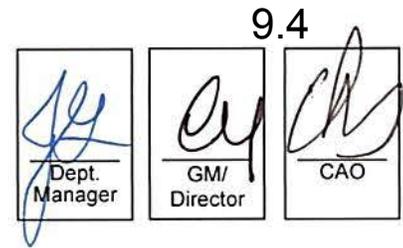


AGENDA INFORMATION	
<input checked="" type="checkbox"/> Regular Meeting	Date: <u>January 30, 2017</u>
<input type="checkbox"/> Other:	Date: _____



## The District of North Vancouver REPORT TO COUNCIL

January 16, 2017  
File: 01.0115.30/002.000

**AUTHOR:** James Gordon, Manager of Administrative Services

**SUBJECT:** Park Dedication Removal Bylaw 8206, 2016 (Portions of Keith-Lynn and Lynn Canyon Parks)

**RECOMMENDATION:**

1. THAT "Park Dedication Removal Bylaw 8206, 2016" is given FIRST, SECOND and THIRD Readings.
2. THAT approval of the electors be obtained by means of an alternative approval process.
3. THAT the elector response form be approved in the form set out in Attachment 2 to the report of the Manager of Administrative Services dated January 16, 2017.
4. THAT the deadline for submission of elector response forms shall be 4:00 pm on Wednesday, March 15, 2017.
5. THAT a fair determination of the number of electors in the District of North Vancouver is 59,617.

**REASON FOR REPORT:**

The reason for this report is to provide three readings to Bylaw 8206 and to assist Council with the requirements of adopting a park dedication removal bylaw.

**BACKGROUND:**

Council wishes to remove the dedication for park and recreation purposes from the selected portions of Keith-Lynn and Lynn Canyon parks originally dedicated in Bylaw 6578 "Keith-Lynn Park Dedication Bylaw" and Bylaw 6338 "Lynn Canyon Park Dedication Bylaw". Removal of the park dedication will permit the land to be used for the reconfiguration of the Highway 1 interchange at Mountain Highway and associated works. Bylaw 8206 identifies these areas and will remove the dedication as park upon adoption.

Section 30 of the *Community Charter* requires that any bylaw removing a park dedication receive approval of the electors before adoption. Approval of the electors may be obtained by

either assent of the electors (a referendum) or by an alternative approval process. The choice of method is at Council's discretion but the considerable cost and time of a referendum makes an alternative approval process the preferable cost-effective option.

In choosing to proceed via an alternative approval process Council must establish three things:

1. The elector response form;
2. The deadline for submission of elector response forms; and,
3. A fair determination of the total number of electors in the District.

This report, and its recommendations, assists Council in meeting its statutory obligation in this regard.

**EXISTING POLICY:**

Keith-Lynn and Lynn Canyon Parks were dedicated for park purposes by referendum in the early 1990s. Accordingly, the District's policy *Requirement for Assent of the Electors by Referendum for Removal of Park Dedication* applies. This policy requires that parks dedicated by referendum only have their dedication removed by referendum. The council of the day enacted this policy to ensure the continued protection of parkland at a high standard and so required this additional level of protection for the removal of District parkland.

**SUMMARY:**

With respect to the current situation, the proposed improvements to the Highway 1 interchange at Mountain Highway are of such regional significance that the Provincial Government would likely opt to expropriate the required lands if approval of the electors were not achieved through either a referendum or an alternative approval process.

The policy requiring a referendum for the removal of dedicated parkland is self-imposed and is not binding on Council. Given the cost and time involved with conducting a referendum, and the strong likelihood of expropriation if a referendum were not successful, adhering to the policy in these circumstances cannot be justified. The statutory requirement that the approval of the electors be obtained before adopting a park dedication removal bylaw is better achieved in these circumstances by an alternative approval process (AAP). Even in this instance if the AAP were to fail it seems inevitable that the Provincial Government would expropriate the required lands.

Considering cost, time and the likely expropriation if there is an adverse result to the required process, it is recommended that Council opt for the most efficient statutory process rather than the more involved optional process.

**ANALYSIS:**

An alternative approval process is a statutory pause in the adoption process of certain types of bylaws that allows the electors to voice their opposition to the planned course of action by Council. It is characterized such that Council may proceed with the matter unless, by the established deadline, at least 10% of the electors indicate that Council must obtain the

assent of the electors (go to a referendum) before proceeding. Approval of the electors by either method must be obtained before Council may proceed with adopting the bylaw. Approval of the electors by way of an alternative approval process is obtained if:

1. Notice is published as required;
2. Electors are provided with an opportunity to indicate that Council may not proceed with the bylaw (via elector response form and the established deadline); and,
3. If, by the established deadline, elector response forms received are less than 10% of the eligible electors.

