



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

A G E N D A

SPECIAL MEETING OF COUNCIL

Monday, November 10, 2008

[Following the Regular Committee of the Whole at 7:00 p.m.]

Esquimalt Council Chambers

1. **CALL TO ORDER**

2. **LATE ITEMS**

3. **APPROVAL OF THE AGENDA**

4. **REPORTS FROM COMMITTEES**

- (1) Report from Regular Committee of the Whole, November 10, 2008

5. **STAFF REPORTS**

Administration

- (1) Amended Minutes from October 20, 2008 Regular Council Meeting, Staff Report No. ADM-08-035 Pg. 1 – 2

Development Services

- (2) Request for Community Representative from Esquimalt, Staff Report No. DEV-08-109 Pg. 3 – 13
- (3) Development Permit, 1190 Rhoda Lane [Lot 1, Section 2, Esquimalt District, Plan 7068, Except Plan VIP84344], Staff Report No. DEV-08-110 Pg. 14 – 19
- (4) Request from Owner of 1190 Rhoda Regarding Park Dedication, Staff Report No. DEV-08-111 Pg. 20 – 25

6. **MOTION TO GO IN CAMERA**

Motion to go *In Camera* pursuant to Section 90 of the *Community Charter* to consider adoption of the minutes of the *In Camera* Meeting of Council held November 3, 2008 at 6:15 p.m., pursuant to Sections 90(2)(b) and 90(1)(c) and that the general public be excluded.

7. **ADJOURNMENT**



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C. V9A 3P1
Telephone (250) 414-7100 Fax (250) 414-7111

STAFF REPORT

DATE: November 6, 2008 Report No. ADM-08-035
TO: Tom Day, Chief Administrative Officer
FROM: Larry Randle, Manager of Corporate Services
SUBJECT: Amended Minutes from October 20, 2008 Regular Council Meeting


RECOMMENDATION:

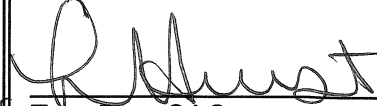
That Council receive for information, the attached CREST resolution from the October 20, 2008 Regular Council meeting.

BACKGROUND:

At the November 3, 2008 Regular Council meeting the resolution respecting the Capital Regional Emergency System Telecommunications Inc. (CREST) under section 11 of the minutes of the October 20, 2008 Regular Council meeting was amended and the minutes were subsequently adopted by Council.

It was requested that the amended resolution be re-presented to Council in an open meeting. The attachment reflects the amended resolution.


Larry Randle
Manager of Corporate Services

<p>Approved for Council's consideration:</p> <p> Tom Day, CAO</p> <p>Dated: <u>Nov 6/08</u></p>
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Moved by Councillor Freedman, seconded by Councillor Hundleby:

WHEREAS:

The Corporation of the Township of Esquimalt is a shareholder (owning one share) of the Capital Region Emergency System Telecommunication Inc. (CREST), which provides interoperable emergency radio communications to the Victoria Police Department (VicPD) and the Esquimalt Fire Department among other users, and

WHEREAS:

A letter dated September 17, 2008 addressed to CREST (attached) from the Victoria Police Board indicates that;

- "... the Board is continuing its exploration of communication system alternatives. When we have identified a preferred solution we will be approaching CREST to discuss financial solutions that work for both CREST and VicPD.", and

WHEREAS:

- CREST remains on time, and within budget, in regard to the upgrade of the system.
- Testing to date of Phase 1 of the upgrade delivered results greater than contracted with Motorola in regards to coverage and reliability. CREST and Motorola results, subject to independent testing, exceeded 97% required by all users and emergency standards.
- Upgrades to any radio communication system require a time period of refinement and optimization where operational issues are identified and rectified. Any issues during this period were resolved and the CREST system in Phase 1 is now in a steady state, with the system providing excellent communications to the Victoria Police Department.
- CREST is delivering a system that received unanimous shareholders approval (including that of Victoria and Esquimalt). All users of the system also unanimously approved specifications and the improvements to the system.
- Not using the CREST system would require the VicPD to repay to CREST the VicPD portion of all of the incurred capital expenditures to date causing.
- Using the CREST system together with an alternative system would cause the VicPD to increase its operating and capital costs unnecessarily, and

WHEREAS:

The Corporation of the Township of Esquimalt would be required to pay approximately 14% of the operating and capital expenditures noted above, which expenditures would be more effectively used for Township of Esquimalt directed programs and services and which would cause unnecessary additional financial hardship to Township of Esquimalt taxpayers.

