



REGIONAL  
DISTRICT  
NORTH  
OKANAGAN

# STAFF REPORT

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

**File No:** 21-1055-B-OR  
**Date:** February 8, 2024

**SUBJECT:** Zoning Amendment Bylaw No. 3004, 2024 [Okanagan Gondola]

## RECOMMENDATION:

That notice be given in accordance with Section 467 of the *Local Government Act* that Zoning Amendment Bylaw No. 3004, 2024, 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, will be considered for First Reading at a future meeting; and further,

That Final Adoption of Zoning Amendment Bylaw No. 3004, 2024 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 (ALR), any non-farm use of private roads in the ALR, and road construction in the ALR if applicable.

## BACKGROUND:

This application relates to a proposal to change 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 zoning of the non-ALR portion of the property from Large Holding (L.H) to Recreation Commercial (C.5).

At the Regular Meeting of the Board of Directors held on April 20, 2022, the Board gave First Reading to the associated Electoral Areas "B" and "C" Official Community Plan Amendment Bylaw No. 2926, 2022 and Zoning Amendment Bylaw No. 2927, 2022. On December 14, 2022, the Board of Directors resolved that the Bylaws be given Second Reading.

At the Regular Meeting held on July 19, 2023, the Board resolved that Bylaw No. 2926 and Bylaw No. 2927 be forwarded to a Delegated Public Hearing to be held on October 5, 2023. The Board further resolved that Final Adoption of the Bylaws 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 serve food and beverages that is 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.

A Delegated Public Hearing was held on October 5, 2023. At the Regular Meeting held on Wednesday, October 18, 2023, the Board gave Third Reading to Bylaw No. 2926 and Bylaw No. 2927.

At the Regular Meeting held on Wednesday, January 24, 2024, the Board of Directors resolved that Electoral Areas "B" and "C" Official Community Plan Amendment Bylaw No. 2926, 2022 be Adopted. As such, the land use designation of a 100.44 ha portion of the subject property is designated Commercial in the Electoral Areas "B" and "C" Official Community Plan Bylaw No. 2626, 2014. The Board also resolved that a new Zoning Amendment Bylaw be drafted to replace Zoning Amendment Bylaw No. 2927 once RDNO Zoning Bylaw No. 3000 has been Adopted. The Board further resolved that the following conditions of Adopting Bylaw No. 2926 and Bylaw No. 2927 only apply to the adoption of a new Zoning Amendment Bylaw that would replace Zoning Amendment Bylaw No. 2927:

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 (ALR), any non-farm use of private roads in the ALR, and road construction in the ALR if applicable.

At the Special Meeting of the Board of Directors held on February 7, 2024, the Board Adopted the Regional District of North Okanagan Zoning Bylaw No. 3000, 2023. As such, applications which have been pending adoption of the new Zoning Bylaw can now be considered by the Board with newly assigned Zoning Amendment Bylaws. The applicant has indicated they wish to move forward with the application now that Zoning Bylaw No. 3000 has been adopted

Public Hearing

On November 25, 2021, Bill 26 received Royal Assent. This brought changes to the *Local Government Act* which states that:

- a local government is not required to hold a Public Hearing on a zoning amendment bylaw if the bylaw is consistent with an official community plan; and
- if a local government decides not to hold a Public Hearing, it must provide notice of the proposed date of the First Reading of the applicable zoning amendment bylaw.

In keeping with the above and as the subject Bylaw is consistent with the policies and land use designation of the Electoral Areas "B" and "C" OCP, a notice will be posted in accordance with the new provisions of Section 467 of the *Local Government Act* to advise the public that the Board of Directors will consider giving First Reading to Zoning Amendment Bylaw No. 3004 at a future meeting once the applicant has posted a development notice sign in accordance with Section 6.1.7 of Development Application Procedures and Administrative Fees Bylaw No. 2677.

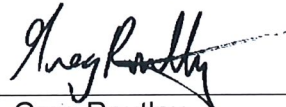
Should the Board of Directors wish to hold a Public Hearing for Bylaw No. 3004, a resolution could be passed to forward the Bylaw to a Public Hearing. Notice of the Public Hearing would be provided in accordance with the provisions of Section 466 of the *Local Government Act* and the Hearing would be held prior to considering Third Reading.

