

Memo



Date: August 25/10
To: City Manager
From: Community Sustainability Division
File No: TUP10-0002 **Applicant:** Croc Talk (Doug Illman & Brenda Bruce)
At: 4493 Stewart Road East **Owner:** Becky Habib
Andrew Habib
Sally Bloomfield

Purpose: TO CONSIDER A TEMPORARY USE PERMIT TO ALLOW AN EXOTIC ANIMAL RESCUE/EDUCATION FACILITY TO OPERATE ON THE SUBJECT PROPERTY ON AN INTERIM BASIS

Existing Zone: A1 - Agriculture 1

Existing Future Land Use: Rural/Agricultural

Report Prepared by: Luke Turri

1.0 RECOMMENDATION:

THAT Official Community Plan Bylaw Amendment No. 10416 be given final adoption;

AND THAT Council authorize Temporary Use Permit No. TUP10-0002 to allow "Exotic Animal Rescue/Conservation Facility" on Lot 182, Section 33, Township 29, ODYD, Plan 1247, located at 4493 Stewart Road East, Kelowna BC, as shown on Map "A" attached to the report of the Land Use Management Department, dated August 25th, 2010, subject to the following conditions:

- a) No expansion of the existing facility (or any additional buildings/structures) is permitted during the term of the temporary use permit.
- b) The Temporary Use Permit is restricted to a maximum term of two years.
- c) That on-site disposal of water, waste and other related activities be in general accordance with Best Management Practices of both the Ministry of Environment and the Interior Health Authority.
- d) Remediation of the site following expiration of the Temporary Use Permit to a viable agricultural standard.
- e) General requirements for obtaining a Business License are to met.

AND THAT issuance of the Temporary Use Permit be considered subsequent to the requirements of the Interior Health Authority and the South East Kelowna Irrigation District being completed to their satisfaction.

2.0 SUMMARY:

The applicant is seeking a Temporary Use Permit (TUP) to allow an exotic animal rescue/conservation facility on a temporary basis (two years). Council's approval of an OCP amendment to temporarily change the Future Land Use Designation is required prior to authorizing the issuance of a TUP on the subject property.

3.0 ADVISORY PLANNING COMMISSION:

The application was reviewed by the Advisory Planning Commission at the meeting of August 31, 2010, and the following recommendation was passed:

THAT the Advisory Planning Commission support Temporary Use Permit Application No. TUP10-0002, for 4493 Stewart Road East to allow an exotic animal rescue/conservation facility to operate on the subject property on an interim basis.

Anecdotal Comment: The APC members felt it was a reasonable proposal to temporarily accommodate the existing animals/operators based on no support for an extension beyond a two-year timeframe to allow the business to relocate to an appropriate location.

4.0 BACKGROUND:

Council has given consideration to an OCP Amendment (OCP10-0013) on the subject property to temporarily amend the Future Land Use designation of the subject property from "Rural/Agricultural" to "Commercial". Final adoption of the previously considered OCP Amendment application would allow the TUP to be issued on the property for the exotic animal rescue/education facility.

4.1 Proposal

The proposed TUP would allow "CrocTalk" to achieve interim compliance with the Zoning Bylaw. The applicant's describe their business as follows:

"CrocTalk Conservation and Rescue promotes conservation efforts for crocodilians, African wild cats, and tortoises, through educational events called Croc 'Talks'. The partners offer on-site and off-site Croc 'Talks' for local residents and tourists in numerous settings and for many types of events such as: family outings, birthday parties, community functions, school outings, trade fairs, fund raisers and other special events. The interactive presentations are provided year-round, for a fee based on location, group size, type of event and unique factors."

A detailed explanation of the CrocTalk operation is provided within the attached submission.

