COUNCIL REPORT

Date: May 26, 2014
From: Andrew Banks, Senior Manager of Parks; and Corinne Ambor, Manager of Parks Planning and Community Stewardship
Subject: Park Dedication Bylaw No. 4794, 2014 for Whyte Lake Area and Trail

RECOMMENDED THAT:

1. The proposed Park Dedication Bylaw No. 4794, 2014 attached to the report dated May 26, 2014 as Appendix A, be read a first, second, and third time; and that

2. The new park be named Whyte Lake Park.

Purpose

The purpose of this report is to dedicate as park municipally owned lands adjacent to and including Whyte Lake and Whyte Lake Trail, to be known as Whyte Lake Park (Appendix A).

1.0 Background

1.1 Prior Resolutions

At the June 18, 2012, regular meeting, Council passed the following resolutions:

1. The 2012 Parks Master Plan, as set out in Appendix A in the report dated May 23, 2012, titled “Parks Master Plan Final Report” be approved; and that

2. Staff be requested to bring forward a strategy to implement the high priority recommendations contained in the Parks Master Plan for consideration during the 2013 budget process.

At the December 16, 2013, regular meeting, Council passed the following resolutions:

1. Parks and Planning staff consult with the community on the optimal boundaries for park dedication for the publically-owned lands around the Whyte Lake watershed, trail, and Larson Creek wetlands.
2. Parks and Planning staff meet with adjoining land owners to explore watershed protection and possible land-use transfers.

3. Staff report back in early Spring with a recommendation on the optimal boundaries for a park dedication bylaw around the Whyte Lake watershed, trail, and Larson Creek wetlands.

At the June 2, 2014, regular meeting, Council passed the following resolutions:

1. The optimal boundary for a park dedication bylaw for the land surrounding Whyte Lake and Whyte Lake Trail identified in Appendix A to the report dated May 12, 2014, as Areas 1 and 2, be approved; and

2. The area identified in Appendix A to the report dated May 12, 2014, as the Larson Creek Wetlands, be considered for future park dedication, subject to further public consultation; and that

3. Staff prepare a proposed Park Dedication Bylaw for Areas 1 and 2, to be known as Whyte Lake Park.

1.2 History

The 'Parkland Protection and Acquisition' recommendations within the 2012 Parks Master Plan focus on ensuring the protection of all existing and future parks with park dedication bylaws. These recommendations also identify the need to protect areas with high environmental values, cultural and heritage features, and trail corridors.

Protection of the land surrounding Whyte Lake and the Whyte Lake Trail is a high priority action of the 2012 Parks Master Plan. This land was identified as providing significant community benefit. It is also a very popular hiking destination, both locally and regionally, due to the area's accessible pristine lake and forest.

2.0 Policy

2.1 Policy

The 2012 Parks Master Plan sets the direction for the management, protection, and enhancement of, and community engagement within, West Vancouver's parks and open spaces. Recommendations in the Parks Master Plan 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.
2.2.2 Begin the park dedication process with the high priority parks listed in Figure 2.1. Review all other de facto parks and pass park dedication bylaws as is appropriate.

2.2.3 Identify the land surrounding Whyte Lake and Whyte Lake Trail, and protect this area as a park with a park dedication bylaw.

2.2 Bylaw

Park dedication bylaws provide long-term protection to park lands, and this is the method that the District uses to legally protect park land. A park dedication bylaw is considered to confer a high level of protection for park land because of the relative difficulty to remove a formal park dedication. Such a dedication was most recently accomplished with the park dedication of the waterfront lots along Argyle Avenue in May, 2013.

Section 30 of the Community Charter allows a council of a municipality to, by bylaw adopted by 2/3 of all members of council, dedicate municipal land for municipal park purposes.

3.0 Analysis

3.1 Discussion

The long term protection of parks is a key objective of the Parks Master Plan process. Many of the parks in the District are protected by park dedication bylaws. The dedication of parks, in accordance with the Community Charter, is difficult to remove once established.

On June 2, 2014, Council approved Areas 1 and 2, described legally in Park Dedication Bylaw No. 4794, 2014, as the optimal boundary for a park dedication bylaw for the land surrounding Whyte Lake and Whyte Lake Trail (Appendix A).

