



Regional Board Report

TO: Regional Board

FROM: Todd Cashin
Director of Community Services

DATE: April 29, 2019

SUBJECT: FrontCounter BC Referral Application
Our File: CL-19-01/FrontCounter BC File: No. 271128
Ministry of Forests, Lands, Natural Resource Operations, and Rural
Development – Applicant
Central Okanagan East Electoral Area

Voting Entitlement: *All Directors – Unweighted Corporate Vote – Simple Majority – LGA 208.1*

Purpose: To consider a FrontCounter BC referral application for Crown land tenure to develop recreation facilities at the Graystokes Staging Area.

Executive Summary:

The Recreation Sites and Trails Branch of the Ministry of Forests is proposing to construct, rehabilitate and maintain a recreation site and trails, and to legally designate Crown land as a recreation site at the Graystokes Staging Area with Authorization under the *Forest and Range Practices Act*. The recreation site will cover approximately 4.2 hectares (or approx. 10 acres) in the vicinity of Joe Rich, Three Forks Road and the Graystokes Forest Service Road.

Jurisdiction for approving the application lies with the Province of BC. There is no formal RDCO public notification process required for Crown land referral applications.

RECOMMENDATION:

THAT the Regional Board conditionally support FrontCounter BC referral application No. 271128 for the issuance of an indefinite license for Crown land tenure to construct, rehabilitate, and/or maintain a recreation site or trail, and to legally designate Crown land as a recreation site at the Graystokes Staging Area subject to the following being addressed prior to issuance of, or applied as conditions to, approval:

- A management plan and maintenance agreement should be developed for the staging area in association with the existing trails to address concerns regarding environmental impacts associated with the staging area such as litter, fuel disposal, disturbance and noise to local wildlife, fire risk from campfires, and abuse of off-road vehicles on environmental features such as wetlands;
- Follow Best Management Practices to protect source water;
- Ensure that pit toilets comply with the *B.C. Sewerage System Regulation*;
- Post signage at the site to include information on Provincial Best Management Practices and reminders to leave the area litter-free; and,

- Any proposed construction, repair, and/or maintenance of the recreation site that falls within the scope of the B.C. Building Code requires a building permit from the Regional District of Central Okanagan.

Respectfully Submitted:



Todd Cashin

Director of Community Services

Prepared by: Brittany Lange, Planner

Approved for Board's Consideration



Brian Reardon, CAO

Implications of Recommendation:

Strategic Plan: Conditionally supporting the referral application complies with 2015-2018 Strategic Priorities Plan, Strategic Priority 4: Promote responsible environmental protection.

Policy: Conditionally supporting the referral application complies with Regional Growth Strategy Bylaw No. 1336 and Joe Rich Rural Land Use Bylaw No. 1195 Section 4 – Part 10:

- Policy No. 10.2.8 “Encourage and support community groups and individuals seeking to establish trails or recreation facilities on Crown Lands apply for the appropriate tenure, consult with resource managers, and design for compatibility with varied resource development activities”; and,
- Policy No. 10.2.9 “Encourage and support provincial authorities to solicit the input and participation of local area residents in planning and decision making for activities on Crown Land that affect recreational access and opportunities”.

Background:

The Ministry of Forests, Lands, Natural Resource Operations, and Rural Development (Recreation Sites and Trails Branch), proposes to construct, rehabilitate, and/or maintain a recreation site or trail, and to legally designate Crown land as a recreation site at the Graystokes Staging Area (REC257475) with Authorization under Sections 56 or 57 of the *Forest and Range Practices Act* (FRPA).

The Graystokes Staging Area was approved by the B.C. Forest Service in the mid 1980's to provide parking for the Graystokes Snowmobile Trails (REC32567) and has been acting as a staging area ever since. Additional constructed facilities include outhouses, signage, and a kiosk for trail users. The snowmobile trails are maintained through a partnership agreement with the Kelowna Snowmobile Club formally established under Section 56 of the FRPA on May 10, 2010.

Proposal

The purpose of this Crown land application is to designate the Graystokes Staging Area as a Parks and Recreation Facility to ensure proper maintenance and enforcement of regulations. No new activities or construction are planned for the area at this time.