THEREFORE BE IT RESOLVED:

That the Corporation of the Township of Esquimalt advise the Victoria Police Board and the City of Victoria that it will not approve its portion of any future Victoria Police Department budget which includes capital expenditures for any alternative emergency radio or cell phone system to be used either in replacement of the CREST system, or to be used in conjunction with the CREST system.

AND THEREFORE BE IT FURTHER RESOLVED:

That the Corporation of the Township of Esquimalt provide a copy of this resolution to the Solicitor General and Minister of Public Safety.

The motion **CARRIED**.

STAFF REPORT

DATE: 6 November 2009 **REPORT NO.** DEV-08-109
TO: Tom Day, Chief Administrative Officer
FROM: Barbara Snyder, Director of Development Services
SUBJECT: Request for Community Representative from Esquimalt

RECOMMENDATION

That Council provide BC Transit with the name of a community representative to participate in the Victoria Regional Rapid Transit Project.

FOR INFORMATION

BC Transit is developing a rapid transit master plan for the Victoria region. The project will assess alternative modes of transit service [commuter rail, tram, light rail, rapid bus, etc] and alternative alignments for these services. The project is a partnership of three organizations: Ministry of Transportation and Infrastructure, Capital Regional District and BC Transit.

Communication with various communities in the region is essential to the success of this planning. Two committees are being formed, one for transportation professionals [and municipal staff representatives] and another for community stakeholders. The Community Liaison Committee will be comprised of representatives from various organizations and interest groups. The first CLC meeting is anticipated for November 2008.

CLC participants will be expected to attend meetings and report back to their respective organizations. They will also be required to provide feedback to the Working Committee and participate at public meetings/open houses.

The letter from BC Transit requesting the name and contact information for Esquimalt's representative is attached. Also attached is a Project Work Plan which outlines of Phase 1 of the project.



Barbara Snyder
Director of Development Services

Approved for Council's consideration:

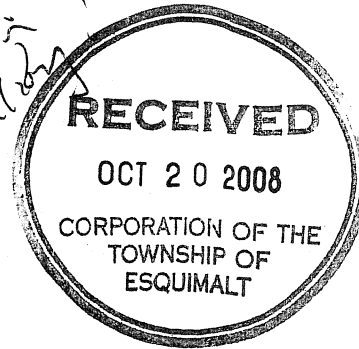


Tom Day, Chief Administrative Officer

Dated: Nov 8/08

October 16, 2008

*Barb: Here
Finally is
the information!*



Re: INVITATION to Participate – Victoria Regional Rapid Transit Project

In January 2008, the Government of British Columbia announced the Provincial Transit Plan. The goal of the plan is to double transit ridership in Victoria and throughout the province to achieve social, economic and environmental benefits.

In support of the Plan, BC Transit is commencing a project to develop a rapid transit master plan for the Victoria region and then to move towards implementation of the first stage of this plan - linking Downtown Victoria to the Westshore. The project will assess alternative modes of rapid transit service (commuter rail, tram, light rail, rapid bus, etc) and alternative alignments for these services. Throughout the process, the benefits to our environment and the linkage of land use, transportation, business and community will be of key importance.

The project is being undertaken as a partnership of three organizations; The Ministry of Transportation and Infrastructure, the Capital Regional District and BC Transit.

To facilitate a positive solution, a comprehensive process will be employed. This will include a working committee comprised of transportation professionals with expertise in various areas (rail, light rail transit, buses, land use etc.)

An essential component of this process will be communicating with the various communities in the region. To ensure this communication occurs, the project will be supported by a Community Liaison Committee (CLC). The CLC will be comprised of representatives from various stakeholders, organizations and interest groups. Throughout the project, the working committee will be assisted by the CLC.

The roles and responsibilities of the CLC participants will be to:

- Attend committee meetings every 6 to 8 weeks over the next 12 to 14 months.
- Communicate back to the respective organization about the project and bringing comments forward to the Working Committee
- Provide feedback to the Working Committee prior to all public open houses
- Participate at public open houses.

I have attached the project work plan and a list of the organizations being contacted to participate on the CLC. The first meeting of the CLC is anticipated for the last half of November.

On behalf of BC Transit and our partners, I would like to invite your organization to participate in the process as a member of the CLC.

If your organization is interested, please send the name and contact information of your representative to us by **October 31st**. Should you have any questions or suggestions of other organizations that should be added, please contact Erinn Cousins, Project Director at BC Transit, erinn_cousins@bctransit.com

If you do not want to participate on the committee, but are interested in regular updates, please forward your contact information to us.

