


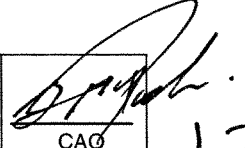
COUNCIL AGENDA/INFORMATION

Closed
 Reg. Council
 Supplemental

Date: _____
Date: June 7, 2010
Date: _____

Item # _____
Item # 12
Item # _____


Director


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

COUNCIL REPORT

Date: May 27, 2010 File: 0510 05 RODG ARE 2
From: Gordon Reid, RIBC, Land and Property Agent
Subject: **Rodgers Creek Area 2 - Road Closure and Removal of Highway
Dedication Bylaw No. 4647, 2010**

RECOMMENDED THAT:

1. Road Closure and Removal of Highway Dedication Bylaw 4647, 2010 be adopted.

Purpose

The purpose of this report is to obtain Council approval to proceed with adoption of Bylaw 4647, 2010, which closes the road (Appendix A), which is located in Rodgers Creek Area 2.

1.0 Background

1.1 Prior Resolutions

November 17, 2008 – Council approved the Development Permit for Rodgers Creek Area 1.

September 22, 2008 – Council adopted three bylaws to give effect to the Rodgers Creek Area Development Plan Overview Report dated March 7, 2008 (the ‘Rodgers Overview Report’):

1. *Official Community Plan (OCP) Amendment* Bylaw No. 4567, 2008 that succinctly describes the Rodgers Creek Area Development Plan (Option B), sets out development permit guidelines for the Rodgers Creek Area, and updates several maps in the OCP to show the new alignment of the Chippendale extension (1000’ connector) to Cypress Bowl Road.
2. *Zoning Amendment Bylaw No. 4568, 2008* that rezoned the 215-acre Rodgers Creek Area to the Comprehensive Development Zone Three (CD3). This zone divides the land into 6 areas, corresponding to the 6 neighbourhoods identified in the Rodgers Overview Report. It allows the planning area to be developed as 736 housing units having 1.875 million square feet and provides land use,

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density and other regulations that are reflective of the plan presented in the Rodgers Overview Report.

3. *The Rodgers Phased Development Agreement (PDA) Bylaw.* This bylaw provides the Owner/Developer with certainty that the land use and density of the proposed CD3 zone would not change for 10 years from the date of adoption of the CD3 zone, except with the written agreement of the Owner or with regard to Accessory Housing. It provides the District with a wide range of amenities including:
- \$7.94 million cash contribution in 5 instalments
 - a serviced site in Area 6 of approximately 0.8 acres
 - The mountain path, activity nodes, environmental enhancement, open space, trails and some mountain biking trails
 - Green buildings
 - Accessible apartment buildings
 - Best practices to protect new development from wildland fires

May 17, 2010 – Council gave first, second and third readings to Road Closure and Removal of Highway Dedication Bylaw 4647, 2010.

1.2 History

Council initiated the approval and actions required, via bylaw, to close and remove highway dedication of an existing road allowance within Rodgers Creek Area 2 and to incorporate the land area into an overall development plan consistent with the Rodgers Creek Overview Report. The proposed Road Closure and Removal of Highway Dedication Bylaw No. 4647, 2010 that is being considered for adoption is attached (See Appendix B).

1.3 Road Closure and Disposal Procedure

The *Community Charter* requires that road closures and removal of highway dedication be accomplished through bylaw adoption, and provides a general prohibition against assistance to business.

Pursuant to section 40 of the *Community Charter*, the process for disposing of road is as follows:

- (a) Council concurrently gives first, second and third reading to the proposed highway closure and removal of dedication bylaw;
- (b) Staff publish statutory notices of disposition once each week for two consecutive weeks. These notices include a date, for the submission of written comment and a date for oral comment for the highway closure. Notice has been given and the date set for the public to make representations is June 7th, 2010 at 7:00 pm.;

-
- (c) Pursuant to section 41(3) of the *Community Charter*, if the proposed road closure is within 800 metres of an arterial highway, the District must refer the bylaw to the Ministry of Transportation (through the local Ministry office) for approval after third reading. Most road closures in the District are caught by this provision due to the location through the community of the Upper Levels Trans Canada Highway, Cypress Bowl Road and Taylor Way. Adoption of the bylaw cannot occur until the bylaw is approved by the Ministry. **Note: Ministry approval was given on May 25th, 2010.**
 - (d) Pursuant to Section 40(4) before the bylaw is adopted notice must be given to “operators of utilities” whose transmission or distribution facilities or works are affected by the closure. Notice has been given to Telus, Bell, BC Hydro and BC Parks as of May 28th, 2010.
 - (e) After the opportunity for making representations has been provided, Council may (but is not obliged to) adopt the highway closure and removal of dedication bylaw. **Note: Public has been notified, see (b) above.**
 - (f) To complete the process, a certified copy of the highway closure and removal of dedication bylaw must be filed at the Land Title Office concurrently with the survey plan and any other required legal documents. In this case the filing will take place concurrently with the Rodgers Creek Area 2 subdivision.

