



Agenda No: 9.1

Mtg. Date: Aug 24

Regional Board Report

TO: Regional Board

FROM: Mary Jane Drouin
Manager – Corporate Services

DATE: July 29, 2015

SUBJECT: Kelowna Dirt Bike Club Annual Special Events Permit Requests for 2015

Purpose:

The Kelowna Dirt Bike Club (KDBC) is seeking approval for two (2) Special Events Permits for their 2015 season (Sept 5 & 6 and a fundraising event--the date to be confirmed).

Executive Summary:

The KDBC makes an annual application to the Regional Board requesting waiver of bylaw requirements under Noise Bylaw No. 403, for each of their annual special race events. In the last few year up to four permits have been issued. The Regional Board is being asked to approve two permits; one for September 5 & 6, and one without citing the event date, to avoid having to come back to the Board for amendment to the special event permit if the event dates change. RDCO Bylaw staff will be kept informed of the date and event names.

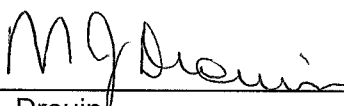
A 2011 Consent Order agreement between the Regional District of Central Okanagan (RDCO) and Kelowna Dirt Bike Club (KDBC) is binding as long as the RDCO approves, on application, up to four (4) special events permits each year. Provisions of the Consent Order agreement between RDCO and KDBC ensures that all bikes being operated on the KDBC track do not exceed 96 dB/A on practice and regular race dates. The KDBC website describes the RDCO Consent Order and noise testing requirements for all riders.

A License of Occupation between the Province of British Columbia and KDBC was renewed on August 2, 2011, for a term of ten (10) years. Provisions of the Provincial license agreement require that the KDBC report annually to the Regional Board on their activities and requires compliance with the Consent Order.

RECOMMENDATION:

THAT the Regional Board approve two (2) Special Event Permits for the Kelowna Dirt Bike Club for September 5 & 6, 2015;
AND FURTHER THAT the Club be required to inform Bylaw Enforcement staff in advance of the date and name of the second special event.

Respectfully Submitted:



M. Drouin
Manager of Corporate Services

Approved for Board's Consideration



Brian Reardon, CAO

Implications of Recommendation:

Strategic Plan:	To provide innovative solutions that consider competing interests and community expectations while promoting and supporting economic opportunity.
Legal:	In April 2011, a Consent Order agreement between RDCO and KDBC concluded a long outstanding injunctive action for noise complaints.
Statutory Authority:	RDCO Noise Bylaw No. 403 Section 8 states "Notwithstanding the provisions of this bylaw, a person may apply for and receive from the Regional Board a permit for a special event if such special event in the Regional Board's opinion is in the public interest, in which case the requirements of this bylaw may be waived".

Background:

The KDBC Track is a closed circuit dirt track consisting of challenging obstacles and jumps, and is located approximately three (3) kilometres from Westside Road, adjacent to Bear Creek Forest Service Road. The surrounding area is characterized by large land holdings with minimal background noise. The KDBC is a volunteer motocross dirt biking club that has been in existence for 15 years and is open to riders of all skill levels. The Club membership consists of family participation ranging from 5-60 years of age. Special events bring in riders, spectators and sponsors from all over North America and one of their two special events in 2015 includes their annual charity event. Practices take place on Wednesdays and Sundays from March until the fall, and the track closes down during the hot and dry summer months of July and August.

In 2003, the RDCO began receiving complaints about noise from the KDBC Track facility. Initial efforts to resolve complaints were unsuccessful and in 2009, the RDCO filed an injunction application against the KDBC. Considerable effort was put into reporting on decibel readings to resolve residents' concerns. RDCO staff investigated the noise allegations and noted that the complaint issues were more to the character of the bike noise from revving bike engines, than the volume of noise and often included allegations of noise from rogue riders in the vicinity. In March 2011, the Regional Board agreed to proceed with conditions of an agreement with the KDBC through a Consent Order. The Industry standard of 96 dB/A, prescribed by the Canadian Motorsport Racing Corporation, was selected and consented to as the maximum noise level.

A nearby bike and ATV Club, the Okanagan Trail Riders Club, operates on a network of trails just 5 kilometres beyond the KDBC track and is not associated with the KDBC. Both clubs advocate responsible rider etiquette and environmental protection.

Alternatives:

The Consent Order agreement does not obligate the Regional Board to approve any special events permits, however the Consent Order would cease to have effect if these permits are not approved by the Regional Board, and the RDCO would be back in a position to pursue enforcement. Obtaining special event permits to facilitate race events was a primary incentive for the KDBC entering into the consent order agreement.

Considerations not applicable to this report:

- Policy
- Financial Considerations
- Organizational Issues
- External Implications