

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: March 3, 2022

RE: Licence of Occupation – Replacement Tenure Application

Administrative Recommendation:

THAT the Regional District apply for a Licence of Occupation of the former KVR between Osprey Lake and Faulder over the land described as District Lots 4128, 4130, 4115, 4127, 4126, 4125 and District Lot 4334 shown on Plan Crown Grant 107, District Lot 4336, shown on Crown Grant 1 and that part of DL 4335, shown on Plan CG 107, those parts of DL's 2068, 2069, 2070, 2091 and 2092, shown on Plan A105, all of KDYD, together with District Lots 4406, 4405, 4404, 4403, 4402, those parts of DL's 2093 and 2094, shown on Plan A137; those parts of DL's 3400, 3760, 1072, PCL D of DL 2893, 1072 (ex. EPP38279), shown on Plan A67 and that part of DL 4407, shown on CG Plan 96; Pcl A, DL 3698, Plan A151; that part of DL 4411, shown on CG 100; those portions of DL 3699, shown on Plan A139, all of ODYD, containing 110.4 hectares, for the purposes of permitted trail maintenance activities.

Purpose:

To maintain tenure over the KVR trail between Osprey Lake and Faulder for a two-year period for the purposes of maintaining the trail.

Background:

In 2012, the RDOS completed the Regional Trails Master Plan which identified priorities for trail development throughout the region. The use of the former rail rights of way was identified as a priority, as they have the greatest potential to connect the communities of the region with safe, "off highway" recreational corridors that allow for the most diverse uses. As a result, the RDOS began to acquire tenure to maintain and enhance the abandoned rail corridors throughout the region. Rail trails throughout the region are primarily owned by the Province. The preferred mechanism for tenure is typically a Licence of Occupation, which provides the RDOS with a legal covenant on the trail surface area and approved operations and maintenance programs.

In 2011, the RDOS signed a fifteen year Partnership Agreement with the Recreations Sites and Trails B.C. for the operations and maintenance of the KVR Trail from the RDOS northwest boundary (Electoral Area "H"), to our northeast boundary (Electoral Area "E"), excluding municipal areas and the Penticton Indian Reserve. The partnership agreement defines roles and responsibilities of the two parties and provides a form of tenure for the RDOS to establish a Regional Trails Program.

Analysis:

The partnership agreement was an effective interim method of providing the RDOS with legal access to manage the KVR Trail, however it is not legal tenure, which the proposed Licence of Occupation will provide.

Alternatives:

1. Status Quo

Respectfully submitted:

Justin Shuttleworth

J. Shuttleworth, Parks & Facilities Manager