water and sewer infrastructure.”

The Regional Growth Strategy (RGS) outlines the regional policies that are to be considered by the Board of Directors when reviewing an OCP/zoning amendment application. The following RGS policies apply with respect to this application:

Urban Containment and Rural Protection

- UC-1.1: Areas designated as Growth Areas are to be fully serviced with community water and sewer and can accommodate a broad range of urban land uses at urban densities.
- UC-1.2 (in part) The communities of the North Okanagan agree to promote compact, complete community design in Growth Areas through the consideration of the following guidelines when undertaking Official Community Plan amendments, reviews or revisions, and assessing large developments:
 - 4. Development is designed to preserve and enhance natural ecological systems’
 - 6. Growth can be accommodated in a way that preserves important natural landscape features;
 - 7. Development is designed to avoid or minimize adverse effects on agricultural and natural resource lands, important natural landscape features and on land designated as Rural Protection Areas;
 - 10. Local and regional government will discourage proposals which are inconsistent with the Regional Growth Strategy, Official Community Plans, Rural Protection Boundaries, or Rural Protection Areas.
- UC-2.1: Designate Rural Protection Boundaries, consistent with the Regional Growth Strategy, within Official Community Plans for the purpose of protecting lands within the Rural Protection Area. Lands designated as Rural Protection Areas are intended to accommodate low density development on larger (1 hectare and greater) parcels of land that are not serviced with both community water and sewer systems.
- UC-2.5: Discourage the provision of, or expansion of, community water and/or sewer service to the Rural Protection Area unless supported for health or environmental reasons or servicing current levels of development and only where such services do not result in development that will require rural expansion of water and/or sewer infrastructure.
- UC-2.6: Designate lands as Rural Protection Areas: This designation will protect, and at the same time enhance, the rural landscape by encouraging development that is compatible with the rural character of the North Okanagan.
- UC-2.7: Encourage the location of commercial, retail, and community services that serve rural residents to neighbouring communities and existing activity areas to prevent the conversion of rural lands into commercial uses.
- UC-2.8: Protect the character of rural areas: Rural Protection Areas contain a variety of lands with natural resource value including agriculture and forestry. These lands have historically played a significant role in shaping North Okanagan character and identity, offering rural lifestyle choice, as well as providing important economic benefits. Their long term viability and productivity is increasingly threatened by urban encroachment and the spread of incompatible land uses.

- UC-2.10 Appropriate Destination Resort Development: Destination resorts provide recreational activities and facilities. A transparent, consistent, equitable and fair full cost accounting should be used to assess the feasibility of new resort developments. Any new destination resorts within the region shall complement the goals and strategies of the Regional Growth Strategy and the strategic tourism objectives of the province while balancing sustainability initiatives.

Agriculture and Food Systems

- AG-3.2 Consider supporting initiatives that will provide opportunities for new, young or experienced farmers within the North Okanagan.
- AG-3.4 The province is encouraged to collaborate with farming interests, local governments and other stakeholders during the identification and creation of new agricultural economic opportunities, including local added value production, processing, distribution, marketing, and agri-tourism.

Water Stewardship

- WS-1.1 Develop policies, within the authority of local and regional government that will evaluate proposed developments based upon local hydrological conditions, access to long term water supply, an adherence to the precautionary principle and impact on supply to existing users.

Environment and Natural Lands

- ENV-1.1 Develop consistent, integrated environmental policy that will protect water ecosystem function, our drinking water sources and conserve and enhance biodiversity and ecological services through the protection of ecological features and corridors, including floodplains, shorelines, stream and river systems, aquifers, wetlands, and forested watersheds.
- ENV-2.8 Coordinate on the establishment of regionally significant open space networks and linkages across jurisdictional boundaries that will compliment local parks planning.
- ENV-2.9 Support opportunities and partnerships that promote environmental conservation and ecosystem protection.
- ENV-2.10 Designate and protect significant open spaces and environmentally sensitive areas in Official Community Plans and through other planning mechanisms.
- ENV-2.11 Explore funding mechanisms to support regionally significant open space and parkland acquisitions.