The Municipal Clerk certifies the result as to whether approval of the electors has been obtained or not.

The format of the elector response form must be established by Council. It must be made available at the District Hall from the time of publication of the first notice until the established deadline. It is permissible for the public to copy the document but they must be copies of the established form. The proposed elector response form is attached to this report as Attachment 2.

The deadline for submission of elector response forms must be at least thirty days after the publication of the second of two required notices. The recommended submission deadline is 4:00 p.m. on Wednesday, March 15, 2017 and is based on the following timetable:

Monday, January 30, 2017	Bylaw is given three readings and direction given to staff to proceed by way of an alternative approval process
Friday, February 3, 2017	First notice published – elector response forms must be available
Friday, February 10, 2017	Second notice published – deadline no sooner than thirty days following
Wednesday, March 15, 2017	Deadline 4:00 p.m. – 33 days after second notice published
Monday, March 27, 2017	Bylaw may be adopted if approval of the electors is obtained (this is the first scheduled regular meeting)

The number of eligible electors at the 2014 general municipal election was 59,617. This number is from Elections BC whose list is adopted by the District as its official list of electors. Given the source of the data and the fact that it is the most recently available list of electors, staff feel it is the most accurate available number and would be a sound basis for a determination of a fair number of electors presently in the District; therefore, the “at least 10%” threshold to be met in order to prevent Council from adopting this bylaw is 5,962 electors.

**Conclusion:**

The foregoing provides background to the decisions Council is required to make in respect of an alternative approval process for Park Dedication Removal Bylaw 8206, 2016. They are required decisions in which Council must be specific. The suggested recommendations fulfil all statutory requirements and provide sufficient direction for staff to proceed with the necessary tasks.

**Options:**

In respect of Park Dedication Removal Bylaw 8206, 2016 Council has the following options:

1. Proceed with an alternative approval process as recommended;
2. Direct staff to return with a modified proposal such as a different elector response form, different submission deadline, or other determination of the number of electors;
3. Direct staff to return with a proposal to proceed via a referendum; or,
4. Not proceed with the removal of park dedication via bylaw.

Respectfully submitted,



James Gordon  
Manager of Administrative Services

- Attachment: 1. Park Dedication Removal Bylaw 8206, 2016  
2. Elector response form

REVIEWED WITH:		
<input type="checkbox"/> Sustainable Community Dev. _____	<input type="checkbox"/> Clerk's Office _____	External Agencies:
<input type="checkbox"/> Development Services _____	<input type="checkbox"/> Communications _____	<input type="checkbox"/> Library Board _____
<input type="checkbox"/> Utilities _____	<input type="checkbox"/> Finance _____	<input type="checkbox"/> NS Health _____
<input type="checkbox"/> Engineering Operations _____	<input type="checkbox"/> Fire Services _____	<input type="checkbox"/> RCMP _____
<input type="checkbox"/> Parks _____	<input type="checkbox"/> ITS _____	<input type="checkbox"/> NVRC _____
<input type="checkbox"/> Environment _____	<input checked="" type="checkbox"/> Solicitor <i>RP</i> _____	<input type="checkbox"/> Museum & Arch. _____
<input type="checkbox"/> Facilities _____	<input type="checkbox"/> GIS _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Human Resources _____	<input type="checkbox"/> Real Estate _____	

The Corporation of the District of North Vancouver

Bylaw 8206

A bylaw to remove park dedication

The Council for The Corporation of the District of North Vancouver enacts as follows:

1. Citation

This bylaw may be cited as "Park Dedication Removal Bylaw 8206, 2016".

2. Dedication Removal

- a) The dedication for park and recreation purposes, as set out in Bylaw 6578 "Keith-Lynn Park Dedication Bylaw", of the portions of Keith-Lynn Park comprising a total of 0.1974 ha (1974.8m<sup>2</sup>) as shown outlined in bold on the plans attached hereto as Schedule "A1" and Schedule "A2" is hereby removed.
- b) The dedication for park purposes, as set out in Bylaw 6338 "Lynn Canyon Park Dedication Bylaw", of the portions of Lynn Canyon Park comprising a total of 0.0195 ha (195.1m<sup>2</sup>) as shown outlined in bold on the plans attached hereto as Schedule "B1" and Schedule "B2" is hereby removed.

