

DISTRICT OF WEST VANCOUVER
750 17TH STREET, WEST VANCOUVER BC V7V 3T3

COUNCIL REPORT

Date:	May 17, 2024
From:	Jill Lawlor, Senior Manager of Parks
Subject:	Proposed Park Dedication Bylaw No. 5337, 2024 (Upper Lands)
File:	1610-20-5337

RECOMMENDATION

THAT proposed “Park Dedication Bylaw No. 5337, 2024” (Upper Lands) be read a first, second, and third time.

1.0 Purpose

The purpose of this report is to dedicate as park, District of West Vancouver (District) owned lots within the Upper Lands with a Park Dedication Bylaw as set out in **Appendix A**.

Pursuant to Section 30 of the *Community Charter*, a Council of a municipality may, by bylaw adopted by 2/3 of all members of Council, reserve or dedicate for a particular municipal or other public purpose real property owned by the municipality.

2.0 Legislation/Bylaw/Policy

Park dedication bylaws provide long-term protection to parklands and is the approach by which the District legally protects parkland. A park dedication bylaw is considered to confer a high level of protection for parkland because of the relative difficulty to remove a formal park dedication.

2.1 Policy

The 2012 Parks Master Plan (PMP) sets the direction for the management, protection, enhancement of, and community engagement within West Vancouver’s parks and open spaces. Recommendations in the PMP adopted by Council in June 2012, include the following:

2.2.1 Pass park dedication bylaws as soon as possible for de facto parks that are of a high priority to the community.

3.0 Council Strategic Objective(s)/Official Community Plan

Council Strategic Plan 2024-2025

Council's Environment & Climate Change Strategic Goal is applicable to this report:

- Protect our natural environment, reduce greenhouse gas emissions, and adapt our community to become more resilient in a changing climate.

Official Community Plan

The Official Community Plan supports managing the District's valuable parks system and protecting the Upper Lands natural assets through the following policies:

2.7.3 Seek strategic dedication or acquisition of parkland that provides significant environmental and social values, such as trail linkages, ecological functions, waterfront access, or unique educational, cultural or recreational opportunities. Examples include:

- Upper Cypress Falls;
- Wetlands west of Cypress Falls;
- Trails on the Upper Lands;
- Eagleridge (above Horseshoe Bay); and
- Madrona Ridge (adjacent to Horseshoe Bay).

2.7.7. Manage Limited Use and Recreation lands above 1,200 feet by:

- a. Dedicating District-owned land in this area as municipal parkland;
- b. Assessing the appropriateness of specific recreation opportunities on private lands as they emerge; and
- c. Determining any appropriate land uses in lands generally contiguous with the future Cypress Village through the Cypress Village Area Development Plan process.

4.0 Financial Implications

The formal dedication of District parkland through a bylaw ensures long-term protection for public lands, safeguarding the Upper Lands as part of the District's natural capital asset inventory.

There are no known ongoing financial costs or revenues directly associated with designating the lands as parkland. However, the new park status may lead to increased expectation for trails, support infrastructure, and maintenance.

5.0 Background

5.1 Previous Decisions

Council, at its February 12, 2024 regular meeting, passed the following resolutions:

THAT

1. *Council endorse the proposal to protect District owned property in the Upper Lands above the 1200 foot contour that is not yet dedicated as park (approximately 2,500 acres);*
2. *Council direct staff to conduct a legal search to confirm land parcels under District ownership above the 1200 ft contour, and to confirm park dedication status and zoning of District-owned land parcels above the 1200 foot contour; and*
3. *Council direct staff to report back on a park dedication bylaw for adoption by Council in 90 days.*

5.2 History

The lands above the highway, known as the “Upper Lands”, have long been enjoyed by the community for its natural splendor and recreation opportunities. The area contains trails, natural features of creeks, rock outcrops, and important ecological features including a large stand of old-growth trees.

The area has been the subject of studies including the Upper Lands Study Review Working Group (ULWG) which reported to Council in 2015. The recommendation from ULWG relevant to this report is:

- 3.1.1.2 Municipally owned lands above 1200 feet be permanently protected as dedicated parkland.

In early 2024, members of the Old Growth Conservancy Society (OGCS) presented information to Council about a study that took place over the course of seven years by an OGCS Director. The presentation noted that approximately 400 old-growth trees were documented in the eastern area of the Upper Lands. Many of these trees are located in the area proposed to be dedicated as parkland in the Upper Lands.

6.0 Analysis

6.1 Discussion

The long-term protection of parks and natural areas is a key objective of the PMP, as well as a recommendation of the ULWG. Many District parks are protected by park dedication bylaws. The dedication of parks, in accordance with the *Community Charter*, is difficult to remove once established.