Economic Development

- ED-1.1 Support a regional approach to economic development, based upon a voluntary model, which encourages a positive and sustainable business enabling environment.
- ED-1.2 Collaborate and cooperate on economic development, tourism and business attraction initiatives, policies, plans and marketing.
- ED-1.4 Support municipalities, first nations and electoral areas in the implementation of the Regional Employment Lands Action Plan to generate employment opportunities and create a more economically resilient and diverse region.*

- ED-2.1 Explore initiatives that support continued economic diversification, including value added, community based business development, green jobs and sustainable industries.
- ED-2.4 Investigate opportunities to support the expansion of regional employment that are consistent with the Regional Growth Strategy.
- ED-2.5 Support the intensification of employment activity within Neighbourhood Centres and other identified economic nodes.
- ED-2.6 Discourage large commercial or institutional developments outside of Growth Areas.

* Note that the subject property is not within an Investment Zone as identified in the Regional Employment Lands Report. The Investment Zone is characterized as an urban setting with a diversity of employment lands. Investment Zones were defined by having sufficient infrastructure, traffic patterns, visibility, and market (investor) attractiveness. The majority of the Investment Zone includes lands in the City of Vernon and along the Highway 97 and 97A corridor north of Vernon but also includes lands within and around the Regional District's other member municipalities.

Transportation and Infrastructure

- TI-1.3 The province is encouraged to collaborate with local and regional governments when identifying potential, or enhancing existing, transportation corridors to ensure that planning for major transportation corridors preserves choices for the future, including active transportation options.
- TI-1.4 Senior levels of government are encouraged to partner with the Regional District of North Okanagan and its member municipalities when developing a long range corridor protection and/or acquisition strategy that accommodates future transportation needs.
- TI-2.7 Ensure that land use decision making is informed by a full and complete understanding of the impacts on all aspects of the transportation system.

OFFICIAL COMMUNITY PLAN:

This application proposes to change the OCP land use designation of the non-ALR portion of the subject property from Large Holding to Commercial. The following OCP Policies are applicable to the application:

Agriculture Policies

- 3.1.1 Lands designated as Agricultural on map Schedules 'B' are intended to be used for agricultural purposes and associated uses as allowed by the Provincial Agricultural Land Commission (the Commission) and the Regional District.
- 3.1.2 All uses and subdivision of land within the Agricultural Land Reserve (ALR) shall be in accordance with the *Agricultural Land Commission Act* regulations thereto or Orders and Policies of the Commission (throughout this Plan these documents are combined in references to the *Agricultural Land Commission Act*).
- 3.1.3 Notwithstanding the minimum lot size standards and land use policies cited in this Plan or the "Zoning Bylaw" or any other policy or bylaw that has been adopted to guide decision-making, the Regional Board may, after due consideration, not authorize a non-farm use, subdivision, and exclusion application to the Commission if the proposed subdivision or use would have a negative impact on agricultural land or the farming community.

- 3.1.7 Where a property is being developed adjacent to a property that is designated as Agricultural, an appropriate buffer strip will be established on the non-Agricultural property consistent with the “Landscaped Buffer Specifications” established by the Commission.
- 3.1.13 Recognize the importance of local food production, processing, distribution and sale of locally grown products. Efforts to improve the local agricultural economy may include:
 - a. supporting local farmers markets;
 - b. initiatives to increase agricultural awareness;
 - c. development of community gardens;
 - d. liaison with the Ministry of Agriculture regarding opportunities for hosting local workshops on ways to enhance opportunities for growing and marketing economically viable, local agricultural products.
- 3.1.15 Wherever possible, future major roads, utility or communication corridors should be directed away from and around land within the ALR.
- 3.1.16 Support local agriculture through favourable consideration of proposals that enhance local agriculture through the strengthening of beneficial agricultural practices, support of local food systems, and the expansion of local markets and agri-tourism. The community supports the production of organic agricultural farming practices.

Growth Management Policies

- 4.3.1 The Regional District shall support the designation of the Rural Protection Boundary, consistent with the Regional Growth Strategy.
- 4.3.3 The Regional District will not permit urban land use and development beyond the Rural Protection Boundary.
- 4.3.5 The Regional District shall not support the expansion of sewer services to areas located outside of the designated Rural Protection Boundaries except where existing developments threaten public health or the environment and will not result in further residential development within the Rural Protection Area.

