

ADMINISTRATIVE REPORT



TO: Advisory Planning Commission
FROM: B. Newell, Chief Administrative Officer
DATE: April 6, 2017
RE: Referral of a Crown Land Tenure Application – Temporary Licence (moorage buoy)

Purpose: To allow for the temporary moorage of the MV Fintry Queen adjacent to Kickinnee Provincial Park.

Owners: Crown land **Agent:** Okanagan Lake Boat Company Inc. **Folio:** N/A

Legal: All that unsurveyed Crown foreshore being part of the bed of Okanagan Lake and fronting on Kickinnee Provincial Park, Osoyoos Division Yale District, containing 1.98 hectares, more or less.

Civic: N/A **OCP:** N/A **Zone:** N/A

Proposed Development:

FrontCounterBC has referred to the Regional District an application for a “Temporary Licence” for a “Commercial General / Seasonal Operation” on Crown land comprised below the high water mark of Okanagan Lake 400 metres offshore of Kickinnee Provincial Park.

More specifically, the applicant is seeking approval for a temporary moorage buoy and safe anchorage site for the MV Fintry Queen, and has stated that “this moorage buoy would be held in place by anchors to the lake bed, in approximately 60 - 70 feet of water.”

The applicant has also indicated that this “location provides important shelter from the prevailing winds and waves” and the “moorage site will be used during the construction of on-shore landing facilities, for emergencies or as safe holding area when inclement winds, waves or ice prevent use or access to on-shore landing facilities.”

FrontCounterBC is advising that the size of the tenure area is stated to be 1.98 ha while the term of the tenure is stated to be “two years or less.”

Referral Requirements:

FrontCounterBC has referred this application to the Regional District for comment and has advised that a response is required by April 26, 2017, “in order for the application and adjudication process to move ahead.”

Site Context:

The subject area is 400 metres offshore of Kickinnee Provincial Park and comprises Crown land in the form of lake bed.

Background:

The Electoral Area “F” Official Community Plan (OCP) Bylaw No. 2460, 2008, and Zoning Bylaw No. 2461, 2008, are not seen to apply to this section of Okanagan Lake while the upland area is comprised within the Penticton Indian Band (PIB) Reserve No. 1.

According to the Management Plan provided by the applicant “the history of the Fintry Queen dates back to 1948 as the ‘M.V. Lequime’, one of three car ferries that crossed Okanagan Lake from the West Side to Kelowna. In August 1968, she was re-christened the "M.V. Fintry", to carry passengers from Kelowna to the development at Fintry Estates, now Fintry Provincial Park.

“For more than 50 years the ‘Fintry Queen’ operated as a tourist attraction and restaurant from a landing pier located in Kelowna's Kerry Park, carrying an average of 25,000 - 30,000 passengers annually. Throughout this period, the ship was secured close to shore, between sets of wooden pilings.”

Since 2013, the ship has been anchored off-shore in Kelowna's Sutherland Bay and is now anchored at the north end of Okanagan Lake, and the long-term objective is to provide a transportation link between the communities, parks, wineries and resorts situated along the shoreline of Okanagan Lake.

The applicant has advised that initial plans include the construction of landing facilities in Penticton, Summerland and Naramata and that applications to facilitate this “are proceeding” (see Attachment No. 3 for concept plans).

Analysis:

In considering this proposal, Administration notes that zonings and OCP designations have not been enacted for the subject area of Okanagan Lake and that the OCP Bylaw is generally silent on the moorage of boats within the lake, other than to designate this area as a Watercourse Development Permit (WDP) Area for the protection of riparian values.

Subject to the issuance of a WDP, Administration considers the proposal to be not inconsistent with the Electoral Area “F” OCP & Zoning Bylaws.

It is also noted that the applicant has stated that “the ship at anchor carries a \$1,000,000 million liability policy with a \$300,000 salvage inclusion” and it is entrusted that the province considers these sums sufficient in the event that the ship should requiring salvaging from its current location.

Administrative Recommendation:

THAT the APC recommends to the RDOS Board of Directors that the proposed use of Crown land be approved.

Options:

1. THAT the APC recommends to the RDOS that the proposed use of Crown land be supported.
2. THAT the APC recommends to the RDOS that the proposed use of Crown land be supported with the following conditions:
 - i) TBD
3. THAT the APC recommends to the RDOS that the proposed use of Crown land not be supported.