READ a first time

READ a second time

READ a third time

ELECTOR APPROVAL OBTAINED

ADOPTED

\_\_\_\_\_  
Mayor

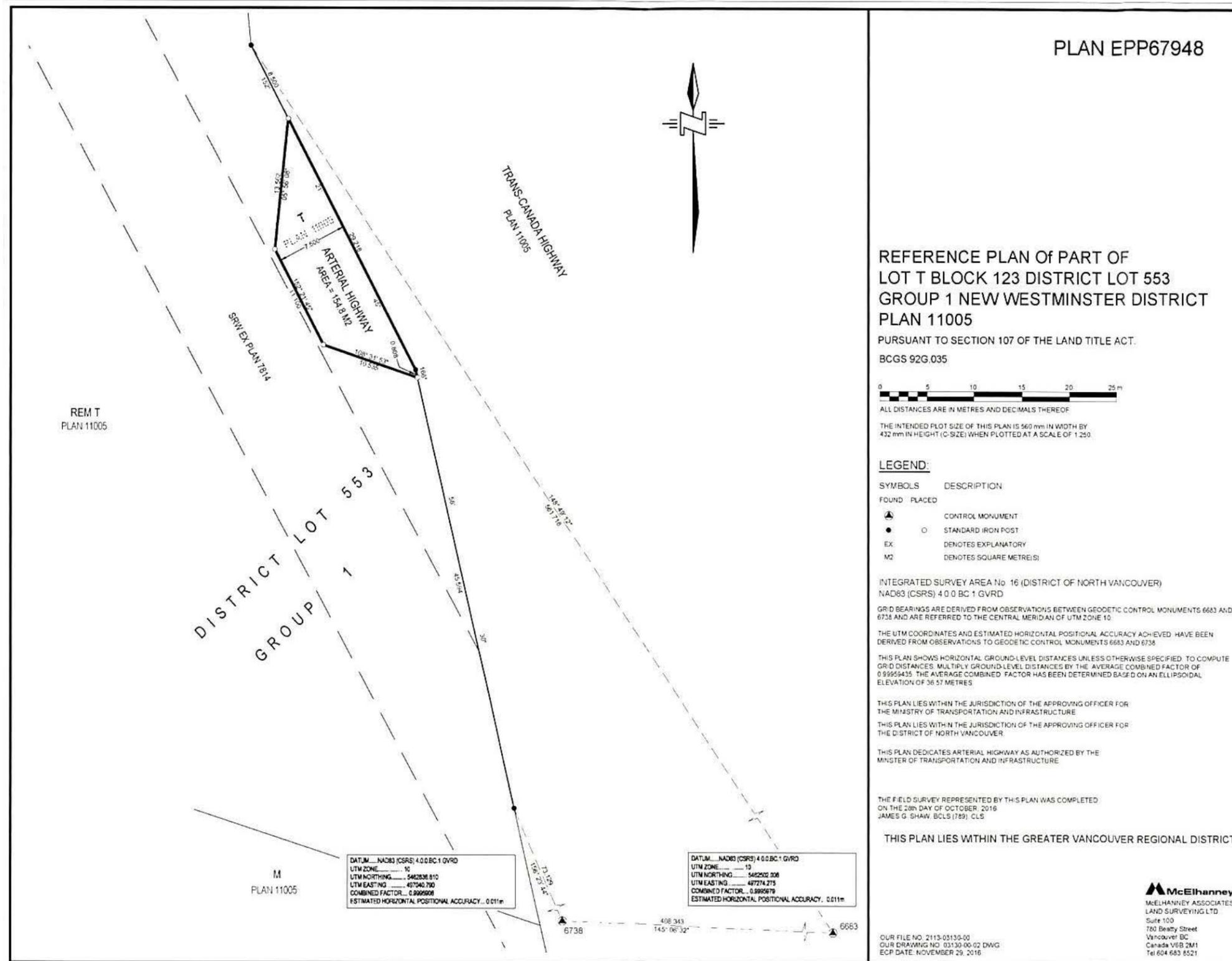
\_\_\_\_\_  
Municipal Clerk

Certified a true copy

\_\_\_\_\_  
Municipal Clerk

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Schedule A1 to Bylaw 8206



PLAN EPP67948

REFERENCE PLAN OF PART OF  
LOT T BLOCK 123 DISTRICT LOT 553  
GROUP 1 NEW WESTMINSTER DISTRICT  
PLAN 11005

PURSUANT TO SECTION 107 OF THE LAND TITLE ACT.  
BCGS 92G.035



ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF.  
THE INTENDED PLOT SIZE OF THIS PLAN IS 560 mm IN WIDTH BY  
432 mm IN HEIGHT (C-SIZE) WHEN PLOTTED AT A SCALE OF 1:250.