Submitted by:



\_\_\_\_\_  
Jennifer Miles, RPP, MCIP  
Planner II

Reviewed by:



\_\_\_\_\_  
Greg Routley  
Deputy Planning Manager

Endorsed by:



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

Approved for Inclusion:

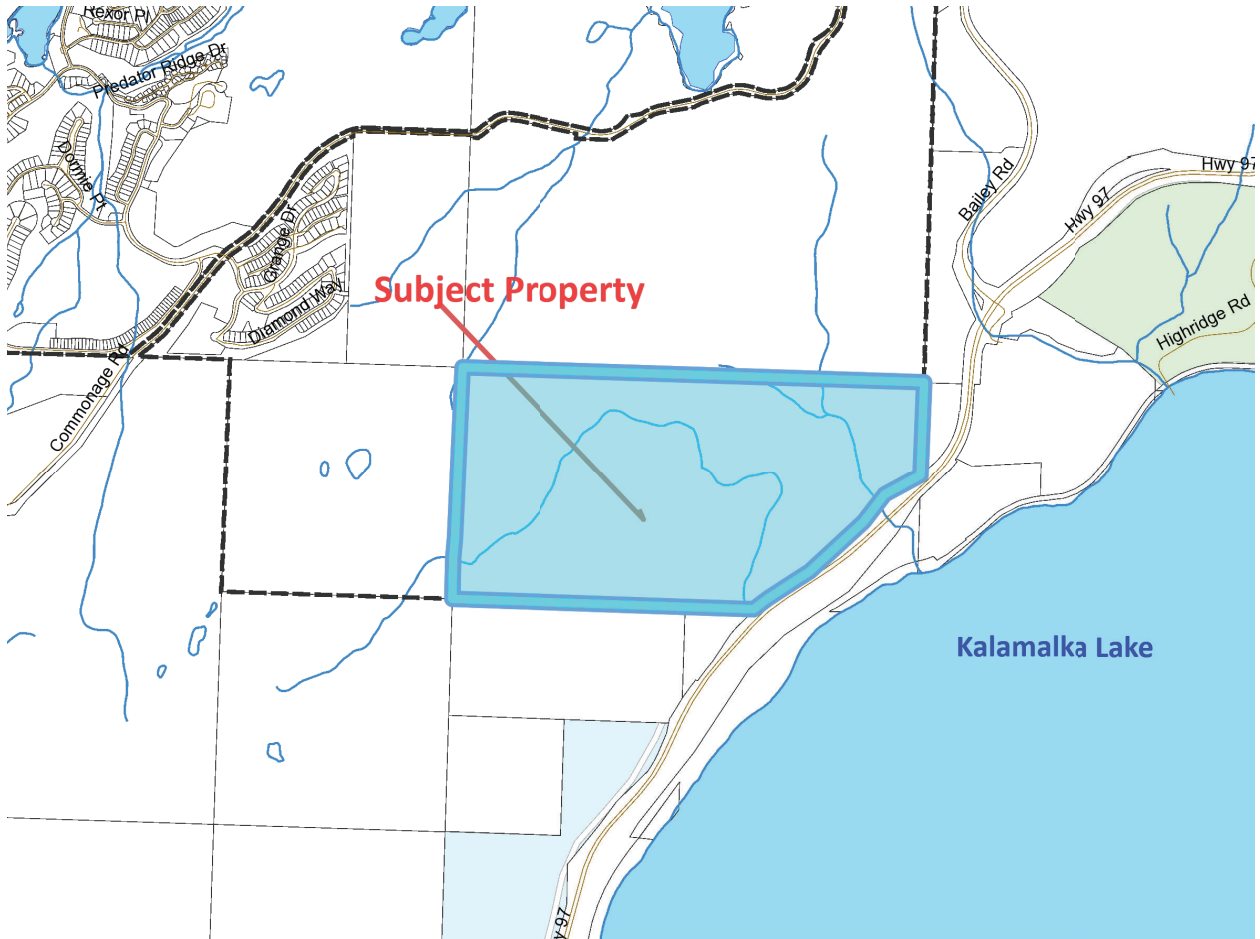


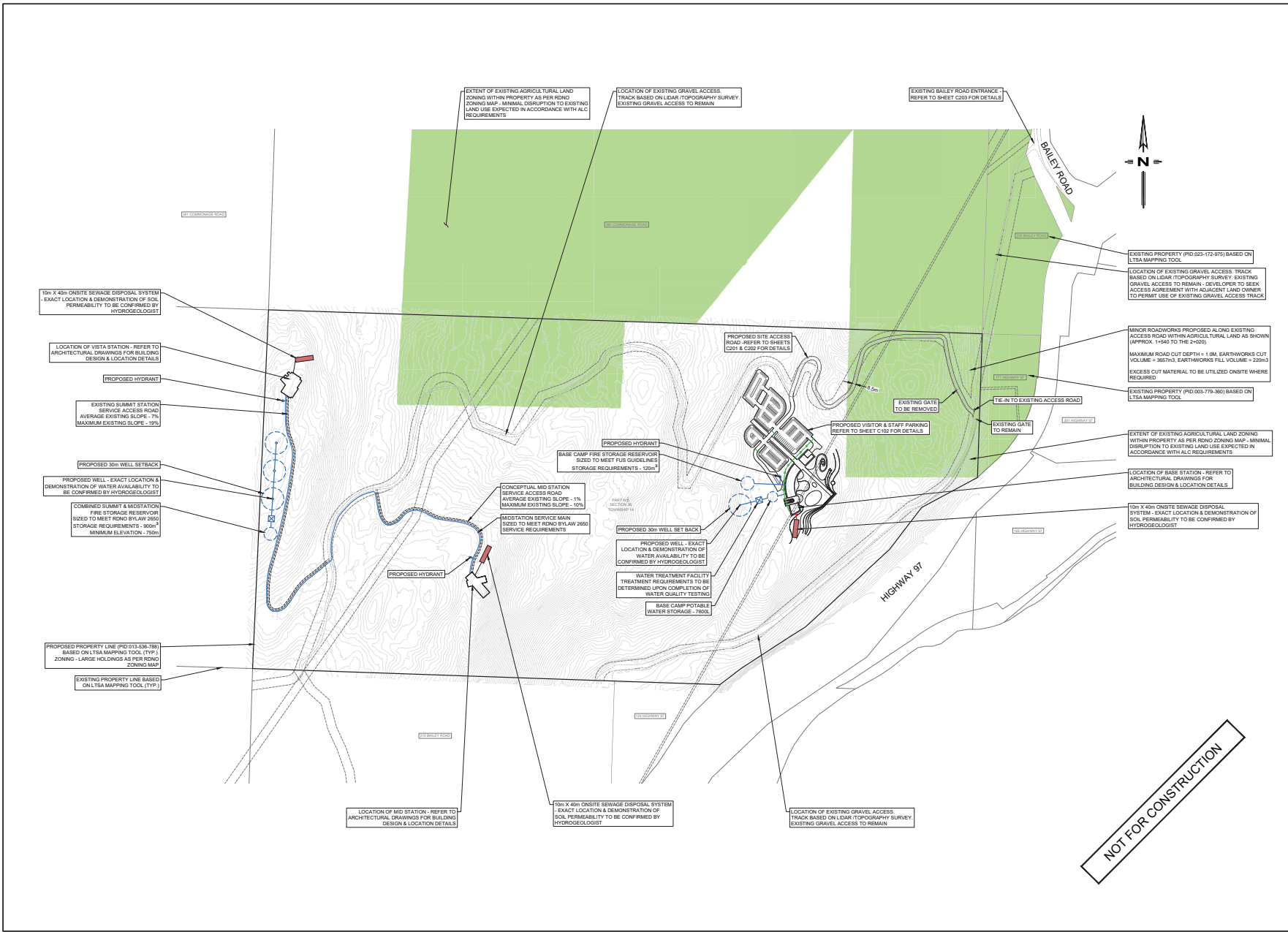
\_\_\_\_\_  
David Sewell  
Chief Administrative Officer

# SUBJECT PROPERTY MAP OCP / REZONING

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

---





**LEGEND**

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

**COPYRIGHT:**  
THIS DRAWING AND DESIGN IS COPYRIGHT PROTECTED WHICH SHALL NOT BE USED, REPRODUCED OR REVISED WITHOUT WRITTEN PERMISSION BY LAWSON ENGINEERING LTD.

**DISCLAIMER:**  
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**

NO.	DATE	DESCRIPTION	BY	APP'D
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

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

SCALE: 1:1000  
Horizontal: 1:1000  
Vertical: 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  
DWG. No: C101 REV. No: A

**NOT FOR CONSTRUCTION**

# REGIONAL DISTRICT OF NORTH OKANAGAN

## BYLAW No. 3004

A bylaw to rezone lands and amend the Zoning Map attached to the Regional District of North Okanagan Zoning Bylaw No. 3000, 2023 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. 3000, being the “*Regional District of North Okanagan Zoning Bylaw No. 3000, 2023*” 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. 3004, 2024**”.

### 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. 3000, 2023* 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.

