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

COUNCIL REPORT

Date: November 6, 2015
From: Andrew Banks, Senior Manager of Parks
Corinne Ambor, Manager Parks Planning and Community Stewardship
Subject: Park Dedication Bylaw 4857, 2015 (Caulfeild Park)
File: 2160-05-CPAR7

RECOMMENDATION

THAT "Park Dedication Bylaw No. 4857, 2015", be read a first, second and third time.

1.0 Purpose

The purpose of this report is to dedicate as park the four District-owned lots known as Caulfeild Park 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, dedicate municipal land for municipal park purposes.

2.0 Legislation/Bylaw/Policy

2.1 Bylaw

Park dedication bylaws provide long-term protection to parklands, and this is the method that the District uses to legally protect 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.

2.2 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.
3.0 Background

West Vancouver does not have park zoning in its Zoning Bylaw. Therefore, most parks have the same zoning as the land surrounding them. An analysis of options undertaken by the 2012 Parks Master Plan Working Group (Working Group) determined that adding park zoning would not result in a high level of protection of parks.

The Working Group also determined that many of the parks in the District are protected by park dedication bylaws, a tool which offers a high level of protection, higher than zoning would offer. Dedication of parks occurs in accordance with the Community Charter, and it is difficult to remove once it is established.

3.1 Previous Decisions

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

THAT

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.
3.2 History

The 2012 Parks Master Plan, Section 2.2 titled “Parkland Supply and Protection” reviews the protection of all existing and future parks. The Working Group stated the following in this section:

“A concern of great importance to the PMP Working Group is that a significant number of parks do not have park dedication bylaws, and many of these are key District parks. In addition, some parks are composed of multiple legal properties, including differing designations.” (Page 9, 2012 Parks Master Plan)

The Working Group proceeded to address this issue of park protection for existing and de facto parks with the 2012 Parks Master Plan recommendations 2.2.1 and 2.2.2 (stated previously in section 2 of this report).

Since the adoption of the 2012 Parks Master Plan, the District has been dedicating District-owned lands using park dedication bylaws. In 2013, the District-owned Ambleside Waterfront lands between 13th and 15th streets were dedicated by a park dedication bylaw; and in 2014, the District-owned lots surrounding Whyte Lake were dedicated by a park dedication bylaw (Whyte Lake Park).

4.0 Analysis

4.1 Discussion

Caulfeild Park consists of four District-owned lots, three of which have old park dedication bylaws and one lot that is recognized as a park through a trust. A single Park Dedication Bylaw (Appendix A) is proposed for these four District-owned lots using Section 30 of the Community Charter. This will ensure legal consistency in the dedication of these District-owned lots as parkland. On approval of this proposed Park Dedication Bylaw, this dedicated parkland will be subject to Section 30 of the Community Charter and may only have its dedication removed with the approval of the electors.

The long-term protection of parks is a key objective of the Parks Master Plan process. This proposed Park Dedication Bylaw for Caulfeild Park is in accordance with this objective.

Caulfeild Park has a management plan titled “Caulfeild Park Management Plan”. The Caulfeild Park Management Plan provides guidance on management and maintenance of the park. This management plan was developed by a task force in consultation with residents in the 1990’s and was adopted by Council in 1996. This management plan will not be affected by the proposed Park Dedication Bylaw.
4.2 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 provides park dedication status for Caulfeild Park, which has significant environmental and heritage aspects. The park dedication helps to ensure that these lands are protected as park into the future.

4.3 Public Engagement and Outreach

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

4.4 Other Communication, Consultation, and Research

Communication about park dedication took place through the Parks Master Plan process in 2011 and 2012. The Caulfeild Park Conservation Society and the Lighthouse Park Preservation Society, both which conduct stewardship activities in Caulfeild Park, have been made aware of this Park Dedication Bylaw.

5.0 Options

5.1 Recommended Option

The recommended option is to proceed with first, second and third reading of Park Dedication Bylaw 4857, 2015 (Appendix A). Once adopted, this Bylaw would result in an up to date Park Dedication Bylaw for Caulfeild Park, in accordance with the Community Charter.

5.2 Considered Options

A considered option is to not pass a park dedication bylaw on Caulfeild Park. Since protecting parks was so strongly supported by the Parks Master Plan process, this is not being recommended.