Through consultation with City staff, the business operators have made application for a Temporary Use Permit to allow the exotic animal rescue/conservation facility to legally operate at their existing location for up to two years. It is agreed that this process is an *interim* measure, as the operators are keen to relocate their business to an area more conducive to tourist activity, where access and servicing are easily provided. Challenges have been experienced with regards to relocation because the operation's existing non-conforming status limits potential investors, provincial permitting approvals and the ability to achieve non-profit status. The operators lease the land, and therefore investments in the parcel have been limited.

In the interest of providing the business owners with adequate time to relocate this unique and complex facility, a conditional, temporary business license has been issued as of August 2010. To maintain this business license for the duration of the TUP, the facility operators must continue to move forward with their TUP application in good faith, obtain necessary approvals and operate within the confines of existing regulations, with the ultimate goal of relocation.

4.2 Site Context

The subject property is located in Southeast Kelowna, northeast of Crawford Estates. The surrounding area is rural, with an older established single-family subdivision immediately to the south. The CrocTalk facility is located in the northeast corner of the 4.9ha parcel. The facility

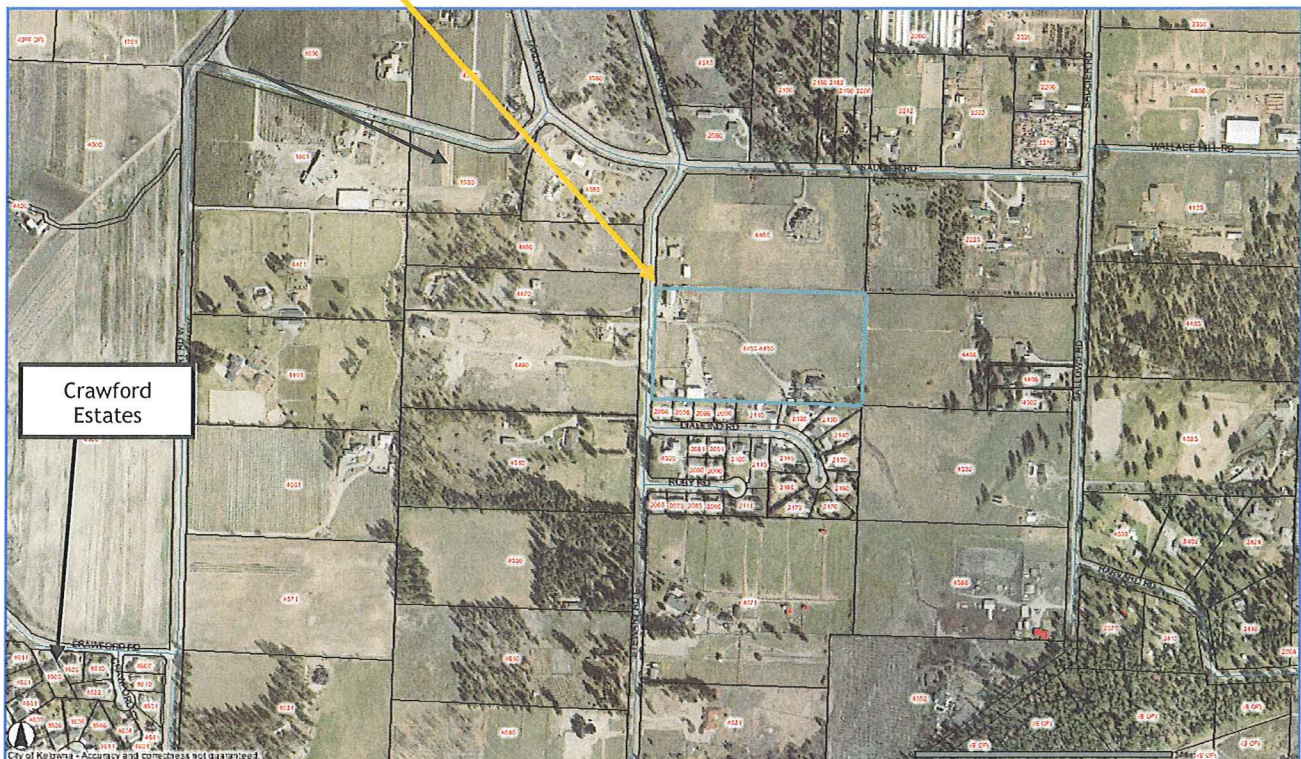
includes both indoor and outdoor space, as well as a personal residence for the operators. All enclosures and safety measures are designed to conform to Provincial standards.