Thank you very much for considering this opportunity to assist us in planning for the region's future.



Manuel Achadinha,
President and CEO

Attachment:

1. Victoria Regional Rapid Transit Work Plan
2. Potential Community Liaison Committee Membership List

217-1006 (B)

Potential Community Liaison Committee Members

Business Groups

North Douglas Business Association
Westshore Chamber of Commerce
Greater Victoria Chamber of Commerce
Downtown Victoria Business Association
Urban Development Institute
Carson Development Group
Cambridge Developments (Mayfair)
Morguard (Town & Country)
RioCan (Tillicum)
Bentall Group (West Shore Town Center)
Turner Lane (Colwood Corners)
Westhills Development Corp
Canadian Federation of Independent Business
Tourism Victoria
Jawl Properties

Community Groups

Victoria Community Representative
Saanich Community Representative
Uvic Student Society
View Royal Community Representative
Colwood Community Representative
Langford Community Representative
● Esquimalt Community Representative
Oak Bay Community Representative
Cowichan Community Representative
Sooke Community Representative
Central Saanich Community Representative
Highlands Community Representative
Metchosin Community Representative
North Saanich Community Representative
Sidney Community Representative

First Nations

Esquimalt First Nations
Songhees First Nations

Transportation/Environment Groups

Island Transformations
Island Corridor Foundation
Greater Victoria Cycling Coalition
Accessible Transportation Advisory Committee
Citizens for Commuter Rail (C4CR)

Institutions/Agencies

DND
BC Ferries
VIATECH
Airport Authority
Victoria Harbour Authority
UVIC
Camosun
Royal Roads
VIHA
Victoria School District
Sooke School District

PROJECT WORK PLAN

VICTORIA REGIONAL RAPID TRANSIT PROJECT

October 01, 2008

BC Transit	Date
Ministry of Transportation & Infrastructure	Date
Capital Regional District	Date

VICTORIA RAPID TRANSIT PHASE 1: LINKING THE WESTSHORE

- In 1996, the Provincial Government funded an alignment evaluation study for a LRT line between Downtown and Langford located primarily on Douglas Street and the Galloping Goose. A follow up study assessed the costs and a basic operating plan for a commuter rail style of service on the E&N between Duncan and Victoria.
- In April 2005, the CRD adopted the Travel Choices Strategy as the long term plan for the development of transportation networks including goals and objectives for a high capacity transit priority network for the region.
- In June 2005, BC Transit published the *Rapid Transit Network Development for the Victoria Region*. This is primarily a strategic planning document which gives an overview of vehicle, infrastructure and service concept plans for the overall rapid transit network.
- In October 2005, BC Transit published the *Douglas Street/ Highway 1 Transit Priority Study* which provides a detailed analysis of the service, operational and infrastructure requirements for a Rapid Bus alignment on Douglas Street between Downtown Victoria and Town and Country Centre.
- In December 2007, BC Transit released *Western Communities Transit Priority Project – Problem Definition Report* which gives details on the road, intersection, operational and service requirements for an extension of the Rapid Bus alignment from Town and Country to Langford Centre.
- In January 2008, Communities for Commuter Rail (C4CR) released the *Westshore Tram Line Assessment* which evaluated the feasibility of commuter rail on the E&N right of way from the Westhills development via Langford Centre and Esquimalt to the terminus on Wharf Street in Downtown Victoria.

2. Project Scope

Utilizing the new statement of objectives and commitment of funding included in the *Provincial Transit Plan*, the initial phase of this project has two key functions:

1. To reaffirm and define the key corridors in Victoria; and
2. To examine alignment and mode options to service the Westshore/Victoria market and to develop staging recommendations aimed to maximize benefits, build ridership, support regional growth plans and to provide foundations for future investment.

While the focus of this project is primarily to develop the Westshore corridor for Rapid Transit, a regional strategy must be considered as part of this project (i.e, the solution presented for the Westshore needs to link and feed into the other key corridors that will be identified as part of this project).

VICTORIA RAPID TRANSIT PHASE 1: LINKING THE WESTSHORE

4. Related Projects

In addition to partnerships, this project also seeks to gain synergies from related concurrent projects, including:

- The CRD parks regional rail trails development (including the E&N Rail Trail).
- Ministry of Transportation and Infrastructure highway maintenance and capital upgrades.
- The CRD Travel Choice Strategy – focusing on intermodal transportation including walking, cycling, using transit, ride-sharing or using other alternatives to driving alone.
- Alignment with municipal Official Community Plans (OCP's) and major campus/site development plans including University of Victoria, Camosun, Royal Roads University, ViaTEC, Victoria International Airport, Jubilee Health Centre, etc.