**LEGEND:**

SYMBOLS	DESCRIPTION
FOUND	PLACED
	CONTROL MONUMENT
	STANDARD IRON POST
EX	DENOTES EXPLANATORY
M2	DENOTES SQUARE METRES

INTEGRATED SURVEY AREA No. 16 (DISTRICT OF NORTH VANCOUVER)  
NAD83 (CSRS) 4.0.0 BC 1 GVRD

GRID BEARINGS ARE DERIVED FROM OBSERVATIONS BETWEEN GEODETIC CONTROL MONUMENTS 6663 AND 6738 AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 10.

THE UTM COORDINATES AND ESTIMATED HORIZONTAL POSITIONAL ACCURACY ACHIEVED HAVE BEEN DERIVED FROM OBSERVATIONS TO GEODETIC CONTROL MONUMENTS 6663 AND 6738.

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES UNLESS OTHERWISE SPECIFIED TO COMPUTE GRID DISTANCES. MULTIPLY GROUND-LEVEL DISTANCES BY THE AVERAGE COMBINED FACTOR OF 0.99996435. THE AVERAGE COMBINED FACTOR HAS BEEN DETERMINED BASED ON AN ELLIPSOIDAL ELEVATION OF 36.57 METRES.

THIS PLAN LIES WITHIN THE JURISDICTION OF THE APPROVING OFFICER FOR THE MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE.

THIS PLAN LIES WITHIN THE JURISDICTION OF THE APPROVING OFFICER FOR THE DISTRICT OF NORTH VANCOUVER.

THIS PLAN DEDICATES ARTERIAL HIGHWAY AS AUTHORIZED BY THE MINISTER OF TRANSPORTATION AND INFRASTRUCTURE.

THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED ON THE 28th DAY OF OCTOBER, 2016  
JAMES G. SHAW, BCLS (1789) CLS

THIS PLAN LIES WITHIN THE GREATER VANCOUVER REGIONAL DISTRICT

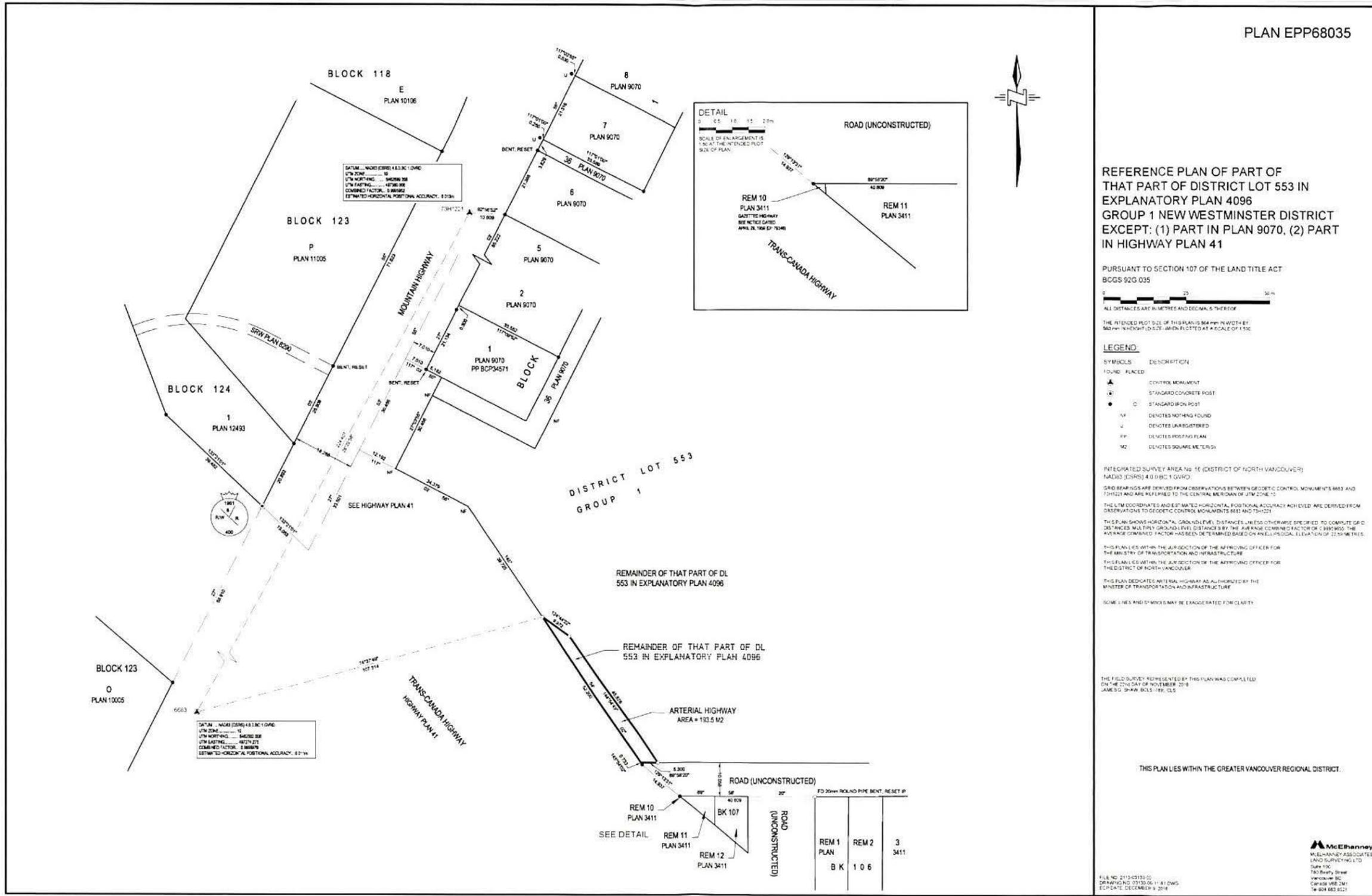
**McElhanney**  
MCELHANNAY ASSOCIATES  
LAND SURVEYING LTD.  
Suite 100  
780 Beatty Street  
Vancouver BC  
Canada V6B 2M1  
Tel 604 683 8521