Specifically, the adjacent zones and uses are as follows:

Orientation	Zoning	Land Use
North	A1 - Agriculture 1 (ALR)	Rural/Agricultural
East	A1 - Agriculture 1 (ALR)	Rural/Agricultural
South	A1 - Agriculture 1 RR3 - Rural Residential 3	Single Family Subdivision
West	A1 - Agriculture 1 (ALR)	Rural/Agricultural

4.3 Site Location Map

Subject property: 4493 Stewart Road East



5.0 TECHNICAL COMMENTS

5.1 Development Engineering

This application does not compromise Development Engineering servicing requirements.

5.2 Fire Department

No objections.

5.3 Interior Health Authority

If the development is to be serviced by on-site sewerage system or systems, we will require confirmation from an approved wastewater practitioner that there is adequate space available on the lot for this purpose.

5.4 South East Kelowna Irrigation District

No technical comments to date. Additional charges for water service (if any) to be determined prior to TUP issuance.

6.0 LAND USE MANAGEMENT DEPARTMENT:

Recognizing the on-going efforts of CrocTalk to provide “conservation through education” regarding exotic animals both locally and abroad, the Land Use Management Department is supportive of this temporary land use. The TUP would allow the business owners to obtain an interim business license with the intention of obtaining adequate financial support to relocate their business.

Both the applicant and staff recognize that the existing location is not appropriate for the current operation, or its future objectives. The applicants have noted that finding a permanent home for their facility would allow for adequate space for the growing animals, meet demands for larger groups of attendees, and to remain open daily.

This operation is regulated under the *Wildlife Act* of BC. As such, the operators have designed their facility to conform to regulations and guidelines for the organized, controlled demonstration of exotic animals in the interests of both animal and public safety. Land Use Management’s concerns with the subject property as a permanent location for this use include:

- The existing operation does not comply with the Zoning Bylaw or OCP Future Land Use.
- Urban/non-farm uses should be located in areas which do not impact existing agricultural areas, in the interests of preserving farmland and limiting speculative pressures on such land. Policies within both the Agriculture Plan and the Official Community Plan affirm these recommendations.
- Servicing implications: the property does not have access to community sewer, and the surrounding road network is not designed to accommodate a large-scale tourist operation.

Given the previous period of enforcement leniency, the proposed two year time period is considered to be generous for the purposes of relocation. As such, staff would not support any future application to extend the time period of an approved TUP.