While there is no current project underway, it is important to link closely with the Island Corridor Foundation to ensure that plans for the corridor and plans for rapid transit are supportive of each other.

5. Project Phases and Schedule

The project is comprised of three phases: Pre-Implementation (Planning and Design), Implementation (Construction), and Post-Implementation. The following section provides a general outline of each phase and associated schedule. A more detailed schedule is included in Appendix A.

Project Phase	Timeline
Pre-Implementation	Planning: September 2008 – September 2009 PDR: October 2009 to January 2010 Detailed Design: January 2010 to TBD
Implementation	TBD
Post-Implementation	TBD

PRE-IMPLEMENTATION (PLANNING & DESIGN)

The pre-implementation work has been broken into 3 stages, Planning, Project Definition and Detailed Design. Public consultation will be an important milestone at each of these stages.

STAGE 1: Planning (September 2008 to September 2009)

Phase 1: Goals, Requirements, Criteria

The first phase of the project will be to review existing studies, collect baseline data and develop BC Transit, municipal, and community goals and functional requirements for a regional rapid transit system. This phase will be very important as the functional requirements will eventually become the screening criteria used to evaluate the various options proposed.

VICTORIA RAPID TRANSIT
PHASE 1: LINKING THE WESTSHORE

The PDR will allow for a detailed business case to be submitted as part of the 2011/12 capital budget cycle. Specific timing around implementation will depend on the recommended option.

STAGE 3: Detailed Design (January 2010 to TBD)

This stage will involve development of detailed design drawings and specifications, property acquisition plans and environmental assessments, in accordance with the project delivery strategy outlined in the project definition stage, enabling the project to proceed to construction.

IMPLEMENTATION (TBD)

This phase of the project involves tendering the various projects for construction and cannot be defined until a preferred solution is selected.

POST-IMPLEMENTATION (TBD)

This phase of the project will involve the following:

- Evaluate and monitor the implemented solution and its component parts.
- Recommend and implement minor improvements to ensure benefits are realized.
- Recommend any required service adjustments to ensure benefits are realized.

**VICTORIA RAPID TRANSIT
PHASE 1: LINKING THE WESTSHORE**

Exhibit 6: Project Roles and Responsibilities

Role	Name & Title	Responsibilities
Minister of Transportation and Infrastructure	Honourable Kevin Falcon	<ul style="list-style-type: none"> • Sets policy direction for Provincial Transportation. • Responsible for financial contribution to BC Transit.
BC Transit Board of Directors		<ul style="list-style-type: none"> • Responsible for setting strategic direction and policy for BC Transit. • Responsible for approving and submitting all major capital project business cases to the Minister of Transportation and Infrastructure. • Responsible for approving operating and capital funding as part of the BC Transit annual budget.
Victoria Regional Transit Commission		<ul style="list-style-type: none"> • Approval of annual service plans, fares, and generating local taxation. • Responsible for final decisions on requirements, options, recommendations and requests to BC Transit Board of Directors.
Steering Committee	<p>Manuel Achadinha, President & CEO, BC Transit – Chair</p> <p>Mike Proudfoot, Ministry of Transportation & Infrastructure</p> <p>Sheila Taylor, Ministry of Transportation & Infrastructure</p> <p>Ron Drolet, Senior Vice President Planning & Business Development, BC Transit</p> <p>Kelly Daniels, Chief Administrative Officer, Capital Regional District</p>	<ul style="list-style-type: none"> • Provides overall direction to the project and sets the key functional requirements. • Receives regular updates from the project team. • Responsible for delivering the Project to the Commission and ensuring Commission, government and BCT objectives are met. • Review significant project steps • Approve significant consultant contract decisions.
Project Sponsor	Manuel Achadinha, President & CEO, BC Transit	<ul style="list-style-type: none"> • Champion project within own organization and support the provision of appropriate project resources to ensure the success of the project. • Participates as a member of and chairs the Steering Committee. • Ensures policy is being adhered to

**VICTORIA RAPID TRANSIT
PHASE 1: LINKING THE WESTSHORE**

Role	Name & Title	Responsibilities
		and the project.
Stakeholder Liaison Committee		<ul style="list-style-type: none"> Liaison with the communities, transportation related agencies, business groups etc.
Sub Consultants	As appointed by the Project Management Team	<ul style="list-style-type: none"> Specifically directed functions as determined by the Project Management Team.