Fringe Area Planning Policies

- 4.5.3 Regional District is committed to coordinate efforts with the neighboring municipalities to ensure that growth adjacent to Electoral Area “B” and “C” boundaries occurs in a planned and sustainable manner that reflects the unincorporated rural character valued by the residents of Electoral Area “B” and “C” residents.
- 4.5.4 Encourage inter-jurisdictional fringe area planning between the Regional District, District of Coldstream, Township of Spallumcheen and City of Vernon that is respectful and collaborative.
- 4.5.6 Work with adjacent jurisdictions, the Ministry of Agriculture and Agricultural Land Commission to protect the Agricultural Land Reserve along the urban-rural fringe.
- 4.5.7 Refer to other agencies, all land use planning applications or issues which may affect another jurisdiction. All affected agencies or municipal Councils, which receive referrals from the Regional District, shall be encouraged to give due consideration and timely responses to referrals.

Rural Lands Policies

- 5.1.1 Rural Lands within the Plan area are designated either Large Holding, Non-Urban, Country Residential or Small Holding as shown on map Schedule 'B' and where the minimum lot size standard is 30.5 ha, 7.2 ha, 2.0 ha and 1.0 ha respectively.
- 5.1.3 It is the opinion of the Regional District that the crown lands in the Commonage within the Plan area should continue to be used for rural or agricultural purposes or for the preservation of natural amenities or wildlife habitat.
- 5.1.5 Because of the importance of water supplies for new development and the uncertainty about water supply for some Rural Lands, assurance about water supply should be provided with a rezoning application or an application to amend this Plan and as appropriate, hydrogeological studies should be undertaken to determine impacts, if any, on existing wells in the neighbourhood and the local aquifer.
- 5.1.9 Pursuant to Section 904 of the *Local Government Act*, the Regional District may apply a bonus density to a maximum of 20% for Country Residential developments. Where an application proposes to amend the "Zoning Bylaw" with no lots less than 1ha in size with a minimum of 10% of additional land to be dedicated for community or site amenities as follows:
- a. the dedication of parks or trails as outlined in this Plan;
 - b. the long-term security of a *Natural Area* as outlined in this Plan or other significant environmental or habitat feature;
 - c. the maintenance of substantial buffer zones adjacent to a *Major Road* as defined in this Plan; or
 - d. the conservation or provision of any other amenity as proposed by the property owner.

Commercial Lands Policies

- 7.1.1 Land for current and future commercial uses is designated as Commercial as shown on Schedule 'B'.
- 7.1.2 Land designated as *Commercial* is also designated within a Development Permit Area to set conditions respecting the 'form and character' of development as outlined in Section 16.5 of this Plan.
- 7.1.4 The Regional District would consider a rezoning application for:
- a. a recreation commercial use which is in proximity to crown land recreational opportunities or adjacent to a natural aesthetic feature such as a lake or stream; or
 - b. comprehensive commercial uses or other such uses that have unique site location requirements;
 - c. except that an application will not be considered in an Agricultural area unless the use conforms to the *Agricultural Land Commission Act* or a decision of the Commission and where such rezoning application may or may not be approved by the Regional District.
- 7.1.5 When considering an application to designate a new Commercial property or area, the Regional District will consider: the level of community services including sewer and water services; the management of traffic and parking requirements; compatibility with adjacent or neighbourhood land uses; as well as the possibility of noise pollution; environmental degradation; or unsightly conditions that may prevail.

Gateway Policies

- 8.1.1 Prevent additional Commercial and Industrial development on the south gateway (Commonage) to Electoral Areas “B” and “C” to retain its rural character.
- 8.1.3 Use site planning, building design and landscaping to reduce negative visual impacts of development, particularly as seen from Highway 97.
- 8.1.5 Discourage the placement of commercial signage within the highway corridor. Permit the placement of “welcome” and facility/directional signage at the approaches to important intersections.
- 8.1.6 Limit direct access on to and off of Highway 97.

