



Regional Board Report

TO: Regional Board

FROM: Todd Cashin
Director of Community Services

DATE: April 29, 2019

SUBJECT: Temporary Use Permit (TUP-19-01)
Durali Properties Ltd. c/o J. Richard (agent)
5101 Upper Booth Road South
Central Okanagan East Electoral Area

Voting Entitlement: *Custom Vote – Electoral Areas and Kelowna Fringe Areas – 1 Director, 1 Vote*

Purpose: To consider issuance of a Temporary Use Permit to allow a Special Event, Gonzo Music Festival, to take place at Sunset Ranch Golf Club located at 5101 Upper Booth Road South on the evening of Friday, June 14, 2019.

Executive Summary:

A Temporary Use Permit has been requested to accommodate a music festival proposed to take place the evening of Friday, June 14, 2019. It is anticipated that up to 1,000 people may attend. In regards to land-use approvals, RDCO Control of Special Events Bylaw requires Regional Board approval for any Special Event anticipated to be attended by more than 500 people; therefore, a Temporary Use Permit is required. The Regional Board conditionally approved a similar Permit for the event organizers in 2018 (TUP-18-02); RDCO staff is not aware of any negative outcomes of that Permit.

The use is temporary in nature; the greatest potential for negative impacts to the surrounding area are noise and parking. Speakers will be placed away from major residential developments and nearby homes have been offered complimentary tickets. There is limited parking on site and the goal is to have most guests arrive via shuttle bus, taxi or transportation company. The music festival is expected to commence at 3:30 p.m. and conclude at 10:30 p.m.

At the time of writing this report, one letter of support has been received from a neighbouring property owner, and there are no agencies opposed to the proposal. The conditions listed in the Recommendation are based on comments received to date, as well as previous approvals granted by the Regional Board for similar events.

RECOMMENDATION:

THAT Temporary Use Permit TUP-19-01 for Durali Properties Ltd. to permit the June 14, 2019, Gonzo Music Festival (Special Event) to take place on part of Lot A, Plan KAP84569, Sec. 7, Twp. 24, ODYD - 5101 Upper Booth Road South be issued subject to the following conditions:

- Obtain Special Event Permit from Liquor and Cannabis Regulation Branch;
- Receive Royal Canadian Mounted Police sign-off on the Special Event;
- Obtain Temporary Food Service Permit from Interior Health Authority;
- The music festival to commence no earlier than 3:30pm and end no later than 10:30pm;
- No greater than 1000 people may reasonably be expected to attend;
- There be no changes to the proposed site plan or site footprint;
- All parking at Sunset Ranch Golf Club be contained on site;
- Receipt of a security deposit in the amount of \$5000.00 for the reimbursement of any costs which may be incurred by the Regional District, or other agencies (ie: RCMP) because of, and as a consequence of the Special Event; and
- Receipt of proof of \$5,000,000 full liability insurance (including a save harmless clause protecting the Regional District).

AND FURTHER THAT the Temporary Use Permit shall expire on June 14, 2019, at 11:00 pm and all uses temporarily authorized by the Permit shall cease upon expiry of the Permit, unless otherwise authorized.

Respectfully Submitted:



Todd Cashin
Director of Community Services

Approved for Board's Consideration



Brian Reardon, CAO

Prepared by: Janelle Taylor, Planner

Implications of Recommendation:

Strategic Plan:	Conditional Issuance of the Temporary Use Permit meets the 2015-2018 Strategic Priorities Plan <ul style="list-style-type: none">• Strategic Priority #3: Nurture Responsible Growth and Development
Policy:	Conditional Issuance of the Temporary Use Permit complies with <ul style="list-style-type: none">• Ellison Official Community Plan Bylaw No. 1124
Legal/Statutory Authority:	Part 14, Division 8 of the <i>Local Government Act</i> states that a local government may issue a temporary use permit which may allow a use not permitted by a zoning bylaw, specify conditions under which the temporary use may be carried on, and/or allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued. The permit may be issued for up to three years with the option of one renewal for an additional three years. Furthermore, a local government may require security to guarantee the performance of the terms of the permit.

Background:**Special Events History:**

There have been previous Temporary Use Permit (TUP) applications applied for to allow large concert events (in excess of 1,000 attendees) in the East Electoral Area. At time of considering these past TUP applications, the Board identified site constraints, concerns with access, emergency response services, and outstanding approvals/support required from all applicable agencies. Past applications have also required additional approval for non-farm use from the Agricultural Land Commission, as the land was within the Agricultural Land Reserve.

Project Description:

The applicant, in conjunction with Gonzo Okanagan, is requesting issuance of a TUP in order to hold a Special Event, Gonzo Music Festival and Golf Tournament, on Friday, June 14, 2019. Sunset Ranch Golf Club will be closed the day of the event to golfers and club patrons; only those attending the golf tournament and/or the subsequent music festival will be on site. The event is meant to raise funds for MusiCounts; a JUNO Awards associated charity which assists children to have access to music education.