By dedicating the municipally owned Upper Lands as park, the community benefits knowing these highly valued lands, including the recreational and

ecological resources and old-growth trees, would be protected into the future.

Proposed Park Dedication Bylaw No. 5337, 2024 lists all the parcels proposed to be dedicated as park, along with an illustration showing the location of the proposed dedicated parkland in the Upper Lands. A total of 781 hectares (1,932 acres) would be added to the District's park system.

Upper Lands

These lands have been enjoyed by residents for many years and are maintained and cared for by the District, including trails, bridges, and stairs. Formalizing these lands into park protects the natural and recreational assets valued by hikers, trail runners, dog walkers, birders, nature enthusiasts, mountain bikers, Hollyburn cabin users, etc.

In recent years, partnerships have emerged amongst user groups and the District. In 2022, agreements were formed between the District, British Pacific Properties (BPP), and the North Shore Mountain Bike Association (NSMBA). A Right of Way was obtained over BPP lands to provide access to mountain bike trails. These trails are now maintained by the District by way of a contract with NSMBA, who has been very successful in obtaining funding for the maintenance of these trails.

Other partnerships include the following:

- **OGCS** provides monitoring and education about the Old Growth Conservancy, old growth tree protection, and education in general
- **BC Mountaineering Club** have expertly repaired a large portion of the Baden Powell Trail over the past five years, commencing where the trail turns north along the Skyline Trail to the BC Parks boundary
- **West Vancouver Streamkeepers** provide expertise and resources to care for creeks
- **Hollyburn Ridge Association** provides advice and education on the cabin area, as well as trail stewardship in that area

Seeing the success of these partnerships and other relationships, it is clear there is consistent interest in the community to look after its public lands, including the area of the proposed dedicated parkland in the Upper Lands. Dedicating this large area as park provides the opportunity for a conversation with the community about how to continue to maintain the District's valued recreational and ecological assets in the Upper Lands. A process to officially name the Upper Lands will be developed and naming options will be presented to Council for their consideration at a later date.

6.2 Climate Change & Sustainability

The retention of park space is a significant component of the quality of life and liveability of the community. This bylaw helps ensure that the District-owned Upper Lands are protected as park into the future.

In 2022, the District completed an ecological inventory of the Upper Lands area to assess the biodiversity and ecological communities of the Upper Lands, including the major ecological characteristics of the forested environment and rare or sensitive ecosystems. The intent of this inventory is to help guide the future of the Upper Lands and will also help inform ecological conservation activities by highlighting areas of significant importance to biodiversity, particularly in areas of protected parkland.

6.3 Public Engagement and Outreach

Extensive public consultation was taken through the PMP process in 2011 and 2012 and with the ULWG in 2014 and 2015. The community was strongly in favour of conferring park dedication status on parks and District-owned Upper Lands through park dedication bylaws.

6.4 Other Communication, Consultation, and Research

Communication regarding park dedication took place through the PMP process in 2011 and 2012 and the ULWG in 2014 and 2015.

7.0 Options

7.1 Recommended option

THAT proposed “Park Dedication Bylaw No. 5337, 2024” (Upper Lands) be read a first, second, and third time.

7.2 Considered Options

Council may:

- provide further direction to staff; and/or
- request additional information or provide alternative direction (to be specified).

8.0 Conclusion

Council directed staff at the February 12, 2024 regular Council meeting to bring forward this bylaw to dedicate parkland in the Upper Lands. The long-term protection of parks is a key objective of the Parks Master Plan (PMP) and a recommendation of the Upper Lands Study Review Working Group (ULWG). The PMP and ULWG involved extensive community consultation which showed that the community was strongly in favour of conferring park dedication status on parks and District-owned Upper Lands. By approving this proposed Park Dedication Bylaw No. 5337, 2024, Council will help ensure that the Upper Lands is protected as parkland into the future.