Natural Area Policies

- 11.2.1 Land within the Environmentally Sensitive Land Development Permit Areas as designated on Schedule ‘C’ shall not be altered or developed, or subdivision approval granted, unless a Development Permit is issued in accordance with the guidelines in this plan.
- 11.2.3 All development within the Regional District shall be undertaken in compliance with the provincial Riparian Areas Regulation.
- 11.2.4 Wetlands must remain free of development.
- 11.2.7 Encourage the protection, preservation, enhancement and management of sensitive ecosystems or land contiguous to sensitive ecosystems of private lands through the following methods:
 - a. Donation of areas to the Regional District or provincial government;
 - b. Donation of areas to a Land Trust or conservation organization;
 - c. Creation of conservation covenants in favour of municipal, provincial government, private conservation organizations;
 - d. Establishment of statutory right of ways under the *Land Title Act* for affected areas;
 - e. Establishment of long-term leases for sensitive areas;
 - f. Land stewardship and participation in conservation initiatives by the private landowner;
 - g. Consideration of alternative development standards, such as clustering.
- 11.2.8 Areas with a high capability rating as wildlife habitat should remain in as large a parcel as possible to protect these habitat areas.
- 11.2.11 (*in part*) The following locations within the Plan area are considered as Natural Areas as identified in the “Greater Vernon Natural Areas and Features Inventory” (Greater Vernon Parks and Recreation District, 1993) and the Regional District considers that these areas are environmentally sensitive to development and the Regional District will have due regard for the significance of these locations when reviewing a land development proposal in their general vicinity:
 - j. Commonage Grasslands; particularly the slopes overlooking the west shore of Kalamalka Lake;
 - l. all wetlands not covered by Riparian Areas Regulation.

Steep Slope Policies

- 11.3.1 Development on slopes greater than 30% carry inherent geotechnical risks, access and safety concerns and therefore it is recommended that if possible development is accommodated elsewhere on the site and steep slopes are encouraged to be left as natural or open spaces.
- 11.3.2 The Regional District may require a geotechnical site evaluation for development of steep slopes. The assessment should take into consideration site design as it relates to substrates, natural contours, natural gradients and ensure site stability for the subject and neighbouring properties. The recommendations of this evaluation may be required to be incorporated into a Section 219 Restrictive Covenant.

Trails Policies

- 12.1.12 The Regional District recognizes the need to develop local trails within Electoral Areas “B” & “C” to enhance the connectivity between Sub-Regional trails, any future Sub-Regional parks and local park space. Relevant trails are outlined in the Ribbons of Green Trails Plan 2013-2033 (Schedule G) with the exception of a trail linkage which should be considered between the Foothills Neighbourhood and Cools Pond.
- 12.1.13 The Regional District recognizes the need to develop priorities and an implementation strategy for the acquisition and development of new trails in the Electoral Areas; however, it is also recognized that when opportunities arise for the acquisition of a new trail segment as identified in the “Ribbons of Green Trail Plan 2013-2033” then prompt action is often necessary despite the priorities in the implementation strategy.

Transportation Policies

- 15.1.1 New roads and major improvements to existing roads should be located so as to provide minimum disruption to agricultural users of these roads and adjoining farming operations.
- 15.1.3 The function of Highways #6 and #97 as Provincial Highways serving inter-regional travel will be maintained with the designation of sufficient right-of-way width; by controlling access points; and by ensuring that development of adjacent land does not adversely affect the function of the highway.

Development Permit Areas

The property is designated as a “Riparian and Swan Lake” Development Permit Area, an “Environmentally Sensitive Lands” Development Permit Area, and, if rezoning to Recreation Commercial (C.5) is approved, it would also be designated as a “Commercial” Development Permit Area.

A “Riparian and Swan Lake” Development Permit, and an “Environmentally Sensitive Lands” Development Permit is required prior to:

- issuance of a Building Permit; or
- subdivision as defined in the *Land Title Act* and *Strata Property Act*; or
- land alteration.

A “Commercial” form and character Development Permit is required prior to:

- issuance of a Building Permit; or
- subdivision as defined in the *Land Title Act* and *Strata Property Act*.

ELECTORAL AREAS “B” AND “C” PARKS MASTER PLAN:

The Electoral Areas “B” and “C” Parks Master Plan (the “Parks Master Plan”), completed in June 2019, states that trails identified in the Parks Master Plan are ideal for Areas “B” and “C” due to the enhanced connectivity they will provide within the Electoral Areas as well as to Vernon and Coldstream. The Parks Master Plan shows a “Conceptual Trail” extending southward from Bailey Road near the subject property, through the subject property and properties to the south to the boundary with the District of Lake Country. The Parks Master Plan states that no exact location has been determined for conceptual trails however they were identified as potential connections to the existing local, sub-regional, and regional trail network and as connections between existing and proposed parks.

