
CITY OF KELOWNA

MEMORANDUM

Date: July 5, 2001

File No.: 0910-20-199-008

To: City Manager

From: Director of Planning and Development Services

Subject: Private Docks Abutting City-Owned Lots Severed from Upland Lakefront Parcels

RECOMMENDATION

THAT Council adopt Council Policy 301 as set out in Attachment 1 of the Planning and Development Services Department Report of July 5, 2001 to provide staff with criteria by which to assess the conditions under which the City would support an application for a dock license by an owner of an upland "remainder" lot where the City purchases an entire lakefront parcel of land, severs a portion to create a separate parcel adjacent to the foreshore, and sells the remainder of the original parcel to create a "remainder" lot.

BACKGROUND

The Official Community Plan and Lake Okanagan Shore Zone Plan provide direction to increase opportunities for year-round public access along Lake Okanagan. To provide such access, the City has been seeking dedications where such can be obtained upon redevelopment to other than single-family uses.

Along certain portions of the waterfront, as identified in the Shore Zone Plan and/or OCP, there is an interest in obtaining year-round public access (beyond foreshore access). Many of these areas are not designated for redevelopment. Where year round public access is desired in areas that are expected to remain in single family use for some time, the City will need to purchase land to provide such access. Waterfront land is usually very expensive so, to reduce the costs to the City, the Shore Zone Plan recommended that the City "consider a variety of alternatives for helping to offset purchase costs. For example, where lots are purchased, the waterfront portion of the lots could be severed and the remainder of the parcel sold to offset costs".

In creating a public route of access on a titled lot immediately upland of the waterfront, the "remainder lot" further upland would no longer be a "waterfront lot". This would mean that the "remainder lot" could not apply to the Province for permission to build a dock. Since some potential property owners consider the ability to build a dock a key attraction to purchasing a home, this could potentially diminish the market value of the "remainder" parcel.

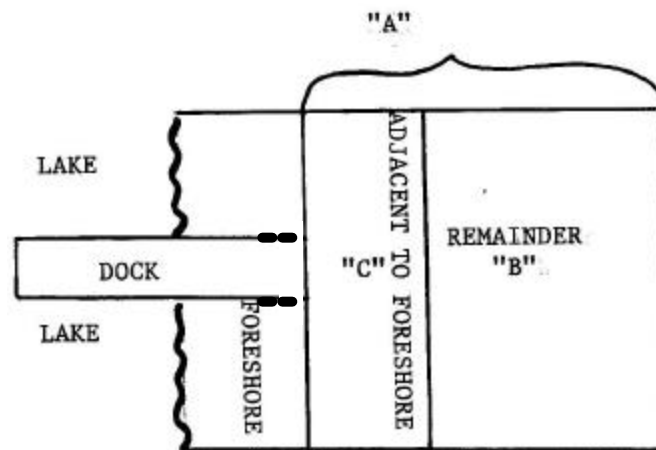
The City has an opportunity to mitigate the value diminishment by guaranteeing that the City will support an application for a dock off of the City-owned property. Such a dock would be built and used exclusively by the owners of the “remainder” parcel. Such a commitment could, however, also have a downside in that, in some cases, the construction of docks may diminish the value of the public access (sight line obstruction, requirement for stairs to get over the dock etc.).

Given the impacts of these considerations, it is suggested that a formal policy is needed to guide staff in future property negotiations.

PROPOSED POLICY

There are two types of property transactions that could trigger the need to consider whether the City would support a future application for a private dock off of City-owned property:

1. One type of property transaction would be where the City purchases an entire lakefront parcel of land (“A”), severs a portion to create a separate parcel (“C”) adjacent to the foreshore, and sells the remainder (“B”) of the original parcel; and
2. The second type of property transaction would be where the City purchases a parcel (“C”) adjacent to the foreshore, that has already been severed from a larger lakefront parcel (“A”), and, at the time of that purchase by the City, the owner of the remainder (“B”) of the original parcel requests that the City support an application for a dock license allowing the construction of a private dock across any portion of the foreshore abutting or adjacent to the City-owned parcel (“C”) by that Owner.



In order to balance the trade-offs involved in minimizing city cost and maximizing public access benefits, it is suggested that in scenario 1, the City would not support an application for a dock license, whereas in scenario 2, the City would consider supporting such an application. Proposed Council Policy 301 reflects this direction.

SUMMARY

Endorsement of Council Policy 301 will assist staff in expeditiously and consistently negotiating property acquisitions.

Signe K. Bagh, MCIP
Long Range Planning Manager

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Approved for inclusion	
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R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning & Development Services

Attachment