Danielle Noble
Urban Land Use Manager

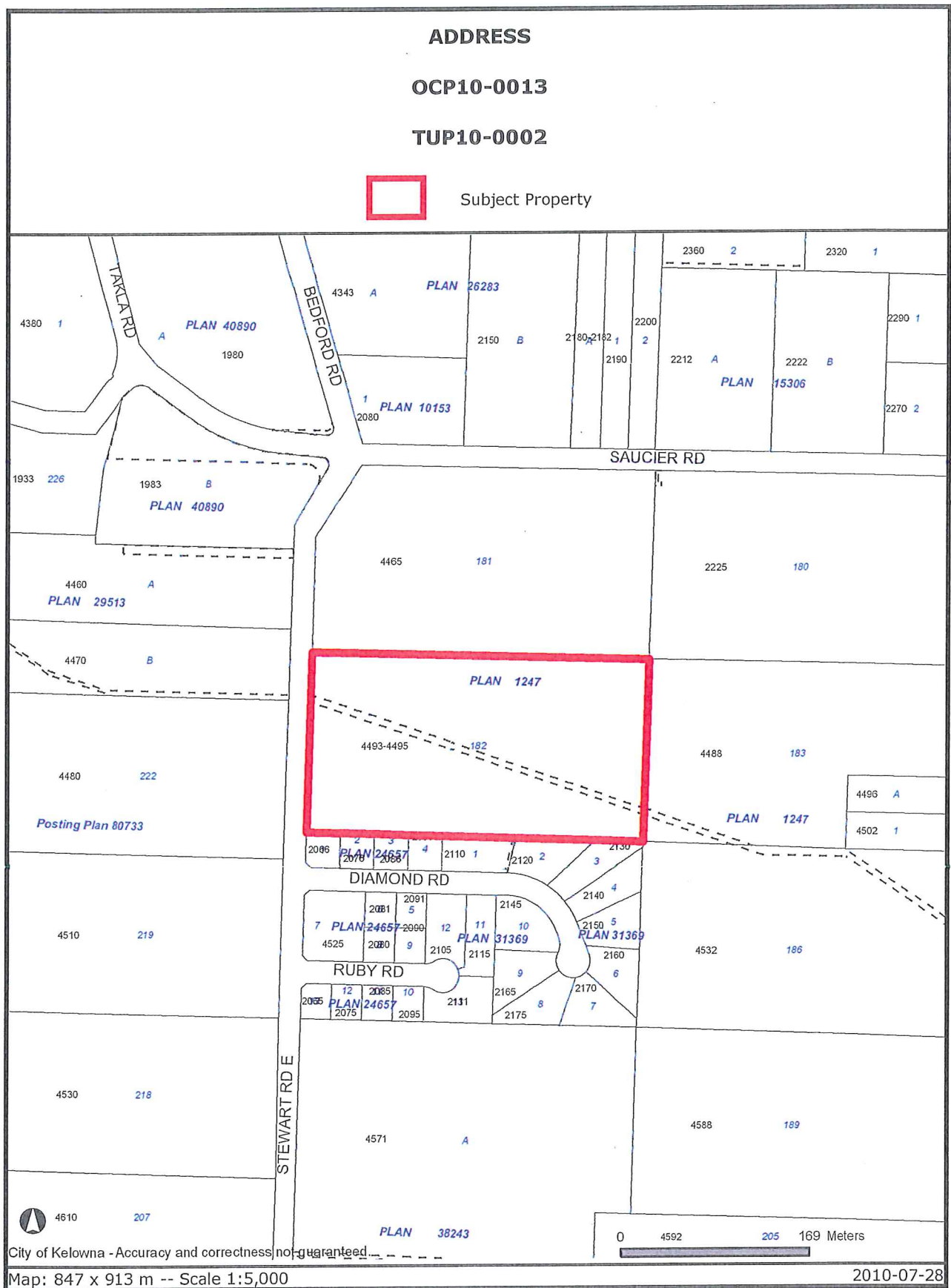


Approved for inclusion: 

Shelley Gambacort
Director, Land Use Management

Attachments:

Subject Property Map
Letter from Applicant - “Overview: CrocTalk Conservation & Rescue”
Facility Photos



*Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.*



Mailing Address: PO Box 25135 Kelowna, BC, V1W-3Y7
4493 Stewart Road East, Kelowna, BC, V1W-4C1

www.croctalk.com

250-764-1616

were@croctalk.com brenda@croctalk.com

Overview: CrocTalk Conservation and Rescue

July 22, 2010

Current operations

CrocTalk Conservation and Rescue, is an eight year old partnership, based in the city of Kelowna, B.C., and specializes in promoting conservation through education with its focus on several species of animals that are not indigenous to all of Canada. Live specimens that have either been rescued or placed at the facility are used for all Croc "Talk" presentations. The facility currently houses 27 crocodylians, 3 Sulcata tortoises, 2 African wild cats and a variety of small indigenous animals. The partners also own a replicated skull display of the world's largest crocodile, the 110 million year old *Sarcosuchus Imperator*, also known as: SuperCroc. Mr. Illman and Ms. Bruce also own a replica of the largest crocodile skull ever to be found in one piece, called *Gavialosuchus*.