The main watercourse adjacent to the proposed recreation site is Mission Creek within the Mission Creek watershed. The site will continue to be accessed off of Three Forks Road and Graystokes Forest Service Road via Highway 33.

Regional Growth Strategy Bylaw No. 1336

- Policy 3.2.4.5: “Promote community health and safety through investments in education, recreation, health, community development, social support, civic design, environmental design, maintenance and economic development”.
- 3.2.8: Our Ecosystems - Synopsis “The Region’s natural ecosystems will continue to face development pressures and it will be important for the Region to manage growth to balance the human need for resources, recreation, enjoyment and aesthetics with the need to protect, conserve and restore natural areas and biodiversity”.
- Policy 3.2.10.7: “Support the assessment of the social and economic benefits of arts, culture, tourism, and recreation amenities in decisions on land use”.

Site Context:

The subject Crown land is located within the Joe Rich Rural Land Use Bylaw No. 1195 and the proposed recreation site is not within any Development Permit areas.

Additional Information:

Applicant:	Ministry of Forests, Lands, Natural Resource Operations, and Rural Development
Legal:	All that unsurveyed Crown land in the vicinity of District Lot 4086, Three Forks Road, and the Graystokes Forest Service Road, Osoyoos Division of Yale District
Area Size:	+/- 4.14 hectares (10.23 acres)
RLUB Designation:	Resource and Crown Lands
Existing Use:	Existing recreational uses (i.e. snowmobiling staging area)
Surrounding Uses:	Crown Land
A:L.R.:	Not within the A.L.R.
Fire Protection:	Not within an established Fire Protection Area

RDCO TECHNICAL COMMENTS:

Planning Services staff recommends support of the referral application as the recreation site intends to bring current uses into compliance with Provincial regulations. The proposed recreation site is located outside of RDCO prescribed development permit areas, as such; activities associated with the use of the recreation site should be monitored to ensure there are no negative environmental impacts.

Inspections Services staff advises that any future proposed construction, repair, and/or maintenance that falls within the scope of the B.C. Building Code requires a building permit from the Regional District of Central Okanagan.

RDCO Environmental Advisory Commission recommends support of the proposed referral application as presented.

Anecdotal Comments:

- Concerns regarding environmental impacts associated with the staging area such as litter, disturbance and noise to local wildlife in the area, fire risk from campfires, and abuse of off road vehicles on environmental features such as wetland destruction;
- A management plan and maintenance agreement should be developed for the staging area in association with the existing trails to address litter, and fuel disposal;
- The site and surrounding area would benefit from an annual spring clean-up; and,
- Signage should be posted at the site to include information on best management practices and reminders to leave the area litter-free.

AGENCY REFERRALS:

Black Mountain Irrigation District (BMID) recommends support of the proposed referral as the application intends to legalize and validate current land-use practice at the site that has been on-going for a number of years and brings the land use into compliance. BMID staff indicates no concerns with this referral application.

Interior Health Authority staff advises that there may be a significant output of sewage, including greywater, from the use of pit toilets and must comply with the *B.C. Sewerage System Regulation*. While an outhouse or pit privy is outside of IHA jurisdiction, it must be constructed in a manner which does not cause a health hazard. IHA staff further recommends that the activities within the watershed minimize impact to drinking water and ensure that the proposal is in compliance with the *Drinking Water Protection Act*.

Unaffected Agencies include the District of Lake Country, District of Peachland, City of Kelowna, City of West Kelowna, BC Hydro, Shaw Cable, Fortis B.C., Telus, and the Ministry of Transportation and Infrastructure.

Unaffected RDCO departments include Engineering Services, Inspection Services, Parks Services, and Fire Services.

External Implications:

Jurisdiction for approving the application lies with the Province of BC. FrontCounter BC did not advertise this application; it is noted that no formal RDCO notification process is required for Crown land referrals.

Alternative Recommendation:

THAT the Regional Board not support FrontCounter BC referral application No. 271128.

Considerations not applicable to this report:

- *General*
- *Organizational*
- *Financial*

- *Legal/Statutory Authority*

Attachment(s):

- Appendix 'A' – Subject Area & General Location Map
- Appendix 'B' – Graystokes Staging Area Site photos