

Report to Council



Date: January 10, 2022
To: Council
From: City Manager
Subject: Okanagan Lake Shoreline Crown Tenure Applications
Department: Parks and Buildings Planning

Recommendation:

THAT Council receives, for information, the report from the Parks and Buildings Planning Department dated January 10, 2022, with respect to Crown Land Tenure along City of Kelowna beaches;

AND THAT Council directs staff to apply to the Province of British Columbia for community institutional Crown Land Tenures over the foreshore of Okanagan Lake for City of Kelowna beach accesses and beach parks.

Purpose:

To ask for Council's direction to apply for Crown Land Tenure along beach parks.

Background:

The City of Kelowna holds provincial community institutional Crown Land Tenures (CLT) for many beaches in Kelowna, including Sutherland Bay Park, Kinsman Park, Rotary Beach, Cook Road Boat Launch and many others. A Crown Land Tenure applies to the land which is under provincial jurisdiction. Along Okanagan Lake, this is land below the high-water mark. Crown Land Tenure for our beaches helps us better manage and protect our foreshores. There are 33 sites without Crown Land Tenure currently. Some of these sites are recent acquisitions, and others were beach accesses or natural area sites where designated swimming areas were not required. A consistent approach to secure tenure for them now will allow us to better protect them from threats such as flood events in the future.

There are 33 sites for which we are currently submitting a provincial permit to protect the shoreline. We are asking Council to direct staff to apply for Crown Land Tenure for City waterfront beaches and access points. The applications will be for a 30-year tenure for park use. With Crown Land Tenure, it then allows the City to apply for:

- 1 – Designated swimming and recreation areas; and
- 2 – Apply for Provincial permits to protect the shoreline from erosion.
- 3 – Apply for Provincial permits for riparian improvements.

The report outlines 33 sites for Crown Land Tenure Application. They are listed in Table 1 below.

Table 1: Crown Land Tenure Application Sites

Beach Park	Address
Mckinley Rd Beach Access	1678 McKinley Rd
Dubbin Road North Beach Access	2498 Dubbin Rd.
Dubbin Road South Beach Access	2400 Dubbin Rd.
Dewdney #5	2254 Dewdney Rd.
Dewdney #2	1950 Dewdney Rd.
Dewdney #1 Beach Access	1840 Dewdney Rd
Lochview Beach Access	190 Lochview Rd
Poplar Point Beach Access	264 Poplar Point Dr.
Manhattan Dr. Beach Access # 1	808 Manhattan Dr.
Manhattan Dr. Beach Access # 3	890 Manhattan Dr.
Lake Avenue Beach Access	117 Lake Ave.
McTavish Beach Access	122 McTavish Ave.
North of Maude Roxby (2368 Abbott)	2358 Abbott St
Maude Roxby Marsh	340 Francis Ave.
Francis Avenue Beach Access	330 Francis Ave.
West Avenue Beach Access	340 West Ave.
Abbott Park Beach	2398 Abbott St.
Watt Road Beach Access	3274 Watt Road
Rotary North	2676 Lakeshore Road
(W of) Capozzi Road (in front of Aqua)	(W of) Capozzi Road
3882 Truswell (in front of Mission Shores)	3882 Truswell Road
Bluebird Road North Beach Access	3930 Bluebird Road
Bluebird Beach	4020 Bluebird Road
Lakeshore Road Beach Access	4100 Lakeshore Road
South of Thompson Brook	in front of 4190 Lakeshore Rd
Hobson Beach Park	4222 Hobson Rd
Sarsons Expansion	381 Hobson Rd
Eldorado Road Beach Access	402 Eldorado Rd
Cascia Linear Park Beach Access	north of Bellevue Creek
Collett Road Beach Access	379 Collett Rd
Farris Road Beach Access	4644 Farris Rd
Braeloch Road Beach Access	388 Braeloch Rd
Swick Road Beach Access	162 Swick Rd

Four sites above are currently being planned for shoreline protection, due to damage caused during flooding in 2017. \$600,000 of capital funding was identified in the 2020 Budget for these works, and has been carried over while the designs are resolved and necessary permitting achieved. These sites are:

- North of Maude Roxby (2368 Abbott)
- Maude Roxby Marsh
- South of Thompson Brook
- Hobson Beach Park

These sites require a Provincial permit, for which a Crown Land Tenure is a requirement. The remaining sites would benefit from Crown Land Tenure, so that the City can apply for a permit to protect the shoreline, as well.

Discussion:

Four sites above are currently being planned for Shoreline Protection. These require a Crown Land Tenure as a condition of their shoreline protection permits. Other sites would benefit from a Crown Land Tenure, to have the ability to apply for designated swimming areas or for shoreline protection.

Conclusion:

Staff is requesting Council's direction to apply for Crown Land Tenure for beach parks and waterfront accesses along Okanagan Lake.

Internal Circulation:

Real Estate & Building
Suburban & Rural Planning
Community Communications
Urban Forestry
Finance

Considerations applicable to this report:

Legal/Statutory Procedural Requirements:

Application for Crown Land Tenure under the Provincial Land Act

Existing Policy:

Draft 2040 OCP - Pol Policy 10.4.7. Waterfront Protection.

Design parks and public spaces to proactively protect the waterfront from damage from climatic events.

Financial/Budgetary Considerations:

All costs incurred for these applications will be covered by existing operating budget.

Considerations not applicable to this report:

Legal/Statutory Authority:

External Agency/Public Comments:

Communications Comments:

Submitted by: M. Steppuhn, Parks Planner

Approved for inclusion:

D. Edstrom, Divisional Director, Partnership & Investments