Date: May 17, 2024
From: Jill Lawlor, Senior Manager of Parks
Subject: Proposed Park Dedication Bylaw No. 5337, 2024 (Upper Lands)

Author: 


Jill Lawlor, Senior Manager of Parks

Concurrence: 

Jim Bailey, Director of Planning & Development Services



Jenn Moller, Director of Engineering & Transportation Division



Heather Keith, Senior Manager of Climate Action & Environment

Appendix A: Park Dedication Bylaw No. 5337, 2024 (Upper Lands Park)



District of West Vancouver

**Park Dedication
Bylaw No. 5337, 2024**
(Upper Lands)

Effective Date:

Park Dedication Bylaw No. 5337, 2024

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District of West Vancouver

Park Dedication Bylaw No. 5337, 2024

A bylaw to dedicate District-owned property in the Upper Lands above the 1200 foot contour as park

WHEREAS pursuant to Section 30 of the *Community Charter*, a Council of a municipality may, by bylaw adopted by 2/3 of all members of Council, reserve or dedicate for a particular municipal or other public purpose real property owned by the municipality;

AND WHEREAS the Corporation of the District of West Vancouver (the “**District**”) is the registered owner of the real property described in Schedule A and shown in Schedule B (the “**District Lands**”);

AND WHEREAS the District previously dedicated by bylaw approximately 133.6 acres of the District Lands pursuant to Park Dedication (Cypress Ridge Old Growth) Bylaw No. 3840, 1993 (the “**Old Growth Conservancy Bylaw**”), which dedicated certain parts of District Lots 1124, 1125, 1126, 1127, 1128, 1129, 1343, 1344, and the Closed Road shown on Explanatory Plan LMP 20319 (the “**Old Growth Conservancy**”);

AND WHEREAS the parts of the District Lands not previously dedicated by the Old Growth Conservancy Bylaw (the “**Upper Lands**”) also contain areas that warrant enhanced protection to preserve their environmental, aesthetic, and recreation benefits; and

AND WHEREAS Council of the District deems it appropriate to dedicate the Upper Lands for the park and public purposes as more particularly described in this Bylaw.

NOW THEREFORE Council, in open meeting assembled, by 2/3 majority, enacts as follows:

Part 1 Citation

- 1.1 This bylaw may be cited for all purposes as *Park Dedication Bylaw No. 5337, 2024*.

Part 2 Severability

- 2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Part 3 Dedication of the Upper Lands

- 3.1 The Upper Lands, namely, those lands legally described in the attached Schedule A, and shown on the map attached as Schedule B, but excluding any parts of the Upper Lands already dedicated by the Old Growth Conservancy Bylaw, are allocated, set aside and dedicated for park, recreation or community uses.
- 3.2 Despite the dedication in section 3.1, this bylaw expressly reserves the authority of Council of the District with respect to adopt bylaws or undertake works within the Upper Lands that:
- (a) are consistent with the terms of any crown grant, statutory right of way, covenant, or other interest in land that is registered on any of the titles to the parcels comprising the Upper Lands as of the date of adoption of this bylaw;
 - (b) provide for new or expanded transportation and utility facilities, including the existing Eagle Lake Water Treatment Facility and any other sanitary or storm sewerage works, water supply and distribution works, or any municipal utility whatsoever, together with all attachments, fittings and appurtenances thereto including, but not limited to, pipes, culverts, manholes, cleanouts, catch basins, outfalls including rip rap or other form of bank protection, ditches, swales, flumes, valves and valve boxes, hydrants, chambers, pumping stations, air vents, asphaltic or concrete pavement and all electrical, communication or other wiring and equipment convenient, necessary or beneficial to the community or that allow for enhanced access and services to the District Lands;
 - (c) are consistent with the terms of any permit to occupy or other agreement governing the use of cabins existing in the Hollyburn Ridge area as of the date of adoption of this bylaw; or
 - (d) are within the contemplation of the District's bylaws, rules and regulations applicable to parks, as these bylaws, rules and regulations may be amended from time to time.

Schedules

The following schedule is attached to and forms part of this bylaw:

Schedule A – List of parcels dedicated by this bylaw; and

Schedule B – Map showing the approximate areas of the Upper Lands to be dedicated by bylaw.

READ A FIRST TIME on [Date]

READ A SECOND TIME on [Date]

READ A THIRD TIME on [Date]

ADOPTED by an affirmative vote of at least 2/3 of all members of Council on [Date]