OUR FILE NO. 2113-05135-00  
OUR DRAWING NO. 03130-00-02 DWG  
ECP DATE: NOVEMBER 29, 2016



Schedule B1 to Bylaw 8206

PLAN EPP68035





DISTRICT OF NORTH VANCOUVER  
ELECTOR RESPONSE FORM

Park Dedication Removal Bylaw 8206, 2016  
Portions of Keith-Lynn and Lynn Canyon Parks

The District of North Vancouver intends to adopt Park Dedication Removal Bylaw 8206, 2016. This bylaw proposes to remove:

- a) the dedication for park and recreation purposes, as set out in Bylaw 6578 "Keith-Lynn Park Dedication Bylaw", of a 0.1974 ha (1974.8m<sup>2</sup>) portion of Keith-Lynn park as shown on the plans attached to the bylaw; and,
- b) the dedication for park purposes, as set out in Bylaw 6338 "Lynn Canyon Park Dedication Bylaw", of a 0.0195 ha (195.1m<sup>2</sup>) portion of Lynn Canyon park as shown on the plans attached to the bylaw.

The portions of land removed from Keith-Lynn and Lynn Canyon parks will be used to accommodate the reconfiguration of the Highway 1 interchange at Mountain Highway and associated works.

- 
- This form may be signed by one or two electors of the District of North Vancouver.
  - For the purposes of signing this elector response form, the term "elector" means a person who, at the time of signing this form, meets the qualifications of the *Local Government Act* for registration as a resident elector or as a non-resident property elector of the District of North Vancouver.
  - Accurate copies of this elector response form may be made and used for signing.
  - A person may not sign an elector response form more than once.
  - A person who is not an elector of the District of North Vancouver must not sign this elector response form.
  - The full name and residential address of each person signing must be included on this elector response form and, if applicable, also the address of the property in relation to which the person is entitled to register as a non-resident property elector.
  - Signed elector response forms must be delivered to the Municipal Clerk, District of North Vancouver, 355 West Queens Road, North Vancouver, BC V7N 4N5, (or by email at [gordonja@dnv.org](mailto:gordonja@dnv.org)) by **4 pm on Wednesday, March 15, 2017.**
- 

I am an elector of the District of North Vancouver. By my signature below, I hereby indicate that the District **should not** adopt Park Dedication Removal Bylaw 8206, 2016:

NAME OF ELECTOR: \_\_\_\_\_  
(please print name)

RESIDENTIAL ADDRESS: \_\_\_\_\_  
(or address of property for which you are registering as a non-resident property elector)

TELEPHONE NUMBER: \_\_\_\_\_

SIGNATURE OF ELECTOR: \_\_\_\_\_

\*\*\*\*\*

NAME OF ELECTOR: \_\_\_\_\_  
(please print name)

RESIDENTIAL ADDRESS: \_\_\_\_\_  
(or address of property for which you are registering as a non-resident property elector)

TELEPHONE NUMBER: \_\_\_\_\_

SIGNATURE OF ELECTOR: \_\_\_\_\_