Respectfully submitted:



Endorsed by:

Donna Butler

C. Garrish, Planning Supervisor

D. Butler, Development Services Manager

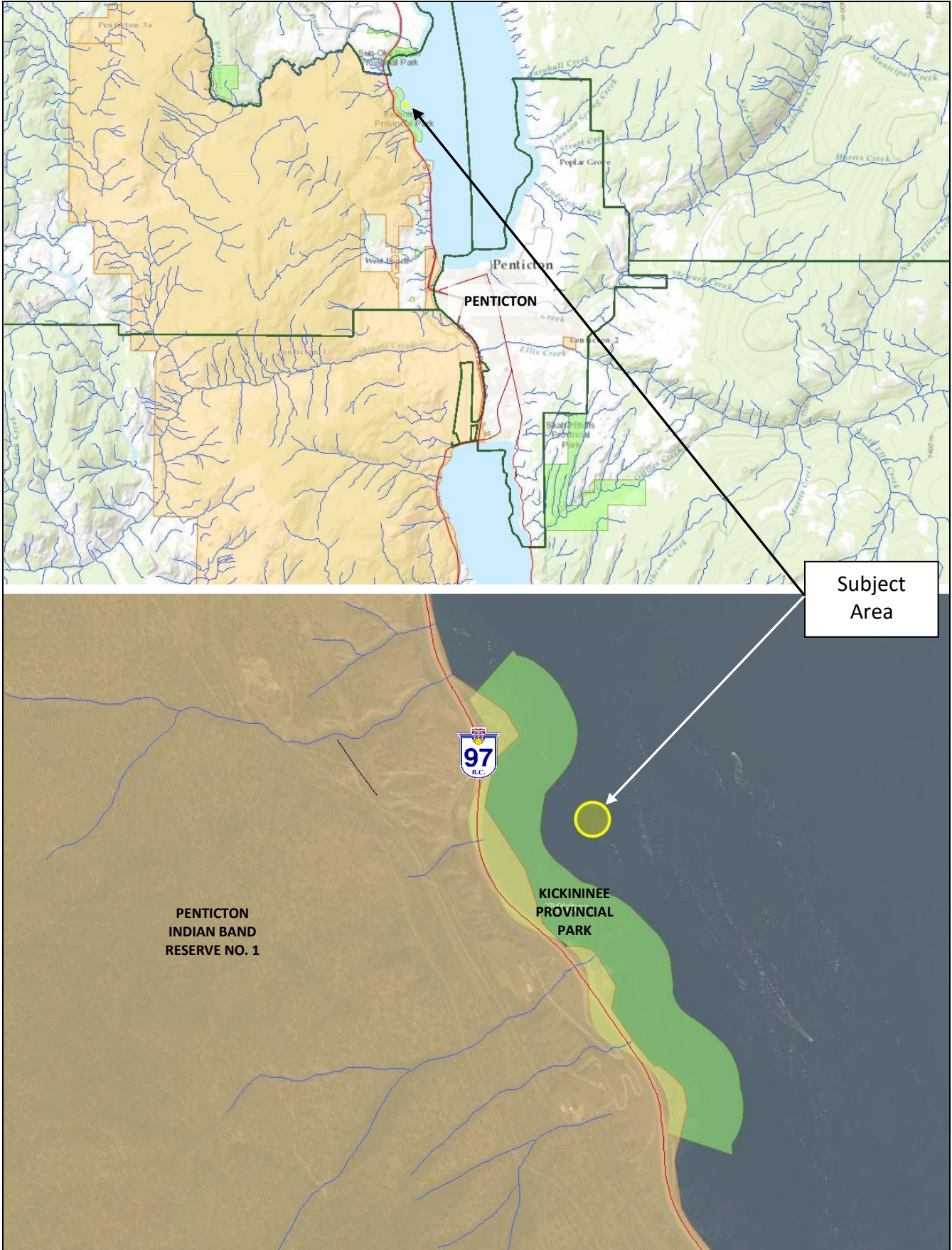
Attachments: No. 1 – Context Maps

No. 2 – Applicant’s Site Plan

No. 3 – Applicant’s Proposed Long-Term Facilities (Conceptual)

No. 4 – Management Plan [\[hyperlink\]](#)