7. Project Budget

It is estimated that Stage 1 (Planning) will cost approximately \$800,000. Once the Master Plan is completed and the preferred solution has been identified, additional funding will be released to support the project implementation, including the completion of the Project Definition Report, detailed design and submission of the detailed business case. At this time, it is premature to identify the total cost of pre-implementation until a preferred solution has been identified.

It has been agreed that TRAN will contribute approximately 30% to assist in funding the project and that CRD will provide resources in-kind (estimated value 5-10%) and BC Transit will fund the remainder of Stage 1.

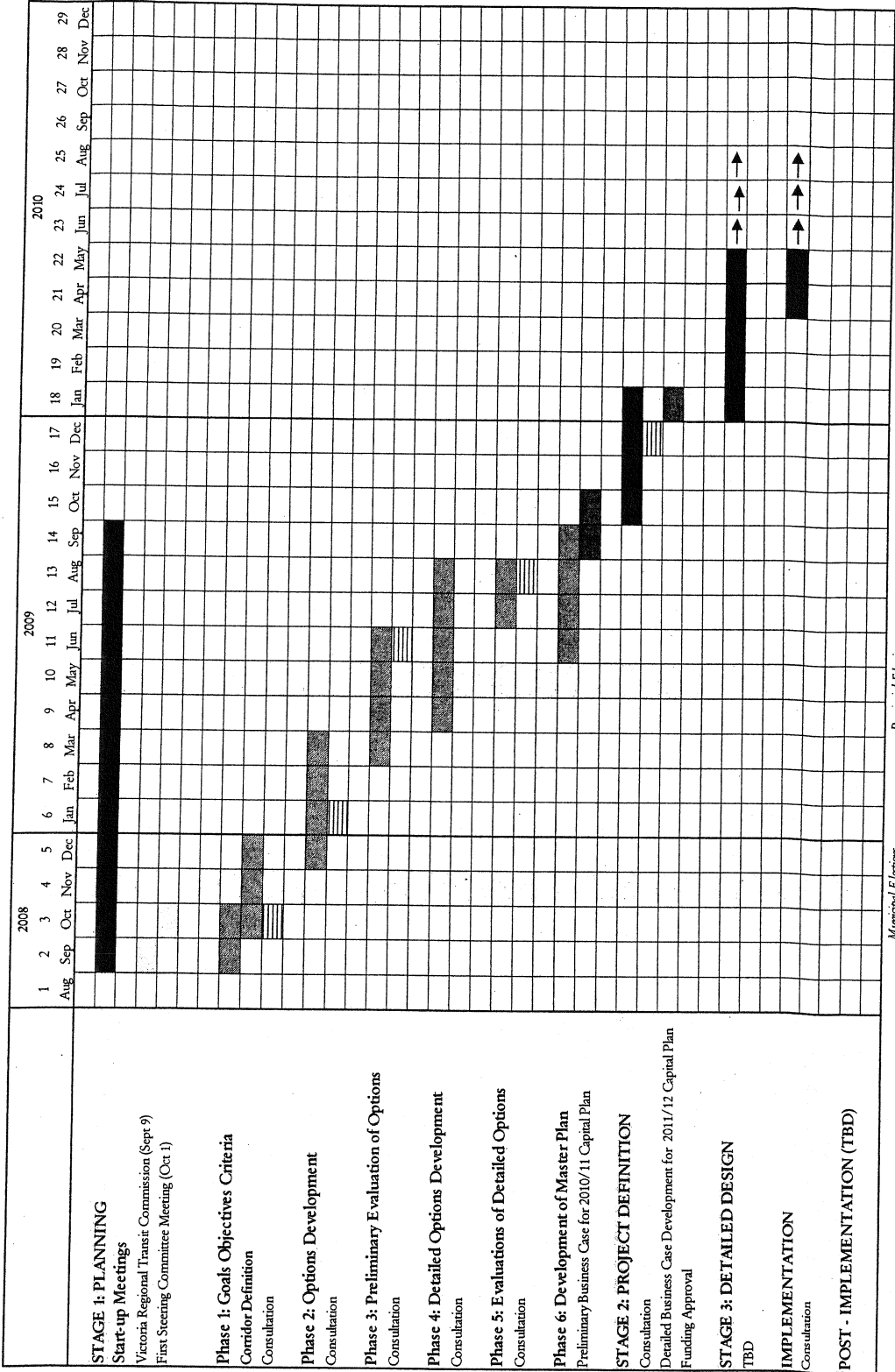
8. Communications Plan

A detailed communications plan using the 'RACE' methodology (Research, Analysis, Communication, Evaluation) is included as part of the project management. BC Transit will foster a dialogue approach of two-way communications and symmetric relationships that focus on active listening and encouraging dialogue with its stakeholders. Each stage of the project will include information dissemination and public idea/response gathering through multiple channels.