6.0 Conclusion

The long-term protection of parks is a key objective of the Parks Master Plan. The Parks Master Plan involved extensive community consultation which showed that the community was strongly in favour of conferring park dedication status on parks. By approving this Park Dedication Bylaw, Council will help ensure that Caulfeild Park is protected as parkland into the future.
Appendix A: Park Dedication Bylaw No. 4857, 2015 (Caulfeild Park)
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District of West Vancouver

Park Dedication
Bylaw No. 4857, 2015
(Caulfeild Park)

Effective Date:
District of West Vancouver

Park Dedication Bylaw No. 4857, 2015

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District of West Vancouver

Park Dedication Bylaw No. 4857, 2015

A bylaw to dedicate Caulfeild 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, dedicate municipal land for municipal park purposes;

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

Municipal Address: 4784 Pilot House Road, West Vancouver, BC
Parcel Identifier Number: 011-319-607
Legal Description: THAT PART OF BLOCK F IN EXPLANATORY PLAN 2770 DISTRICT LOT 811 PLAN 4763

(“4784 Pilot House Road”);

Municipal Address: 4774 Pilot House Road, West Vancouver, BC
Parcel Identifier Number: 010-751-513
Legal Description: LOT 2 BLOCK F DISTRICT LOT 811 PLAN 6935

(“4774 Pilot House Road”);

Municipal Address: 4712 Dogwood Lane, West Vancouver, BC
Parcel Identifier Number: 006-925-171
Legal Description: BLOCK G DISTRICT LOT 811 PLAN 20002

(“4712 Dogwood Lane”); and

Municipal Address: 4590 Marine Drive, West Vancouver, BC
Parcel Identifier Number: 006-168-388
Legal Description: LOT 5 BLOCK 3 DISTRICT LOT 811 PLAN 4763

(“4590 Marine Drive”);

(4784 Pilot House Road, 4774 Pilot House Road, 4712 Dogwood Lane and 4590 Marine Drive collectively referred to as the “Caulfeild Park Lands”)
AND WHEREAS parts of the Caulfeild Park Lands were previously dedicated, set aside or reserved as park under Bylaw 1040, 1944; Bylaw 1044, 1944; Bylaw 1091, 1945; and Bylaw 1110, 1946 and under other instruments;

AND WHEREAS it is deemed advisable to dedicate all of the Caulfeild Park Lands as park;

NOW THEREFORE, the Council of The Corporation of the District of West Vancouver enacts as follows:

Part 1 Citation

1.1 This bylaw may be cited as Park Dedication Bylaw No. 4857, 2015 (Caulfeild Park).

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 Caulfeild Park Lands

3.1 The Caulfeild Park Lands, namely, those lands legally described as follows and as shown on the attached Schedule A, are allocated, set aside and dedicated for park purposes:

Parcel Identifier Number: 011-319-607
Legal Description: THAT PART OF BLOCK F IN EXPLANATORY PLAN 2770 DISTRICT LOT 811 PLAN 4763;

Parcel Identifier Number: 010-751-513
Legal Description: LOT 2 BLOCK F DISTRICT LOT 811 PLAN 6935;

Parcel Identifier Number: 006-925-171
Legal Description: BLOCK G DISTRICT LOT 811 PLAN 20002; and

Parcel Identifier Number: 006-168-388
Legal Description: LOT 5 BLOCK 3 DISTRICT LOT 811 PLAN 4763.
3.2 The following schedule is attached to and forms part of this bylaw:

Schedule A - Context Map showing lots to be dedicated as park by Park Dedication Bylaw No. 4857, 2015

Schedules

Schedule A: Context Map showing lots to be dedicated as park by Park Dedication Bylaw No. 4857, 2015
READ A FIRST TIME on [Date]
READ A SECOND TIME on [Date]
READ A THIRD TIME on [Date]

AFFIRMATIVE VOTE OF AT LEAST 2/3 OF ALL THE MEMBERS OF COUNCIL on [Date]

ADOPTED by the Council on [Date].

REGISTRATION OF THE BYLAW IN THE LAND TITLE OFFICE (BC Land Title and Survey Authority) on [Date]

Mayor

Municipal Clerk