Attachment No. 1 – Context Maps



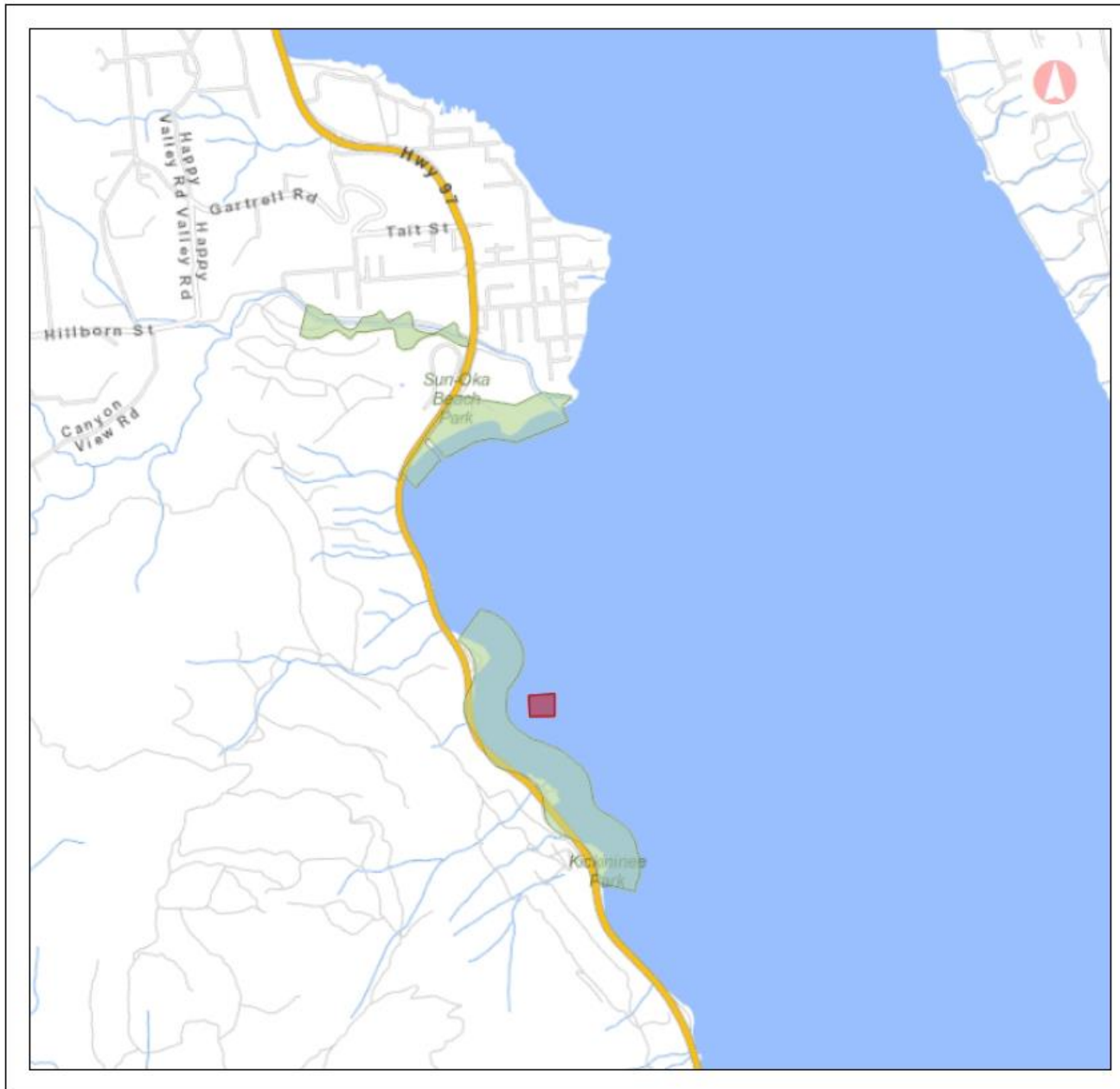
Subject Area

PENTICTON
INDIAN BAND
RESERVE NO. 1

KICKINNEE
PROVINCIAL
PARK



Attachment No. 2 – Applicant’s Site Plan



BRITISH COLUMBIA

iMapBC Mapping

Legend

- Provincial Parks - Tantalus - TileCache

0 0.67 1.34 km

1: 33,000

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Datum: NAD83
Projection: NAD_1983_BC_Environment_Albers

Key Map of British Columbia

Attachment No. 3 – Applicant’s Proposed Long-Term Facilities (Conceptual)

SUMMERLAND- Community Heritage Pier



NARAMATA - CNR Wharf Park



PENTICTON - Waterfront Park beside the Kiwanis Pier

