
CITY OF KELOWNA

MEMORANDUM

Date: July 26, 2002
File No.: 5820-20

To: Ron Born, City Manager

From: Joe Creron, Parks Manager

Subject: Collett Road Beach Access

Recommendations:

THAT a road closure bylaw be prepared and brought forward for Council's consideration, to close that portion of Collett Road west of Fuller Road;

AND THAT Council resolve, subject to the adoption of such a road closure bylaw, to petition the Minister of Community, Aboriginal and Women's Services to raise title to said portion, and have that title vested in the name of the City of Kelowna;

AND THAT once the title has been vested in the name of the City of Kelowna, the necessary bylaw be prepared and brought forward for Council's consideration, to designate the property as a park.

Background

The Parks Division has been upgrading a beach access generally every second or third year. Recent beach accesses upgraded or improved include West Avenue, Royal Avenue, Farris Road and Cadder Avenue. Beach accesses generally provide lake access for the immediate neighbourhood although people also drive to beach accesses. In addition to the tremendous benefits beach accesses provide to citizens, late night activities are very detrimental to the quality of life of some citizens who live immediately adjacent to the beach access. In an effort to balance the public's right to access and the impact of late night activities in beach accesses on the adjacent residents, the Parks Division has tried a variety of approaches. All parking lots that are part of a beach access are locked at night similar to park parking lots. Some beach accesses restrict pedestrian access when the beach access is closed at night (Farris Road) and others have their parking lot locked but don't restrict pedestrian access (Watt Road). Some beach accesses have no restrictions at all if they aren't experiencing problems. Each beach access is different and therefore requires different solutions when there are problems. Often we only involve the neighbours immediately impacted. This was true for the Collett Beach Access unfortunately when the Parks Division decided to try an innovative approach like an electronic gate at the intersection of Fuller Road and Collett Road the entire neighbourhood should have been consulted.

As part of the beach access park development, a partners in parks partnership was developed with the owner of the property immediately to the north of the subject beach access. Essentially the new owner helps develop the boulevard on the north side of Collett Road and also installs an electronic gate solely at his cost. Operation of the gate is controlled by the City and will only

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be closed when the park is closed. The Strata Council supports the electronic gate. The initial proposal was to restrict vehicular and pedestrian access when the beach access was closed. The current proposal provides unfettered pedestrian access at all times.

When we received phone calls from residents of the Collett neighbourhood we immediately called an on site meeting with residents in order outline the project and answer any questions. An emergent meeting was called as we were in the middle of development.

At the on site meeting of June 1, 2002 we believe the following summarized the results of the meeting:

1. The majority of citizens did not object to the park development planned for the beach access.
2. The majority of residents supported an electronic gate, which would restrict vehicular access if unfettered pedestrian access to the beach access were maintained.
3. The electronic gate should only be closed when the beach access is closed.
4. Residents requiring vehicular access to their properties living adjacent to the beach access will have after hour's vehicle access through the electronic gate.
5. Emergency vehicles must be provided keypad access through the gate.

A few residents of the community objected to the City proceeding without surveying all residents of the Collett neighbourhood. The Parks Division then sent out 65 questionnaires and 47 were returned. The following are the results of the questionnaires and these results were then conveyed to the residents.

- 39 of 47 surveys or 82% said yes, "the beach access should be developed as proposed by the Parks Division with trees, picnic tables and turf."
- 34 out of 47 surveys or 72% said yes that "the developer at his cost should improve the boulevard including curb and gutter, paving and parking and install the electronic gate with unfettered pedestrian access.
- 30 out of 47 or 63% said no to the statement the City of Kelowna should develop the boulevard at the taxpayers cost approximately \$40,000 when funds and budget are available.

Through our research we have found that City Council must close the road, raise title and then designate as park if we wish to install a gate. In addition since this road provides access to the Strata to the south, an easement will be registered on the newly created property to maintain legal access for the Strata. This process will take a minimum of 12 months. For your information, based on the current draft of the Community Charter it appears City Council would have the ability to allow temporary closures. The owner of the property has suggested that we permit the completion of the electronic gate now on the full understanding that if the road isn't legally closed and designated a park the owner may be required to remove the gate.

In addition to the above, the Parks Division will review all beach accesses and make recommendations to City Council on further road closures where required. The Community Planning Manager and the Crime Prevention Officer have reviewed all beach accesses and are considering contacting owners who live adjacent to beach accesses and educate them on Crime Prevention Through Environmental Design guidelines which may improve their security

Joe Creron
Parks Manager

Cc David Graham, Director of Parks and Leisure Services
John Vos, Director of Works and Utilities
Ron Mattiussi, Director of Planning and Development Services