



Regional Board Report

TO: Regional Board

FROM: Murray Kopp
Director of Parks Services

DATE: February 16, 2021

SUBJECT: Provincial Foreshore Crown License of Occupation File 3407727 – Kaloya & Kopje Regional Parks and Cinnabar Creek & Fintry Community Parks

Voting Entitlement: *All Directors - Weighted Stakeholder Vote – Simple Majority - LGA 209*

Purpose: To seek approval to renew the Provincial Crown Land Foreshore License of Occupation for Kaloya Regional Park, Kopje Regional Park, Cinnabar Creek Community Park, and Fintry Community Parks.

Executive Summary:

Kaloya Regional Park is a recreation waterfront park on Trask Road in Lake Country. Kopje Regional Park is a recreation waterfront cultural park on Carrs Landing Road in Lake Country. Cinnabar Creek community park is a waterfront park on Westside Road in the Central Okanagan West Electoral Area. Fintry community parks are waterfront lake access parks in the Central Okanagan West Electoral Area. In 2017, the Foreshore License of Occupation expired and is currently operating on a month-to-month basis with the Province of BC.

The Province of BC is now preparing a renewal Foreshore License of Occupation Agreement under the same terms and conditions as the previous agreement, with a 30-year term for the Board's consideration. In order to complete the preparation of this renewal document, the Province of BC is requesting Regional Board approval of the recommendation below.

RECOMMENDATION:

THAT the Regional Board agrees to acquire a 30-Year License of Occupation with the Province of British Columbia over the lands identified as:

- All that unsurveyed foreshore of Fintry Access #1 and Fintry Access #2 Community Parks being part of the bed of Okanagan Lake and fronting on Road Rights of Way within District Lot 686, Plan 15329, Osoyoos Division Yale District, and containing 0.50 hectares, more or less, for swimming area buoys, swim platforms, boat launch and dock purposes;

- All that unsurveyed Crown foreshore of Cinnabar Creek Community Park being part of the bed of Okanagan Lake and fronting on that part of District Lot 4499, shown as Park on Plan KAP44625, Osoyoos Division Yale District, containing 0.18 hectares, more or less, for swimming area buoys, swim platforms, boat launch and dock purposes;
- All that unsurveyed Crown foreshore of Kopje Regional Park being part of the bed of Okanagan Lake and fronting on Lot A, Section 5, Township 14, Osoyoos Division Yale District, Plan 39130, containing 1.47 hectares, more or less, for swimming area buoys, swim platforms, boat launch and dock purposes; AND
- All that unsurveyed Crown foreshore of Kaloya Regional Park being part of the bed of Kalamalka Lake fronting on that part of the Fractional West 1/2 of Section 12, Township 14, Osoyoos Division Yale District, Plan B3150 except Plan 13015, containing 0.17 hectares, more or less, for swimming area buoys, swim platforms, boat launch and dock purposes.

Respectfully Submitted:



Murray Kopp, Director of Parks Services

Approved for Board's Consideration



Brian Reardon, CAO

Prepared by: Wayne Darlington, Manager, Park Planning, Capital Projects & Facilities

Implications of Recommendation:

Strategic Plan:	The operation of the Regional Park Service and West Electoral Area Service over Crown lands assists in delivering critical park access to all residents of the Central Okanagan, and meets the strategic priorities of the Regional Board: Transportation and Mobility; Economic Development; and Environment.
Financial:	No additional financial requirement as this is the renewal of an existing provincial Crown tenure agreement. On-going operational and capital funding is considered through the development of annual financial plans.
Policy:	Bylaw #884 Official Regional Parks Plan and the Regional Parks and Greenways Plan for the Central Okanagan (2008-2020) provides the overall general guidance for the delivery of Regional Parks.
Legal/Statutory Authority:	Local Government Act Section 191; Regional Parks and Regional Trails Regulation (B.C. Reg. 361/2004, O.C. 772/2004).

Background:

The Regional District operates a number of parks wholly or partially under provincial Crown land tenures, either as a lease or License of occupation agreement for both foreshore and upland portions of the parks. In total the Regional District has 20 tenure agreements with the province of BC, located in 29 parks (21 Regional Parks, 6 Central Okanagan West Electoral Area Community Parks and 2 Central Okanagan East Electoral Area Community Parks).

Each provincial Crown tenure has a different term, however in the past a Province of BC Crown tenure term was typically 10 years. The Province is looking to extend these terms on the renewals of all the provincial Crown tenures to 30 years where possible. In 2020, we are expecting to see nine provincial Crown land tenures renewed. The Province has experienced a back log of renewals as a result of the two flood years of 2017 and 2018 where provincial staff and resources were temporarily reallocated in dealing with outcomes of the flood situation.

Kaloya Regional Park is a 5.9-hectare park located on Kalamalka Lake in the Oyama area of the District of Lake Country. The park is classified as a Recreation / Waterfront Park with a playground, washroom, turf areas, picnic shelter, accessible walking trails and beach access with swim area.

Kopje Regional Park is a 5.02-hectare park located on Okanagan Lake in the Carr's Landing area of the District of Lake Country. The park is classified as a Recreation / Cultural / Waterfront Park with a washroom, playground, turf area, playing field, beach access with swim area and the Gibson House heritage house.

Cinnabar Creek is a 0.43-hectare West Electoral Area Community Park located on Westside Road, on Okanagan Lake. The park is classified as a Waterfront community park and is currently undeveloped.

Fintry Community Parks (Fintry Access #1 – Boat Launch, Fintry Access #2) are located in the West Electoral Area on the Fintry Delta, on Okanagan Lake. The combined foreshore area for both parks is 0.50 hectares. The boat launch and dock are located at Fintry Access #1, and Fintry Access #2 has a beach area, picnic tables, a marked swim area, and a swim raft.

External Implications:

Since the expiry date for each of these provincial Crown tenures, of October 27th, 2017, each tenure has been continued on a month to month basis as per the tenure agreements. It is critical to work with the province to renew each tenure as the province finds the time and resources to prepare each tenure for renewal, in order to ensure that the Regional Parks, Central Okanagan West Electoral Area and the Central Okanagan East Electoral Area community parks services are maintained.

Alternative Recommendation:

THAT the Regional Board does not approve entering into a License for the term of 30 years from the Province over the land identified as:

All that unsurveyed Crown foreshore being part of the bed of Kalamalka Lake fronting on that part of the Fractional West 1/2 of Section 12, Township 14, Osoyoos Division Yale District, Plan B3150 except Plan 13015, containing 0.17 hectares, more or less;

All that unsurveyed Crown foreshore being part of the bed of Okanagan Lake and fronting on Lot A, Section 5, Township 14, Osoyoos Division Yale District, Plan 39130, containing 1.47 hectares, more or less;

All that unsurveyed Crown foreshore being part of the bed of Okanagan Lake and fronting on that part of District Lot 4499, shown as Park on Plan KAP44625, Osoyoos Division Yale District, containing 0.18 hectares, more or less;

All that unsurveyed foreshore being part of the bed of Okanagan Lake and fronting on Road Rights of Way within District Lot 686, Plan 15329, Osoyoos Division Yale District, and containing 0.50 hectares, more or less, for swimming area buoys, swim platforms, boat launch and dock purposes.

Considerations not applicable to this report:

- General
- Organizational

Attachment(s):

- Map of Kaloya Regional Park
- Map of Kopje Regional Park
- Map of Cinnabar Creek Community Park
- Map of Fintry Community Parks
- Existing License343598 File 3407727