As reported to Council on June 2, 2014, dedication of these lands is strongly supported by the community. This report now recommends the formal dedication of this municipally owned land as park, and to name the new park “Whyte Lake Park”. This park dedication fulfills the 2012 Parks Master Plan recommendation to dedicate as park the land surrounding Whyte Lake and Whyte Lake Trail.

3.2 Sustainability

The retention of park space in a community is a significant component of the quality of life and of the liveability of that community. This bylaw, along with previous park dedication bylaws, provides park dedication status for the area surrounding Whyte Lake and Whyte Lake Trail. The park dedication helps to ensure that those lands are protected as park into the future.
3.3 Consultation

In addition to the community consultation utilizing WestvancouverITE, extensive community consultation was undertaken during the Parks Master Plan process in 2011 and 2012. The community was strongly in favour of conferring park dedication status on parks, through park dedication bylaws.

3.4 Communications Process

Communication about park dedication took place through the Parks Master Plan process in 2011 and 2012. Additional communication took place to support the recent community consultation on WestvancouverITE, and through discussions with the Upper Lands Working Group.

4.0 Options

4.1 Council may:

- Direct staff to proceed with the recommendations in this report;
- Request further information; and/or
- Not approve the recommendation.

Author:
Andrew Banks
Senior Manager of Parks

Corinne Ambor
Manager Parks Planning and Community Stewardship

Concurrence
Bob Sokol
Director of Planning, Land Development and Permits

Appendix A: Parks Dedication Bylaw No. 4794, 2014.
APPENDIX 'A'

District of West Vancouver

Park Dedication
Bylaw No. 4794, 2014
(Whyte Lake Park)

Effective Date:
District of West Vancouver

Park Dedication Bylaw No. 4794, 2014

A bylaw to dedicate as park municipally owned lands adjacent to and including Whyte Lake and Whyte Lake Trail.

WHEREAS pursuant to Section 30 if the Community Charter, a Council of a municipality may, by bylaw adopted by 2/3 of all members of Council, dedicate municipal land for municipal park purposes;

AND WHEREAS the District of West Vancouver is the registered owner of the following municipal lands:

Parcel Identifier: 008-877-301  
Legal Description: BLOCK B, EXCEPT: FIRSTLY: PART IN PLAN 19181  
SECONDLY: PART ON HIGHWAY PLAN 118 DISTRICT LOT 1494 PLAN 12498

("District Lot 1494");

and

Parcel Identifier: 015-946-991  
Legal Description: DISTRICT LOT 1495 GROUP 1 NEW WESTMINSTER DISTRICT EXCEPT PORTIONS IN REFERENCE PLANS 987 AND 1831, HIGHWAY PLAN 52 AND PART LYING WEST OF REFERENCE PLAN 987 AND PART DEDICATED ROAD ON PLAN BCP23203

("District Lot 1495")

AND WHEREAS a part of District Lot 1494 was dedicated as park under the District's Nelson Canyon Park Bylaw #483, 1931;

AND WHEREAS it is deemed advisable to dedicate District Lot 1495 and that part of District Lot 1494 that is not included as park under the District's Nelson Canyon Park Bylaw #483, 1931 for park purposes;

NOW THEREFORE the Municipal Council of the Corporation of the District of West Vancouver, in open meeting assembled enacts as follows:
Part 1 Citation

1.1 This bylaw shall be cited as Park Dedication Bylaw No. 4794, 2014.

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 Park Lands

3.1 District Lot 1495, shown as Area 2 on the attached Schedule A, and that part of District Lot 1494 that is not included as park under the District's Nelson Canyon Park Bylaw #483, 1931, shown as Area 1 on the attached Schedule A, are allocated, set aside and dedicated for park purposes.

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

Schedule A - Map showing location of lands to be dedicated as park.

Schedules

Schedule A – Map showing location of lands to be dedicated as park.
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 the members of Council on [Date].

__________________________________________
Mayor

__________________________________________
Municipal Clerk
Schedule A – Map Showing Location of Lands to be Dedicated as Park

MAP SHOWING LOCATION OF LANDS TO BE DEDICATED AS PARK

Whyte Lake Area