2.0 Policy

- 2.1 Policy – Council must approve the disposition of municipal lands.

3.0 Balanced Scorecard

- 3.1 Corporate Objective Corporate Objective 1.4 – Community Life: Enrich community vitality, health and understanding through integrating arts, learning, inter-cultural experiences and physical activity into our daily lives
- 3.2 Strategic Initiative 1.4.5 – Advance major development applications, consistent with the District Vision

4.0 Analysis

- 4.1 Discussion

This unopened road is 6725.6 m² in size and runs in a North/South direction. It is occupied by a water reservoir, an existing water main utility line and portions of a sanitary sewer line serving Cypress Mountain Recreation.

The Rodgers Creek Overview Report provides for the lands of the unopened road allowance to be used partially as Area 2 development lands and partially as environmentally protected green space.

Portions of the unopened road allowance are surplus to District needs.

Consequently, it is proposed that the 6725.6 m² closed road be used as follows:

- 4588.5 m² remain under District ownership as environmentally protected green space with the existing water reservoir and with the existing sanitary sewer line located between the water reservoir and Cypress Bowl Road
- 2137.1 m² be transferred to British Pacific Properties Ltd. (BPP) and BPP relocate the existing water line in the unopened road allowance from the water reservoir to the new road serving the Area 2 subdivision and tie in the sanitary sewer line currently south of the water reservoir into the new sanitary sewer line in the new road serving the Area 2 subdivision.

While Council may adopt this bylaw at its June 7th, 2010 meeting it will not take effect until it is filed at the Land Title Office. This will occur concurrently with the subdivision.

4.2 Sustainability - In exchange for the 2137.1 m² of land that will be transferred to BPP, the community is receiving, at no cost to the District, a new water service main line that can be easily accessed for maintenance. This component of the project will enhance the long term sustainability of community infrastructure.

4.3 Consultation

The *Community Charter* establishes requirements for public notification.

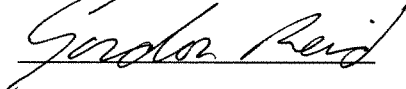
The proposal has been developed in consultation with:

- Municipal legal counsel with respect to the road closure and removal of highway dedication bylaw;
- Engineering staff with respect to utilities.

5.0 Options

5.1 Council can adopt (recommended) or reject Bylaw 4647, 2010 or request additional information.

Authors:



