
MEETING TYPE: Regular Council Meeting
MEETING DATE: March 5, 2024
AUTHOR: James Robertson, Land Agent
DEPARTMENT: Corporate Services
ITEM TITLE: Licence of Occupation | LA2024-003 | Okanagan Lake Foreshore Road Ends (Carr's Landing)
DESCRIPTION: To renew a Province of BC Licence of Occupation for foreshore Road Ends along Okanagan Lake

PURPOSE

Does Council wish to renew a Licence of Occupation with the Province of BC for Crown foreshore located adjacent to road ends on Okanagan Lake for the purposes of public recreation replacing Licence #344595 which expired on October 1, 2019? (See Overview Map on Page 3)

RECOMMENDATION

THAT staff be authorized to enter into a Licence of Occupation with the Province of BC for a term of thirty (30) years (expiring October 1, 2049) for the public recreational purposes of Crown foreshore legally described as:

All that unsurveyed Crown foreshore being part of the bed of Okanagan Lake and fronting on roads within Sections 8 and 5 Township 14 and Sections 32 and 29, Township 20, Osoyoos Division Yale District, containing 3.7445 hectares, more or less

and

All that unsurveyed Crown foreshore being part of the bed of Okanagan Lake and fronting on roads within Sections 20, 17 and 8, Township 14, Osoyoos Division Yale District, containing 11.9995 hectares, more or less containing a total of 15.744 hectares more or less for the purposes of public recreation

AND THAT the Chief Administrative Officer (CAO) and Corporate Officer be authorized to sign all documents required to enter into the Licence of Occupation.

EXECUTIVE SUMMARY

The Province of British Columbia granted a Licence of Occupation to the District on October 1, 2009 (Licence No. 344595) for Crown foreshore located adjacent to road ends on Okanagan Lake for the purposes of public recreation. The District applied to renew the Licence on January 14, 2019 prior to the expiration date of October 1, 2019. The province has agreed to renew the Licence for a further term of 30 years with a new expiration date of October 1, 2049. All renewal fees were submitted in 2019.

The Licence of Occupation of crown land is not an interest in land (ownership, lease, Statutory Right of Way, easement, mortgage, profit a prende) but rather a contract between the parties which may have conditions imposed on both parties. The Licence offered by the province is non-exclusive and the province may have granted, and may in future grant, additional tenures over the same land. The Licence requires the District to abide by the Management Plan attached to this report. The District may not construct any improvements within the Licence Area without prior written consent of the province excepting the placement of a beach mobility access mat at Whiskey Cove with proper authorization from the Ministry of Forests, which has been obtained. The District is required to hold the province harmless from claims and is required to carry Commercial General Liability insurance in the amount of \$2,000,000, which is in place. The District may not assign the Licence to any other party. The District may enforce Bylaws on the Licence Area as the land is within the District boundaries.

Maps of each portion of the Licence are detailed in the Licence Agreement attached to this report. The Licence Area shown on Map 5 of the original Licence 344595 varies from the Crown Land Registry but does not affect the legal description areas contained within the Licence document, which are confirmed correct by the province.

DISCUSSION/ANALYSIS

The District has relied on the Licence of Occupation to provide recreation opportunities to the public. Failure to renew the Licence would restrict the ability of the District to provide those opportunities.

OVERVIEW MAP



FINANCIAL IMPLICATIONS

- None Budget Previously Approved Other (see below)
Renewal fees of \$211.05 paid in 2019

ALIGNMENT WITH COUNCIL STRATEGIC PRIORITIES

- Create and Support Opportunities for a Healthy, Active and Inclusive Community
 Create Infrastructure That Meets Community Needs
 Encourage Growth of the Downtown Core
 Ensure Sustainable Water Service Delivery for the Community
 Explore Opportunities to Engage With Regional Local Governments for the Betterment of the Community
 Honour Reconciliation by Strengthening Relationships and Inclusiveness With Our Indigenous Partners
 Identify and support improvements to the Development Process
 Implement the Agricultural Plan
 Preserve, Protect and Enhance Our Natural Environment
 Secure long term wastewater service delivery for our community
 Support Opportunities to Diversify Lake Country's Tax Base