Advertised on	this	day of	, 2024
	this	day of	, 2024
<b>Read a First, Second and Third Time</b>	this	day of	, 2024

**Approved by Minister of Transportation and  
Infrastructure**  
*(Transportation Act s. 52(3))*

this                      day of                      , 2024

---

**ADOPTED**

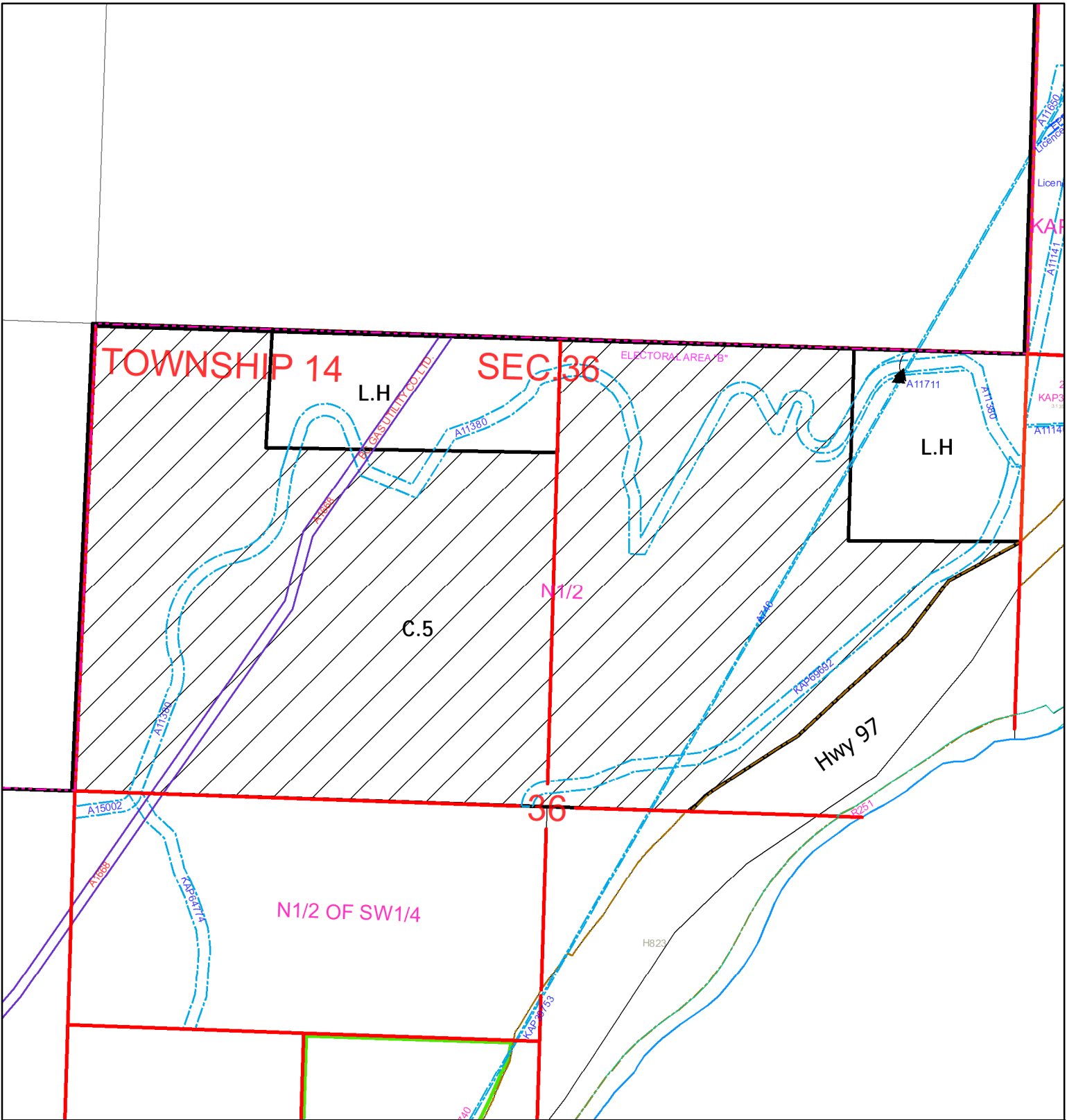
this                      day of                      , 2024

---

Chair

---

Deputy Corporate Officer



REGIONAL DISTRICT NORTH OKANAGAN

SCHEDULE "A" to accompany the Regional District North Okanagan Zoning Amendment Bylaw No. 3004, 2024.

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

I hereby certify this to be a true and correct copy of SCHEDULE "A" attached to and forming part of Regional District North Okanagan Zoning Amendment Bylaw No. 3004, 2024.

Dated at Coldstream, BC this \_\_\_\_\_ day of \_\_\_\_\_, 2024

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

**μ**  
1:9,000