The partners provide on-site and off-site educational Croc "Talks" for birthday parties, family outings, community functions, schools, trade fairs, fund raisers and other special events. The unique, interactive presentations are provided year-round, for a fee based on location, group size, type of event and unique factors.

Containment Areas

All containment areas are designed with simulated-natural surroundings to make certain that all animals in the facility have the best possible environment to help them flourish.

Each specially made crocodylian pond is constructed from high grade lumber that is lined with thermostatically controlled, in-floor heating, and is spray-finished with a 3/8' thick coating of a hard rubber polyurea sealant, a coating similar to truck-box liner. All ponds are surrounded by custom-made cultured rock, creating the illusion of sand stone. All ponds are surrounded by cultured rock

which simulates sand stone, and provide a surface for the crocodilians to roam out of the water. The total containment area provides sufficient square footage for the reptiles to live comfortably in their current facility. Heat bulbs replicate the required sunlight.

The frame of each pond is constructed from high grade lumber, is lined with thermostatically controlled, in-floor heating, and is spray-finished with a 3/8' thick coating of a hard rubber polyurea sealant, a coating similar to truck-box liner. All ponds are surrounded by custom-made cultured rock, creating the illusion of sand stone. Heat bulbs replicate the required sunlight.

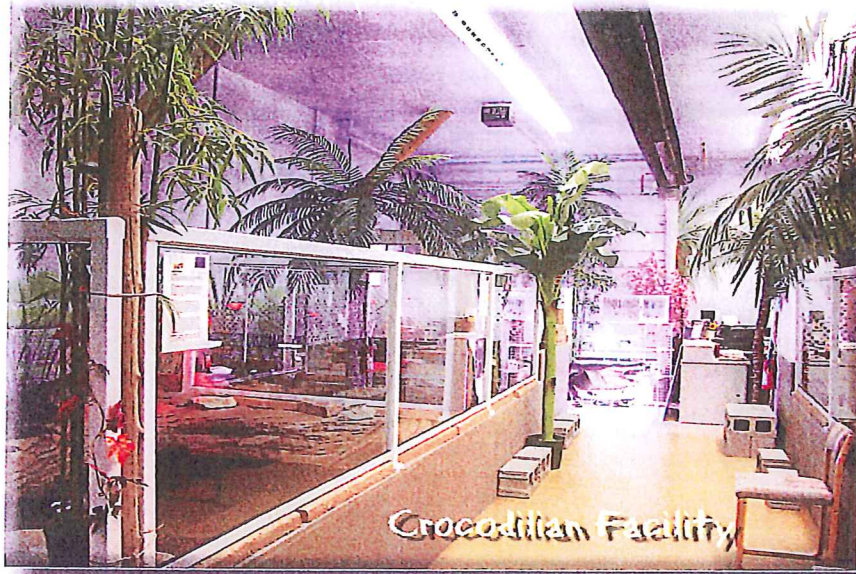
The ambiance is further set with Mr. Illman's sky mural that flows into non-stop wall murals that replicate "the Everglades". Several varieties of palm trees measuring eight to twelve feet in height finish the simulated habitat. Additionally, air temperature is maintained by thirty feet of radiant heat tubes installed in the ceiling and is of benefit for both animals and the public. The tube also heats the cement floor space and as a result is comfortable for walking on and for placing animals when needed.

The African Caracal and African Serval have their own space within the structure, and freely enjoy all areas that are not croc-dedicated. All other animals have their own comfortable living space created both in and around the structure.

Relocation Goals

Because the majority of crocodilians being housed at the CrocTalk Conservation and Rescue Center have not reached their mature size, it is critical that the partners relocate their CrocTalk operations to a larger, permanent facility to satisfy the "growing" requirements of their animals. The permanent location will provide superior containment areas that, again, will replicate a simulated-natural environment, and that will ensure a safe and comfortable atmosphere, free from stress or harm.

