



# Regional Board Report

**TO:** Regional Board

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

**DATE:** April 28, 2020

**SUBJECT:** Robert Lake Regional Park License of Occupation Agreement

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

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**Purpose:** The purpose of this report is to seek approval from the Regional Board to enter into a License of Occupation agreement with the City of Kelowna to formalize a longstanding arrangement that has supported a parking and bird viewing area at Curtis Road immediately adjacent to Robert Lake Regional Park.

## **Executive Summary:**

The 2.0 hectare (5 acre) Robert Lake Regional Park was established in 1998 in partnership with the Central Okanagan Land Trust. The park land contains primarily high ecologically sensitive saline pond habitat that is unique to the Okanagan and provides a home and migratory stop for many migratory birds such as the American Avocet. In order to protect the park land from disturbance, an informal arrangement between the City of Kelowna and Regional District permitted a small parking and bird viewing area on the road right of way for Curtis Road that fronts onto Robert Lake. Both Regional District and City of Kelowna staff want to formalize the current informal tenure arrangement through the completion this license agreement.

## **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 formalize the parking and bird viewing area at Curtis Road immediately adjacent to Robert Lake Regional Park.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read "Murray Kopp".

Murray Kopp,  
Director – Parks Services

Approved for Board's Consideration

A handwritten signature in black ink, appearing to read "Brian Reardon".

Brian Reardon, CAO

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

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**Implications of Recommendation:**

Strategic Plan:	The formalizing of a License of Occupation area at Curtis Road agreement with the City of Kelowna allows the Regional District the ability to provide safe and controlled access for Robert Lake Regional Park, and meets the strategic priorities of the Regional Board: Transportation and Mobility; Economic Development; and Environment.
Financial:	The development of a bird viewing platform within the license area has been approved as part of the 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:**

Robert Lake Regional Park is a unique destination park for many bird enthusiasts that enjoy observing avian species that may pass and spend time in the alkaline waters of Robert Lake. There are over 142 species of birds that pass through Robert Lake or call it a home. It is common to find many people from the community, visitors and members of the Central Okanagan Naturalists Club on any given day with their spotting scope watching and studying the multitude of bird species in the Robert Lake area.

The 2 hectare (5 acre) park was first established in 1998 in partnership with the Central Okanagan Land Trust (COLT). COLT assisted in the acquisition of the property and concurrently are identified in a covenant registered with the park land area. Robert Lake and the immediate surrounding lands are part of an alkali playa or salt flat that contains unique ecosystems that thrive only in saline type environments. Much of the foreshore vegetation around the edge of the lake is habitat for nesting and breeding of many of the bird species found there.

In order to protect the park lands for the bird species that exist and support citizen science projects as well as bird watching pursuits, an informal arrangement established 15 years ago between the City of Kelowna and Regional District supported creating a small parking area, bird viewing area and signage. Both parties now wish to formalize the arrangement through a license agreement which would permit RDCO Parks a stronger position to enforce our bylaws and control access to the park.

The Regional Parks 2020 capital budget allocated \$40K to complete a bird viewing platform within the license area which is supported through a 50% contribution from Central Okanagan Naturalists Club (\$20K). To date higher than normal water levels in Robert Lake have prevented moving the project forward, however, staff are confident with a warm summer coming that an opportunity to complete the project will occur.

Therefore, in support of Robert Lake Regional Park, RDCO Parks staff is requesting the Regional Board's consideration to support completing a 5 year license of occupation with the City of Kelowna for a small area within the Curtis Road Right of Way lands immediately fronting Robert Lake Regional Park.

**External Implications:**

The License of Occupation agreement with the City of Kelowna to formalize the parking area and bird viewing area at Robert Lake Regional Park will strengthen the Regional Districts ability to enforce bylaws for the park and improve the use to the benefit of neighbours and parks users.

**Alternative Recommendation:**

That the Regional Board does not approve entering into and completing a License of Occupation agreement with the City of Kelowna to formalize the parking and bird viewing area at Curtis Road immediately adjacent to Robert Lake Regional Park.

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

- *General*
- *Organizational*

**Attachment(s):**

- Robert Lake Regional Park License of Occupation Agreement