Mayor

Corporate Officer

Schedule A – List of Parcels to be Dedicated by this Bylaw

	PID Number	Legal Description	Exclusion From Park Dedication in This Bylaw
1.	003-634-663	LOT 2 BLOCK A DISTRICT LOT 1123 PLAN 2486	
2.	004-565-851	BLOCK C DISTRICT LOT 1133 PLAN 6914	
3.	004-785-304	LOT 5, EXCEPT PART IN STATUTORY RIGHT OF WAY PLAN 15345, BLOCK C DISTRICT LOT 1123 PLAN 2486	
4.	007-080-280	LOT A DISTRICT LOT 1110 PLAN 18849	
5.	007-224-311	LOT 1 EAST 1/2 OF DISTRICT LOT 949 PLAN 18062	
6.	007-957-238	BLOCK B DISTRICT LOT 1133 PLAN 6914	
7.	009-236-546	DISTRICT LOT 1343 GROUP 1 NEW WESTMINSTER DISTRICT	The parts previously dedicated by the Old Growth Conservancy Bylaw
8.	011-757-523	LOT A BLOCK 34 DISTRICT LOT 793 PLAN 4206	
9.	012-155-152	LOT A BLOCK 5 DISTRICT LOT 793 PLAN 4206	
10.	012-396-699	LOT 11 BLOCK A DISTRICT LOT 1123 PLAN 2486	
11.	012-396-711	LOT 12 BLOCK A DISTRICT LOT 1123 PLAN 2486	
12.	012-851-701	LOT 13 BLOCK C DISTRICT LOT 1123 PLAN 2486	
13.	013-296-744	LOT 12 BLOCK C DISTRICT LOT 1123 PLAN 2486	
14.	013-727-745	LOT 2 BLOCK D DISTRICT LOT 1123 PLAN 2486	
15.	013-727-761	LOT 3 BLOCK D DISTRICT LOT 1123 PLAN 2486	
16.	013-727-826	LOT 6 BLOCK D DISTRICT LOT 1123 PLAN 2486	

17.	013-727-869	LOT 8 BLOCK D DISTRICT LOT 1123 PLAN 2486	
18.	013-727-893	LOT 9 BLOCK D DISTRICT LOT 1123 PLAN 2486	
19.	013-727-966	LOT 12 BLOCK D DISTRICT LOT 1123 PLAN 2486	
20.	013-728-032	LOT 15 BLOCK D DISTRICT LOT 1123 PLAN 2486	
21.	013-728-202	LOT 16 BLOCK D DISTRICT LOT 1123 PLAN 2486	
22.	013-728-229	LOT 17 BLOCK D DISTRICT LOT 1123 PLAN 2486	
23.	013-728-253	LOT 18 BLOCK D DISTRICT LOT 1123 PLAN 2486	
24.	013-728-261	LOT 1 BLOCK D DISTRICT LOT 1123 PLAN 2486	
25.	013-729-179	LOT 6 BLOCK C DISTRICT LOT 1123 PLAN 2486	
26.	013-729-209	LOT 7 BLOCK C DISTRICT LOT 1123 PLAN 2486	
27.	013-729-322	LOT 11 BLOCK C DISTRICT LOT 1123 PLAN 2486	
28.	013-729-403	LOT 14, EXCEPT PART IN STATUTORY RIGHT OF WAY PLAN 15345, BLOCK C DISTRICT LOT 1123 PLAN 2486	
29.	013-729-420	LOT 15, EXCEPT PART IN STATUTORY RIGHT OF WAY PLAN 15345, BLOCK C DISTRICT LOT 1123 PLAN 2486	
30.	013-729-438	LOT 16, EXCEPT PART IN STATUTORY RIGHT OF WAY PLAN 15345, BLOCK C DISTRICT LOT 1123 PLAN 2486	
31.	013-732-251	LOT 2 BLOCK B DISTRICT LOT 1123 PLAN 2486	
32.	013-732-331	LOT 8 BLOCK B DISTRICT LOT 1123 PLAN 2486	
33.	013-732-340	LOT 9 BLOCK B DISTRICT LOT 1123 PLAN 2486	
34.	013-732-366	LOT 10 BLOCK B DISTRICT LOT 1123 PLAN 2486	

