



# Regional Board Report

**TO:** Regional Board

**FROM:** Murray Kopp  
Director - Parks Services Department

**DATE:** February 3, 2020

**SUBJECT:** Black Mountain-sntsk'il'ntən Regional Park License of Occupation Agreement

**Voting Entitlement:** *All Directors - Weighted Vote - Simple Majority - LGA 210.2*

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**Purpose:** To seek approval to enter into a License of Occupation agreement with the City of Kelowna for the establishment of parking and trailheads at Swainson and Joe Rich Roads that will serve as public access into Black Mountain-sntsk'il'ntən Regional Park.

## Executive Summary:

By the end of 2017 the Regional District had acquired a total of 640 hectares (1,580 acres) of land for the new Black Mountain-sntsk'il'ntən Regional Park. In support of opening this regional park, the RDCO completed a 2016 Park Management Plan to guide the operation, management and development of the park. One of the key action items identified in the plan included working collaboratively with the City of Kelowna to secure land tenure to enable the development of parking and trailheads at Joe Rich and Swainson Road which support public access into the park. RDCO Parks and City of Kelowna staff have prepared a five (5) year License of Occupation to establish the parking and trailheads at these two locations for the consideration of the RDCO Board of Directors.

## RECOMMENDATION:

**THAT** the Regional Board approve entering into and completing a five (5) year License of Occupation agreement with the City of Kelowna that will support the development of parking facilities and trailheads at Swainson and Joe Rich Roads immediately adjacent to Black Mountain-sntsk'il'ntən Regional Park.

Respectfully Submitted:

Murray Kopp,  
Director – Parks Services

Approved for Board's Consideration

Brian Reardon, CAO

*Prepared by: Wayne Darlington, Manager – Park Planning & Capital Projects*

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**Implications of Recommendation:**

Strategic Plan:	The addition of the License of Occupation areas at Swainson and Joe Rich Roads through an agreement with the City of Kelowna allows the Regional District the ability to provide safe and controlled access into Black Mountain-sntsk'il'ntən Regional Park, and meets the strategic priorities of the Regional Board: Transportation and Mobility; Economic Development; and Environment.
Financial:	The development of the parking and trailheads at Swainson and Joe Rich Roads has been identified in the Draft 2020 - 2024 Five (5) Year RDCO Financial Plan for Regional Parks.
Policy:	Bylaw #884 Official Regional Parks Plan and the Regional Parks and Greenways Plan for the Central Okanagan (2008-2020) provides the overall general guidance for the delivery of Regional Parks.
Legal/Statutory Authority:	Local Government Act Section 191; Regional Parks and Regional Trails Regulation (B.C. Reg. 361/2004, O.C. 772/2004).

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**Background:**

In 2014, the Regional District purchased 510 hectares (1,260 acres) of land on the western flank of Black Mountain, including 259 hectares (640 acres) of private land, 129.5 hectares (320 acres) of donated land through the ecological gifts program, and co-tenure license of occupation on 121.5 hectares (300 acres) on Crown Land. In addition, the co-tenure was formed through a Joint Management Agreement between Westbank First Nation (WFN) and the Regional District. The park was then named Black Mountain-sntsk'il'ntən Regional Park.

Further to the acquisition efforts in 2014, in 2017 the Regional District acquired an additional 126 hectares (313 acres) of land on the north flank of Black Mountain and were added to the park. This brought the total area of Black Mountain-sntsk'il'ntən Regional Park to 640 hectares (1,580 acres).

In 2016 the Regional District contracted a consultant to complete a park management plan for the park. The management plan provides the overall park philosophies towards operations, management and development of the park, inclusive of a 20-year implementation plan. Through the management plan process there was dialogue and discussion with stakeholders, general public, WFN, and our local municipal partners on the components of the management plan.

The development of parking and trailhead locations at Swainson Road and Joe Rich Road were identified as a priority capital investment project in the 2016 Black Mountain-sntsk'il'ntən Regional Park Management Plan. The management plan identified these two locations within the road-right-of-way at both locations as sites that could accommodate parking and trailheads for the park and not impede City of Kelowna's statutory road functions. These locations were reviewed with City of Kelowna staff through the 2016 management plan process and City staff agreed that parking areas in these areas could be identified as an capital project action items within the 20-year Black Mountain-sntsk'il'ntən Regional Park implementation plan.

After two (2) years of combined efforts towards developing the first trails in the park with the assistance of the Friends of Black Mountain and Westbank First Nation (WFN), RDCO Parks

staff are ready to implement the capital investments into parking areas at Joe Rich Road and Swainson Road. In order to complete these projects, RDCO Parks staff have been working closely with City of Kelowna staff to develop a suitable agreement to permit the Regional District to develop the parking and trailheads at these two locations.

In order to proceed, RDCO Parks staff are requesting that the Regional Board approve entering into and executing the License of Occupation for the establishment of parking and trailheads at Swainson and Joe Rich Roads with the City of Kelowna for a term of five (5) years.

**External Implications:**

The License of Occupation agreement with the City of Kelowna to develop parking and trailheads at Swainson and Joe Rich Roads are located in an area where other land owners and managers require access from these two locations. Staff have been engaged with all parties that need access and will implement solutions that ensure their continued access while providing a safe and controlled staging area for the public.

**Alternative Recommendation:**

THAT the Regional Board does not approve entering into and completing a License of Occupation agreement with the City of Kelowna for the development of parking and trailheads at Swainson and Joe Rich Roads for Black Mountain-sntsk'il'ntən Regional Park.

***Considerations not applicable to this report:***

- *General*
- *Organizational*

**Attachment(s):**

- Black Mountain-sntsk'il'ntən Regional Park License of Occupation Agreement