ZONING BYLAW:

The subject property is zoned Large Holding (L.H). The applicant proposes to rezone the non-ALR portion of the property to Recreation Commercial (C.5). It is proposed that the ALR portion of the property would remain zoned L.H.

Uses permitted in the L.H zone include accessory buildings and structures, accessory farm sales, ancillary single family dwellings, bed and breakfast use, boarding house use, community care facilities, fruit and produce pickers’ cabins, home occupation use, intensive and limited agricultural use, manufactured homes, packing houses, public parks and playgrounds, rapid infiltration and spray irrigation of treated sewage effluent, resource use, single and two family dwellings, veterinary clinics, wineries and cideries, work force housing units, secondary suites, agricultural cannabis production facilities, and detached suites.

Uses permitted in the C.5 zone include accessory buildings and structures, accommodation (including one dwelling unit for the owner, operator or employee of the principal and permitted use), water storage and bulk distribution facilities on same lot as water source, **retail sales**, service and repair, rapid infiltration and spray irrigation of treated effluent, seasonal use, temporary accommodation use, shooting range, **food service** including coffee shops, dairy bars, and **restaurants**; and **entertainment and recreation facilities** including arcades, art galleries and digital printing of art, etc., arts, crafts and souvenir shops, billiard halls, bowling alleys, drive-in theatres, golf courses and driving ranges, health spas, marinas, museums, **outdoor entertainment, amusement and recreation facilities**, theme parks, and zoos.

Lot Area and Frontage

Section 505.4 requires that lots proposed to be subdivided within the Recreation Commercial (C.5) zone must be at least 1 ha and must have lot frontage of not less than one-tenth of the perimeter of the lot.

Setbacks

As specified in Sections 505.9 and 406, where a property in the Recreation Commercial (C.5) zone abuts Highway 97, the front setback must be not less than 30 m plus the required 7.5 m front setback measured from the centre line of the highway. Side yard setbacks must be not less than 2 m and the rear yard setback must be not less than 7.5 m.

Section 1702 stipulates that development must not occur within a Riparian Assessment Area unless a lesser setback is determined by a Qualified Environmental Professional under the Riparian Areas Protection Regulation. In the context of the subject property, the Riparian Assessment Area would be the area within 30 m of the high water mark of any Riparian Watercourse. As noted in the Site Inventory / Environmental Survey section of this report, it is yet to be confirmed whether the mapped streams within the subject property meet the criteria of a Riparian Watercourse. Any stream that does not meet the definition of a Riparian Watercourse would not be subject to the riparian setback requirements of Section 1702.

Agricultural setbacks vary according to the type of agricultural buildings, structures, and areas the requirements for which are outlined in Section 1601.

Height of Buildings and Structures

Except for cabins, hotels, and motels, no height restrictions are specified in the C.5 zone. The proposal subject of this application does not include cabin, hotel, or motel use.

Parking and Loading

Section 1101.3 requires that a Tourist Attraction must provide one (1) parking space per four (4) persons capacity, of which 10% of the total required parking must be designed for recreation vehicle parking, the standards for which are specified in Section 1101.6.

Parking for restaurants is based on gross floor area and ranges from 10.6 spaces per 100 m² for a family restaurant, to 12.7 spaces per 100 m² for a quality restaurant, to 13.3 spaces per 100 m² for a fast food restaurant (without a drive-through).

As the gross floor area of the proposed buildings has not yet been provided, the required number of parking and loading spaces has not yet been determined. Required parking and loading spaces would necessarily be confirmed at the Development Permit stage.

Signage

Signage must conform to the provisions of Schedule E of the Zoning Bylaw.

Screening and Landscaping

Screening would be required to enclose any outdoor storage area.

Section 1501.2 requires that where any commercial development abuts a Controlled Access Highway, a landscaped buffer shall be provided with a minimum width of 7.5 m.