Gordon Reid, RIBC,

Land and Property Agent

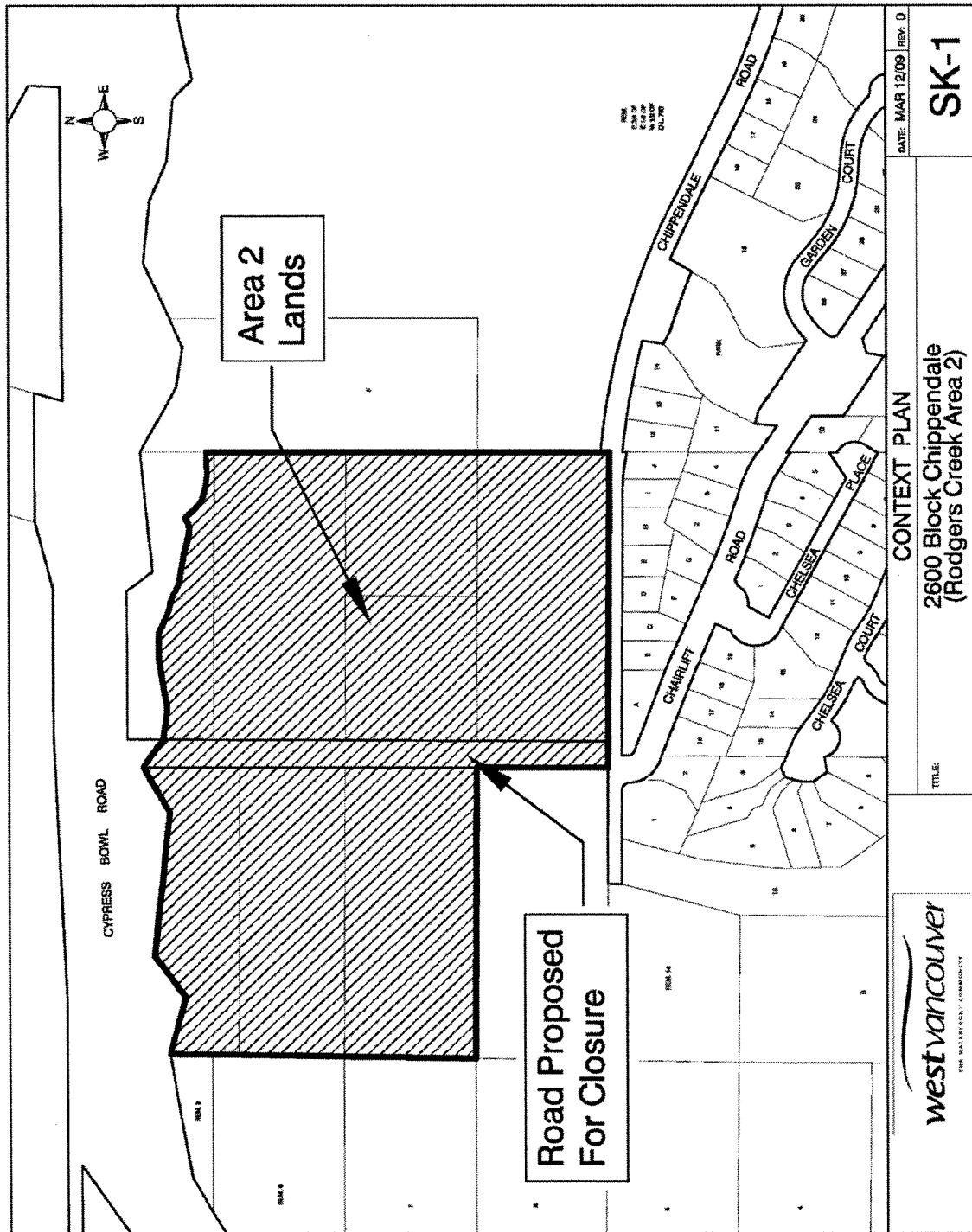


Geri Boyle

Manager of Community Planning

Appendices: Appendix A – Location of Rodgers Creek Area 2 and Proposed Road Closure
Appendix B – Road Closure and Removal of Highway Dedication Bylaw No. 4647, 2010

Appendix A



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APPENDIX 'B'

District of West Vancouver

**Rodgers Creek Area 2 – Road Closure and
Removal of Highway Dedication
Bylaw No. 4647, 2010**

Effective Date:

District of West Vancouver

Rodgers Creek Area 2 – Road Closure and Removal of Highway Dedication Bylaw No. 4647, 2010

A bylaw to close up and remove the dedication of a highway located in the
Rodgers Creek Area 2, West Vancouver

WHEREAS under the Community Charter a Council may close a highway to traffic, remove the dedication of a highway and dispose of municipal land; and

WHEREAS Council has posted and published notices of its intention to close the highway referred to in this bylaw and remove its dedication, and has provided an opportunity for persons who consider they are affected to make representations to Council; and

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

Part 1 Citation

- 1.1 This bylaw may be cited as “Rodgers Creek Area 2 – Road Closure and Removal of Highway Dedication Bylaw No. 4647, 2010”.

Part 2 Substantive Provisions

- 2.1 Attached to this bylaw as Schedule “A” and forming part of this bylaw is a copy of a Sketch Plan of highway closure (the “Plan”).
- 2.2 The portion of highway dedicated by Plan 1598, District Lot 793 shown as Closed Road on the Plan is closed to all types of traffic (the “Closed Road”).
- 2.3 The dedication as a highway of the Closed Road is removed.
- 2.4 The Mayor and Clerk are authorized to execute and deliver such transfers, deeds of land, plans and other documents as are required to effect this road closure and removal of highway dedication and to transfer title to the Closed Road to British Pacific Properties Ltd., the owner of all the lands adjacent to the Closed Road, for the purpose of consolidation of the Closed Road with the said adjacent lands.

Schedules

Schedule A – Sketch Plan of Highway Closure dated May 5, 2010.

READ A FIRST TIME on May 17, 2010

READ A SECOND TIME on May 17, 2010

READ A THIRD TIME on May 17, 2010

APPROVAL BY THE MINISTER RESPONSIBLE FOR THE HIGHWAY ACT ON
May 25, 2010

ADOPTED by the Council on _____.

Mayor

Municipal Clerk

Schedule A

Rodgers Creek Area 2 – Road Closure and Removal of Highway Dedication Bylaw No. 4647, 2010