First Phase

- Golf Tournament - 175 golfers.
- 10:00 a.m. to 3:30 p.m.

Second Phase

- Music Festival for those aged 19 years or older - 1000 people (including the tournament golfers).
- 3:30 p.m. to 10:30 p.m.
- Liquor (beer/wine) will be served from 3:30 p.m. to 9:30 p.m.
- Food and non-alcoholic beverages available for purchase.

In accordance with RDCO Control of Special Events Bylaw No. 80, the Temporary Use Permit is only required for the second phase (music festival) of the Gonzo Music Festival and Golf Tournament. Attached are the Description of Temporary Use Permit and two site plans.

The Regional Board conditionally approved a similar Permit for the event organizers in 2018 (TUP-18-02); just over 700 people attended the 2018 event and RDCO staff is not aware of any negative outcomes. Differences between the 2018 and 2019 events are minor in nature, such as a reduced number of attendees for 2019 (from 1200 to 1000), an earlier festival start time (from 5 p.m. to 3:30 p.m.), and a later festival end time (from 10:00 p.m. to 10:30 p.m.). The applicants rationalize that these changes are because

- The 2018 music festival had just over 700 people attend; therefore, 1000 people is a more reasonable expectation.
- The 2018 golf tournament took longer than expected and created a shorter than expected music festival; therefore, the 2019 golf tournament and music festival have both been adjusted to start earlier.
- Three local bands have been added to the music festival.
- The event is expected to wrap up at 10 p.m.; however, a 30 minute buffer has been scheduled in the case of technical problems.

Music Festival Noise

Speakers will be placed facing north, away from the major residential developments. Homes

located adjacent to the property and north of the event have been offered complimentary tickets to attend the festival.

Music Festival Security

The organizers are in the process of hiring licensed security guards; the RCMP will be involved in approving the security guard placement and duties through the Liquor and Cannabis Regulation Branch's Special Event Permit process. Furthermore, a minimum of 15 volunteer security/parking staff will be in attendance.

Parking/Transportation

There is limited parking on site; therefore, the event organizers' goal is to have almost every guest arrive via shuttle bus, taxi or transportation company. The plan is to advise guests to make alternative transportation arrangements instead of bringing a vehicle to Sunset Ranch.

The following are transportation options for attendees:

- Sunset Ranch Golf Course Parking (approximately 160 stalls).
- Shuttles between Sunset Ranch and OK Corral & Cabaret (a night club located within City of Kelowna at 1978 Kirschner Road - approximately 64 stalls).
 - A1 – 52 passenger buses will be used for shuttles. The number of buses will correspond with the number of anticipated passengers.
 - Golfers to leave OK Corral on the 8:30 a.m. and 9:00 a.m. shuttles to Sunset Ranch.
 - Music festival attendees to leave OK Corral on the 2:30 p.m. shuttle to Sunset Ranch.
 - Shuttles to leave Sunset Ranch at the end of the music festival to return to OK Corral.
- Taxi service, Your Driver, Let's Go Transportation, or personal drop off.
- Personal power carts (Sunset Ranch residents only) will have designated grass parking sites within the golf course.

To accomplish the organizers' goal, an option to purchase the shuttle service (\$10) at the same time as buying music festival tickets will be included on Gonzo Okanagan's website. In addition to communication regarding limited parking and the available shuttle service online, e-mails will be sent to all music festival guests who order tickets online about transportation options and limited parking, plus golfers will be encouraged to carpool to the OK Corral.

Ticket Sales

Tickets sales were launched on April 18 with a marketing campaign targeting the Ellison and Sunset Ranch developments. In recognition of the required approval from the Regional Board for the TUP, music festival organizers have only released 500 tickets for sale (the 175 golfers who will be attending the music festival are included within this number). Should the TUP be approved as requested, up to 1000 tickets in total will be made available.

Control of Special Events Bylaw:

The Regional District of Central Okanagan Control of Special Events Bylaw No. 80, as amended by Bylaw No. 100, requires Regional Board approval for any Special Event anticipated to be attended by more than 500 people.

Zoning Bylaw:

The subject property is zoned CD1(E) Comprehensive Development Zone (Sunset Ranch) – Golf Course. The principal permitted use is a golf course, with additional uses permitted in conjunction with the golf course.

Ellison Official Community Plan:

Section 17: Temporary Use Permits are permits to allow specific land uses to occur for a short period of time, and may be considered by the Regional Board in any Ellison Official Community Plan designations. Conditions may be applied to the permit, such as the buildings to be used, the area of use, the hours of use, and holding of security to ensure compliance.

Consideration of this permit is based upon the following general conditions:

- The use must be clearly temporary or seasonal in nature,
- The use should not create an unacceptable level of negative impact on surrounding permanent uses, and
- An outline provided of when and how the temporary use in that location will be concluded.