ALIGNMENT WITH MASTER PLANS

- | | |
|--|--|
| <input type="checkbox"/> Agricultural Plan | <input type="checkbox"/> Official Community Plan |
| <input type="checkbox"/> Climate Action Charter | <input checked="" type="checkbox"/> Parks & Recreation Master Plan 2019 |
| <input type="checkbox"/> Housing Needs Report | <input type="checkbox"/> Sanitary Sewer System Map |
| <input type="checkbox"/> Liquid Waste Management Plan Stage 1/2 Report | <input type="checkbox"/> Transit Future Plan-Central Okanagan Region-DRAFT |
| <input type="checkbox"/> McCoubrey Plateau Area Structure Plan | <input type="checkbox"/> Transportation for Tomorrow |
| <input type="checkbox"/> Mobility Master Plan | <input type="checkbox"/> Water Master Plan |

OPTIONS

The following options are presented for Council's consideration:

- A. THAT staff be authorized to enter into a Licence of Occupation with the Province of BC for a term of thirty (30) years (expiring October 1, 2049) for the public recreational purposes of Crown foreshore legally described as:
All that unsurveyed Crown foreshore being part of the bed of Okanagan Lake and fronting on roads within Sections 8 and 5 Township 14 and Sections 32 and 29, Township 20, Osoyoos Division Yale District, containing 3.7445 hectares, more or less
And All that unsurveyed Crown foreshore being part of the bed of Okanagan Lake and fronting on roads within Sections 20, 17 and 8, Township 14, Osoyoos Division Yale District, containing 11.9995 hectares, more or less containing a total of 15.744 hectares more or less for the purposes of public recreation
AND THAT the Chief Administrative Officer (CAO) and Corporate Officer be authorized to sign all documents required to enter into the Licence of Occupation
- B. THAT the renewal of Licence of Occupation with the Province of BC for a term of thirty (30) years (expiring October 1, 2049) for the public recreational purposes of Crown foreshore legally described as:
All that unsurveyed Crown foreshore being part of the bed of Okanagan Lake and fronting on roads within Sections 8 and 5 Township 14 and Sections 32 and 29, Township 20, Osoyoos Division Yale District, containing 3.7445 hectares, more or less
And All that unsurveyed Crown foreshore being part of the bed of Okanagan Lake and fronting on roads within Sections 20, 17 and 8, Township 14, Osoyoos Division Yale District, containing 11.9995 hectares, more or less containing a total of 15.744 hectares more or less for the purposes of public recreation
Not be supported.

Respectfully Submitted,
James Robertson, Land Agent

Report Approval Details

Document Title:	LA2024-003 Okanagan Lake Foreshore Licence (Carr's Landing Road Ends).docx
Attachments:	<ul style="list-style-type: none"> - Attachment A-LA2024-003-Licence of Occupation.pdf - Attachment B-LA2024-003-Management Plan.pdf - Attachment C-LA2024-003-Notice of Final Review.pdf - Attachment D-LA2024-003-Replacement Tenure Application and Licence of Occupation.pdf
Final Approval Date:	Feb 29, 2024

This report and all of its attachments were approved and signed as outlined below:

Reyna Seabrook, Director of Corporate Services - Feb 16, 2024 - 2:58 PM

No Signature found

Matt Vader, Director Parks, Recreation and Culture - Feb 20, 2024 - 9:11 AM

No Signature found

Matthew Salmon, Director of Engineering and Environmental Services - Feb 20, 2024 - 4:38 PM

No Signature found

Jared Kassel, Director of Planning & Development - Feb 26, 2024 - 12:09 PM

Paul Gipps, Chief Administrative Officer - Feb 29, 2024 - 9:59 AM