REFERRAL COMMENTS:

The application was referred for comments to the following:

1. Interior Health Authority

This application has been reviewed from population health and environmental public health lenses. A file review has been conducted and we have no concerns from a planning perspective. However, we do have environmental public health comments for consideration:

- Drinking Water Supply - The application had indicated a proposed drilled well for the source of drinking water. If potable water is to be provided to guests for domestic purposes (human consumption, food preparation, or sanitation), the water system will be subject to the approval and permitting requirements of the *BC Drinking Water Protection Act* and Regulation.
- Waste Water Disposal - Domestic sewerage that will be generated onsite will need to be disposed of properly into a sewerage system in compliance with the BC Sewerage System Regulation. Domestic sewage includes washroom, food preparation, dishwashing, etc.
- Food Service - Prior to the construction of a food service establishment, such as the proposed café and restaurant, the applicant requires health approval from the local Environmental Health Officer.

Additionally as this is a large development in the traditional territory of the Syilx people, we strongly recommend that the developer reach out to the Syilx Nation to seek feedback as to any potential impacts to the area.

2. **Ministry of Transportation and Infrastructure**
3. **Building Inspection Department**
4. **BX-Swan Lake Fire Department**
5. **Community Services Manager (Protective Services)**
6. **Community Services Manager (Parks)**
7. **Community Services Manager (Solid Waste)**
8. **RDNO Chief Financial Officer**
9. **Ministry of Agriculture**

- The applicant is looking to create a recreational facility on the property and is requesting a zoning and land use amendment from Large Holding, Agriculture to Commercial, Agricultural and L.H Large Holding to C.5 Recreational Commercial.
- The ALR is a provincial land use zone where agriculture is the priority use. There are two small areas of land within the ALR on this property.
- The referral package notes that no uses are proposed within the ALR at this time; if this consideration changes in the future the Agricultural Land Commission (ALC) may need to be consulted regarding appropriate applications for any non-agricultural uses.
- According to the B.C. Soil Information Finder Tool, the soils on this property are predominately well-drained, Armstrong sandy loams, classified as Orthic Black Chernozems, described as a soil that remains in its native condition. The Agricultural Capability Classification for the soils are composed of a range of 4RT to 6T with limitations of topography and shallow soil over bedrock.
- Ministry staff appreciate the proposed use of the ALR designated land within the property to grow food and create an educational centre as referenced in the master plan. The applicant may want to reference the document Agri-tourism Activities in the ALR from the ALC website.
- Given the Agricultural Capability Classification it may be beneficial to retain a professional agrologist with experience in arable land evaluation and crop development to determine appropriate and feasible agricultural activities on the property. Registered agrologists can be found at: <https://www.bcia.com/members/find-an-agrologist>.

- Regarding creating partnerships to reduce food insecurity as noted in the Master Plan, it may be beneficial for the applicant to investigate other projects and initiatives that are occurring in the community that may be a good fit with what they are proposing.

10. Agricultural Land Commission

The ALC has three comments on this proposal:

- It is understood that the proposal would construct some hiking and mountain biking trails within the ALR. This would require a Non-Farm Use (NFU) application to the ALC as trails are not an allowed use in the ALR.
- It is also understood that there are existing road easements on the parcel which pass through ALR land and are used for access to a quarry. The roads are existing but not a public highway nor are within a dedicated ROW. It is not clear on when the current use (quarry access) started or whether it was properly approved, but the addition of a new non-farm use on private roads in the ALR would require a NFU application to the ALC.
- It is also not clear if there will be any construction or upgrading of the ALR portions of the roads. Section 18 of the ALR Use Regulation sets out what is permitted in the ALR for road construction. If any road construction is required and does not meet the criteria in section 18, this would also trigger an application.

All of the above could be addressed within the same NFU application.

11. Ministry of Forests, Lands, Natural Resource Operations, and Rural Development

Lands Team: The Qualified Professional's report is sufficient at this time. No further comments right now.

Water Allocation Team: The proponent has engaged with an appropriate professional regarding water use and licensing. In turn, the Senior Water Stewardship Officer has provided some high level advice to the professional already. No further comments on that front at this time.

12. Ministry of Environment

13. Okanagan Indian Band

14. Splotsin

15. Ministry of Energy, Mines and Petroleum Resources

16. School District Nos. 22 & 83

17. BC Parks

18. Technical Safety BC

19. Fortis

20. BC Hydro

BC Hydro may require a right of way for our plant.

21. City of Vernon

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 be working with MoTI to provide shared comments.

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.

Submitted by:



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Reviewed by:



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Endorsed by:



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