35.	013-732-510	LOT 17, EXCEPT PART IN STATUTORY RIGHT OF WAY PLAN 15345, BLOCK B DISTRICT LOT 1123 PLAN 2486	
36.	013-732-536	LOT 18, EXCEPT PART IN STATUTORY RIGHT OF WAY PLAN 15345, BLOCK B DISTRICT LOT 1123 PLAN 2486	
37.	013-732-749	LOT 13 BLOCK A DISTRICT LOT 1123 PLAN 2486	
38.	013-732-773	LOT 15 BLOCK A DISTRICT LOT 1123 PLAN 2486	
39.	013-732-781	LOT 16 BLOCK A DISTRICT LOT 1123 PLAN 2486	
40.	013-732-803	LOT 17 BLOCK A DISTRICT LOT 1123 PLAN 2486	
41.	015-943-615	DISTRICT LOT 1344, GROUP 1 NEW WESTMINSTER DISTRICT EXCEPT PART IN PLAN 16290	The parts previously dedicated by the Old Growth Conservancy Bylaw
42.	015-953-823	THAT PART OF THE CLOSED ROAD ADJOINING DISTRICT LOTS 1102, 1103, 1108 AND 1109 WHICH SAID PART IS SHOWN OUTLINED IN RED ON EXPLANATORY PLAN 11064 GROUP 1 NEW WESTMINSTER DISTRICT EXCEPT PORTIONS IN EXPLANATORY PLAN 11962 AND PLAN LMP10003	
43.	015-954-129	HERETO IS ANNEXED EASEMENT 302281M OVER PART OF PARCEL D (REFERENCE PLAN 2690) IN EXPLANATORY PLAN 5945 DISTRICT LOTS 806 AND 866	
44.	015-954-137	DISTRICT LOT 1115 GROUP 1 NEW WESTMINSTER DISTRICT	
45.	015-954-153	DISTRICT LOT 1116 GROUP 1 NEW WESTMINSTER DISTRICT	
46.	015-954-170	DISTRICT LOT 1117 GROUP 1 NEW WESTMINSTER DISTRICT	
47.	015-954-188	DISTRICT LOT 1118 GROUP 1 NEW WESTMINSTER DISTRICT	
48.	015-954-226	DISTRICT LOT 1119 GROUP 1 NEW WESTMINSTER DISTRICT	
49.	015-954-234	DISTRICT LOT 1120 GROUP 1 NEW WESTMINSTER DISTRICT	

50.	015-954-242	DISTRICT LOT 1121 GROUP 1 NEW WESTMINSTER DISTRICT	
51.	015-954-251	LOT A (EXPLANATORY PLAN 3383) DISTRICT LOT 1122 GROUP 1 NEW WESTMINSTER DISTRICT	
52.	015-954-269	DISTRICT LOT 1124, GROUP 1 NEW WESTMINSTER DISTRICT EXCEPT PART IN PLAN 16290	The parts previously dedicated by the Old Growth Conservancy Bylaw
53.	015-954-277	DISTRICT LOT 1125, GROUP 1 NEW WESTMINSTER DISTRICT EXCEPT PART IN PLAN 16290	The parts previously dedicated by the Old Growth Conservancy Bylaw
54.	015-954-285	DISTRICT LOT 1126, GROUP 1 NEW WESTMINSTER DISTRICT EXCEPT PART IN PLAN 16290	The parts previously dedicated by the Old Growth Conservancy Bylaw
55.	015-954-293	DISTRICT LOT 1127 GROUP 1 NEW WESTMINSTER DISTRICT	The parts previously dedicated by the Old Growth Conservancy Bylaw
56.	015-954-307	DISTRICT LOT 1128 GROUP 1 NEW WESTMINSTER DISTRICT, EXCEPT PART IN PLAN 16290	The parts previously dedicated by the Old Growth Conservancy Bylaw
57.	015-954-315	DISTRICT LOT 1129 GROUP 1 NEW WESTMINSTER DISTRICT, EXCEPT PART IN PLAN 16290	The parts previously dedicated by the Old Growth Conservancy Bylaw
58.	015-954-331	DISTRICT LOT 1130 GROUP 1 NEW WESTMINSTER DISTRICT	
59.	015-954-358	DISTRICT LOT 1131 GROUP 1 NEW WESTMINSTER DISTRICT	
60.	015-954-366	DISTRICT LOT 1132 GROUP 1 NEW WESTMINSTER DISTRICT	
61.	015-954-374	LOT A (REFERENCE PLAN 2630) DISTRICT LOT 1134 GROUP 1 NEW WESTMINSTER DISTRICT	
62.	015-954-382	DISTRICT LOT 1134, GROUP 1 NEW WESTMINSTER DISTRICT PART IN REFERENCE PLAN 2630	
63.	015-954-404	DISTRICT LOT 1135, GROUP 1 NEW WESTMINSTER DISTRICT PART IN REFERENCE PLAN 2625	
64.	015-954-412	DISTRICT LOT 1136, GROUP 1 NEW WESTMINSTER DISTRICT EXCEPT PART IN REFERENCE PLAN 2301	
65.	015-954-544	LOT A (REFERENCE PLAN 2684) DISTRICT LOT 1133 GROUP 1 NEW WESTMINSTER DISTRICT	

66.	015-955-605	THE WEST 1/2 OF DISTRICT LOT 949, EXCEPT PART IN PLAN LMP50436 GROUP 1 NEW WESTMINSTER DISTRICT	
67.	015-965-295	THAT PART OF LOT D (REFERENCE PLAN 2690) IN EXPLANATORY PLAN 7870 DISTRICT LOTS 806 AND 866 GROUP 1 NEW WESTMINSTER DISTRICT	

Schedule B – Map showing the approximate area of the Upper Lands to be dedicated by bylaw