After relocation, the ultimate goal of Mr. Illman and Ms. Bruce is to firmly establish CrocTalk Conservation and Rescue as a world-class destination spot that provides an interactive and entertaining visitor experience based on conservation through education, and focusing on crocodilians, tortoises, wild cats, pre-historic replicas, and much more. The partners will continue providing educational Croc "Talks", for which they are now recognized, yet they will be able to present their programs to larger numbers of individuals and groups, including members of the local community, visitors from out of province, and international tourists and their families.



Crocodilian Facility



4493a Stewart Road East Kelowna V1W-4C1
250-764-1616



A Few Exhibits



Sarcosuchus or SUPERCROC Exhibit 110MYO



DAYTIME WILDCAT HABITAT



Our CrocTalk facility is fresh & clean,
wheelchair accessible, veterinarian
friendly and most important...supports
all the wants and needs of the crocodilians.

“Mr. Illman’s efforts should not only be applauded but fully supported and endorsed”

Colin Sanders, B Sc Hon., Herpetologist, UBC, Canada/ UNESP, Brazil

**“Having visited the facility, I am impressed by the effort that you have undertaken to
make this dream a reality”**

Robert Fine, Executive Director, Economic Development Commission for the Regional District Central Okanagan

Date: 23-Jun-2010 TITLE SEARCH PRINT
 Requestor: (PC64764) SPEEDY SEARCH AND REGISTRY
 Folio: TITLE - LB324739

Time: 16:38:03
 Page 001 of 002

KAMLOOPS LAND TITLE OFFICE TITLE NO: LB324739
 FROM TITLE NO: CA752150

APPLICATION FOR REGISTRATION RECEIVED ON: 17 JULY, 2009
 ENTERED: 24 JULY, 2009

REGISTERED OWNER IN FEE SIMPLE:

BECKY DEE HABIB, BUSINESSWOMAN
 C/O 4493 STEWART ROAD EAST
 KELOWNA, BC

V1W 4C1

AS TO AN UNDIVIDED 1/3 INTEREST

SALLY RENE BLOOMFIELD, BUSINESSWOMAN

C/O 4493 STEWART ROAD WEST
 KELOWNA, BC

V1W 4C1

AS TO AN UNDIVIDED 1/3 INTEREST

ANDREW HABIB, RETIRED

C/O 4493 STEWART ROAD EAST
 KELOWNA, BC

V1W 4C1

AS TO AN UNDIVIDED 1/3 INTEREST

TAXATION AUTHORITY:

CITY OF KELOWNA

SOUTH EAST KELOWNA IRRIGATION DISTRICT

DESCRIPTION OF LAND:

PARCEL IDENTIFIER: 011-703-962

LOT 182 SECTION 33 TOWNSHIP 29 OSOYOOS DIVISION YALE DISTRICT PLAN 1247

LEGAL NOTATIONS:

THIS CERTIFICATE OF TITLE MAY BE AFFECTED BY THE AGRICULTURAL LAND
 COMMISSION ACT, SEE AGRICULTURAL LAND RESERVE PLAN NO. M11328

CHARGES, LIENS AND INTERESTS:

NATURE OF CHARGE

CHARGE NUMBER	DATE	TIME
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RIGHT OF WAY

L3720	1976-01-23	14:24
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REGISTERED OWNER OF CHARGE:

SOUTH EAST KELOWNA IRRIGATION DISTRICT

L3720

REMARKS: PART SHOWN ON PLAN A11170

MORTGAGE

CA752151	2008-04-15	10:41
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REGISTERED OWNER OF CHARGE:

THE TORONTO-DOMINION BANK

CA752151

Date: 23-Jun-2010
Requestor: (PC64764)
Folio:

TITLE SEARCH PRINT
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TITLE - LB324739

Time: 16:38:03
Page 002 of 002

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS: NONE

PENDING APPLICATIONS: NONE

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***