In this instance, the proposed use is clearly temporary in nature and the applicant has advised when the use will cease. The level of negative impact on surrounding permanent uses has been discussed within the following sections of this report: Project Description, Site Context, Agency Referral Comments, and External Implications.

Site Context:

The site is located in the vicinity of the Sunset Ranch Neighbourhood, within Central Okanagan East Electoral Area. There is potential for noise pollution and disturbance to adjacent property owners; according to RDCO GIS mapping, the area identified for the Music Festival's Main Stage is located approximately 110m to the nearest principal residence.

The subject property is +/- 48.10 ha (118.86 acres) in size; of this total, approximately 0.53 hectares (1.30 acres) are proposed for the Music Festival. The subject property is located within the Ellison OCP Bylaw No. 1124 and is affected by Aquatic Ecosystem and Multiple Unit and Intensive Residential Development Permit Areas. Scotty Creek runs through Sunset Ranch Golf Course; however, the Music Festival is proposed to be located north of the Creek. Development Permit provisions have not been triggered by this application.

Additional Information:

Owner:	Durali Properties Ltd.
Agent:	Jeff Richard
Address:	5101 Upper Booth Road South
Legal Description:	Lot A, Plan KAP84569, Sec. 7, Twp. 24, ODYD
Area of Land Affected for Music Festival:	+/- 0.53 hectares (1.30 acres)
Zoning:	CD1(E) Comprehensive Development Zone (Sunset Ranch) – Golf Course
OCP Designation:	Private Recreation
Event Sewage Disposal:	8 portable washrooms and 1 handicap washroom.
Event Water Supply:	Staff will be serving beverages, including water. Sunset Ranch is serviced by Sunset Ranch Utility.
Existing Use:	Sunset Ranch Golf Course
ALR:	Outside of the ALR
Fire Protection:	Within Ellison Fire Protection Area
Surrounding Uses:	
North	Sunset Ranch Residential Community/Agriculture
South	Sunset Ranch Golf Course / Residential
East	Sunset Ranch Residential Community
West	Agriculture/Elementary School/Residential (Scotty Creek Road Subdivision)

TECHNICAL COMMENTS:

RDCO Parks Services, Inspection Services, Environmental Services and Fire Services staff indicates that their interests are unaffected.

AGENCY REFERRAL COMMENTS:

City of Kelowna staff indicates that there are no major concerns regarding this application, provided that the applicant ensures that they comply with City of Kelowna parking and noise bylaws pertaining to activities occurring within Kelowna. Should this event become an annual occurrence, further planning may be warranted.

Ministry of Agriculture notes concern regarding the impact of traffic, parking and noise on neighbouring and adjacent Agricultural Land Reserve properties; however, continued successful promotion of the use of shuttles should help alleviate the traffic and parking concerns. The applicant is encouraged to continue to have dialogue with the neighbours and explore how negative impacts may be alleviated; providing notification to surrounding agricultural properties may assist them in planning their activities to minimize any potential conflicts.

Ministry of Transportation & Infrastructure advises that they have no concerns with the proposed event subject to all parking for the event being contained on site.

Liquor and Cannabis Regulation Branch notes that a Special Event Permit is required to provide liquor. At this time, the Branch does not have concerns regarding the event.

RCMP indicates that they are satisfied with the event planning; the 2018 security numbers were satisfactory and the event was well run with no issues. RCMP staff will be involved in approving the Liquor and Cannabis Regulation Branch's Special Event Permit for the event's liquor requests.

Interior Health Authority advises that their interests are unaffected from a healthy community development perspective; however, a Temporary Food Service Permit is required to offer food service for the event.

FortisBC indicates that there are primary distribution facilities along Upper Booth Road and west of the proposed Temporary Use Permit area as shown on the plans provided. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required. Otherwise, FBC(E) has no concerns with this circulation.

BC Hydro notes that their interests are unaffected.

External Implications:

In accord with provision of the *Local Government Act*, notice of the application was published in the local newspaper. Furthermore, Notice of Application signs were posted and notification forwarded to all property owners located within 100 metres of the subject property in accordance with the Development Applications Procedures Bylaw No 944.

At the time of writing this report, one letter of support has been received from a neighbouring property owner. RDCO Planning staff has not received telephone calls or counter inquiries regarding the event.

Alternative Recommendation:

Should the Board choose not to support the staff position, the following alternate recommendation is provided:

THAT Temporary Use Permit TUP-19-01 for Durali Properties Ltd. to permit the June 14, 2019, Music Festival (Special Event) NOT be issued.

Considerations not applicable to this report:

- *General*
- *Financial Considerations*
- *Organizational Issues*

Attachment(s):

- RDCO Subject Property & Orthophoto Maps
- Site plans, received February 21, 2019
- Description of Temporary Use Permit, received February 21, 2019
- CD1(E) Comprehensive Development Zone (Sunset Ranch) – Golf Course, Zoning Bylaw No. 871
- Letter of Support