



Regional Board Report

Request for Decision

Approved for Board Consideration

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

Brian Reardon, CAO

To: Regional Board

From: Todd Cashin
Director of Community Services

Date: April 25, 2022

Subject: Temporary Use Permit (TUP-22-01)
Durali Properties Ltd. c/o J. Richard and Ashlea Maskell (agents)
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 Saturday, June 25, 2022.

Executive Summary:

A Temporary Use Permit has been requested to accommodate a music festival proposed to take place the evening of Saturday, June 25, 2022. It is anticipated that up to 2,500 people may attend. Regarding 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 June 2018 (TUP-18-02) and April 2019 (TUP-19-01) and April 2020 (TUP-20-01 – subsequently cancelled due to COVID-19). RDCO staff is not aware of any negative outcomes of previous permits.

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 onsite, and the applicant has provided an event parking and transportation plan at previous events to ensure most guests arrive via shuttle bus, taxi, or transportation company. On-street parking is not permitted. The music festival is expected to commence at 12:00 p.m. and conclude at 10:30 p.m.

At the time of writing this report, three letters of support have been received from a neighbouring property owner, and staff have received no correspondence of agencies opposed to the proposal. The conditions for the Temporary Use Permit are based on comments received to date, as well as previous approvals granted by the Regional Board for similar events.

Recommendations:

THAT Temporary Use Permit (TUP-22-01) for Durali Properties Ltd. to permit the June 25, 2022, Gonzo Music Festival (Special Event) to take place on part of Lot A, Section 7, Township 24, ODYD, Plan KAP84569, be issued subject to the following conditions:

- Obtain a Special Event Permit from the Liquor and Cannabis Regulation Branch;
- Receive Royal Canadian Mounted Police sign-off on the Special Event;
- Obtain a Temporary Food Service Permit from Interior Health Authority;
- A parking and transportation plan to the satisfaction of RDCO Community Services staff;
- The music festival shall commence no earlier than 12:00pm and end no later than 10:30pm;
- No greater than 2500 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 \$5,000.00 for the reimbursement of any cost 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 25, 2022, at 11:00pm and all uses temporary authorized by the Permit shall cease upon expiry of the Permit, until otherwise authorized.

Respectfully Submitted:



Todd Cashin
Director of Community Services

Prepared by: Michael Czarny, Senior Planner

Attachments:

- Orthophoto Map
- Site Plan
- Description of Temporary Use Permit
- Letters of Support/Comment
- Regional Board Presentation

Strategic Plan Alignment:

Priorities: Economic Development

Values: Good Governance

Background:

There have been previous Temporary Use Permit (TUP) applications to allow large concert events (in excess of 2,500 attendees) in the East Electoral Area. The Regional Board conditionally approved a similar Permit for the event organizers in 2018 (TUP-18-02); just over 700 people attended and in 2019 (TUP-19-01) with 800 people in attendance. Due to COVID-19, events were not held in 2020 and 2021. RDCO staff is not aware of any negative outcomes from the 2018 or 2019 events. At the time of considering past TUP applications, the Board identified site constraints, concerns with access, emergency response services, and outstanding approval and support required from all applicable agencies. Past applications have also required additional approval for non-farm use from the Agricultural Land Commission when the land was within the Agricultural Land Reserve.

Proposal:

The applicant, in conjunction with Gonzo Okanagan, is requesting issuance of a TUP to hold a Special Event, Gonzo Music Festival and Golf Tournament, on Saturday, June 25, 2022. 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 onsite. The applicant states that the event is meant to raise funds for MusiCounts and the local not-for-profit, Gonzo Fundraising Association, which will support a family in financial need due to a sick child and support diverse and inclusive music programs across the country.

The first phase of the event will include a golf tournament for 200 golfers from 10:00am to 3:00pm. The second phase will include a music festival for those aged 19 years or older for a maximum of 2500 people (including the tournament golfers) to be held from 12:00pm to 10:30pm. Liquor will be served from 12:00pm to 9:30pm and food and non-alcoholic beverages will also be 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.

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, in addition to volunteer support, a minimum of 24 security/parking staff will be in attendance.

Parking/Transportation

Sunset Ranch will have approximately one hundred parking stalls for guests to park onsite. Given the limited parking availability, the event organizers' parking and transportation plan will ensure most guests arrive via shuttle bus, taxi, or transportation company. Volunteers onsite will guide the traffic and parking onsite. A finalized parking and transportation plan has not been provided however will be required as a condition of the Temporary Use Permit.

Ticket Sales

Tickets sales were launched on February 28, 2022, 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 200 golfers who will be attending the music festival are included within this number). Should the TUP be approved as requested, up to 2500 tickets in total will be made available.

Provincial Health Orders:

The event is subject to Province-wide restrictions on gatherings and events. At the time of writing this report, Province-wide restrictions have been lifted.

Ellison Official Community Plan:

The Official Community Plan stipulates that 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 area of use, the hours of use, appearance, site rehabilitation 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
- Documentation 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.

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.

Control of Special Events Bylaw:

The RDCO 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.

Site Context:

The site is 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 and Ashlea Maskell
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:	10 portable washrooms and 1 accessible 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:	Sunset Ranch Residential Community/Agriculture
North	Sunset Ranch Golf Course / Residential
South	Sunset Ranch Residential Community
East	Agriculture/Elementary School/Residential (Scotty Creek Road
West	Subdivision)

RDCO TECHNICAL COMMENTS:

Unaffected RDCO Departments include Parks Services, Fire Services, and Engineering Services.

AGENCY REFERRAL COMMENTS:

Ministry of Transportation and Infrastructure staff have no concerns with the proposal provided that parking is prohibited on local roads and is contained onsite.

Agricultural Land Commission staff have no concerns regarding the proposal as the proposal area is outside of the Agricultural Land Reserve (ALR), however with a large event there is the potential for impacts to spill over to the adjacent land within the ALR including litter, trespass and property damage. It is good to see the event has considered fencing and security which should contain the event. ALC staff also recommend reaching out to the adjacent landowners and creating an avenue for reporting and correcting any impacts to ALR land.

Interior Health Authority staff have no concerns regarding the proposal however, IHA staff recommend that an environmental health officer be contacted to be involved in the planning process to ensure that approvals are in place and that all public health concerns are addressed.

RCMP staff have no objection to the application provided that the applicant obtains the appropriate Special Events Permit and that the proposed security numbers and measures will be suitable for the size and type of event.

FortisBC staff indicate 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, FortisBC staff have no concerns.

Unaffected agencies include Shaw.

Considerations:

External: In accordance with provisions 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.

Financial: In accordance with Section 496 of the *Local Government Act*, a security must be provided to the RDCO in the amount of \$5,000 to cover any reimbursement costs to the RDCO.

Legal/Statutory Authority: Part 14, Division 8 of the *Local Government Act* 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.

Considerations not applicable:

- Organizational
 - Alternate Recommendation
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