8.1 RACE Methodology

1. Communications *research* will be conducted to determine the existing opinions and attitudes of the residents, businesses and other stakeholders. A standing monthly survey will track public awareness, attitudes and trends as the project work advances. Research will also include communication successes and challenges of similar major transportation plans and projects in communities such as Halifax (BRT), Vancouver (Canada Line, Evergreen Line), York (BRT), Calgary (West Line LRT) and Edmonton (LRT South Exenstion).

PHASE 1: LINKING THE WESTSHORE Project Time Line



STAFF REPORT

DATE: 4 November 2009 **REPORT NO.** DEV-08-110
TO: Tom Day, Chief Administrative Officer
FROM: Barbara Snyder, Director of Development Services
SUBJECT: DEVELOPMENT PERMIT
1190 RHODA LANE
[Lot 1, Section 2, Esquimalt District, Plan 7068, Except Plan VIP84344]

RECOMMENDATION

That Development Permit No. 17/2008 limiting landscaping on the northern portion of Lot 1, Section 2, Esquimalt District, Plan 7068, Except Plan VIP84344 [1190 Rhoda Lane] to that shown on landscape plans provided by LADR Landscape Architects, stamped "Received September 5, 2008", be **approved, issued** and **registered** on the property title.

BACKGROUND

The subject property is within Development Permit Area No. 4 [DPA No. 4] as defined in the Official Community Plan. The purpose of DPA No. 4 is to restore the shoreline vegetation to a more natural state and provide habitat for fish and wildlife. Lands within DPA No. 4 cannot be subdivided unless a Development Permit has been issued.

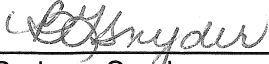
This application was considered at the October 14th, 2008 meeting of the Committee of the Whole. The recommendation of the Committee was adopted by Council at the Special Meeting held the same evening. The Advisory Planning Commission had considered this application at its meeting of September 16th and recommended that the Permit be approved.

The application would have been returned to the November 3rd Council meeting for consideration, however, it was discovered that the property may contain an archaeological site. The owners have engaged I. R. Wilson Consultants Ltd. to determine the extent and significance of the site.

Our lawyers have advised that this application for a Development Permit can be approved prior to the completion of the archaeological assessment noting that, Esquimalt does not have Development Permit guidelines dealing with archaeological matters and the *Heritage Conservation Act* makes it an offence for the owner to disturb an archaeological site and therefore the Township needn't concern itself with the matter.


The landscape plan prepared by LADR Landscape Architects [copy attached] meets the intent of the guidelines of DPA No. 4 - Gorge Waterway. The plan would rehabilitate approximately 60 metres of the Gorge Waterway with native species while retaining a significant number of existing trees.

If this application is approved, a bond for 120% of the estimated value of all landscaping will be required to ensure that work is completed as shown on Schedule "A" of Development Permit No. 17/2008



Barbara Snyder
Director of Development Services

Approved for Council's consideration:



Tom Day, Chief Administrative Officer

Dated: NOV 6/08

for

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

DEVELOPMENT PERMIT

NO. 17/2008

Owner: Datatech Development Inc.
300 – 1095 MacKenzie Avenue
Victoria, BC V8P 2L5

Lands: [Lot 1, Section 2, Esquimalt District, Plan 7068, Except Plan
VIP84344]

Address: 1190 Rhoda Lane

Conditions:

1. This Development Permit is issued subject to compliance with all of the bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit.
2. Approval of this Development Permit is issued in accordance with landscape plan prepared by LADR Landscape Architects, stamped "Received September 5, 2008" and attached hereto as Schedule 'A'.
3. The lands shall be developed in accordance with the terms and conditions and provisions of this Permit, provided that minor variations which do not affect the overall design may be permitted by the Director of Development Services.
4. The terms, conditions and covenants contained herein shall ensure to the benefit of and be binding upon the Owners, their executors, heirs or administrators, successors and assigns as the case may be or their successors to title in the lands.
6. This Development Permit is not a Building Permit.
7. This Permit lapses two (2) years after the date it is issued if the holder of the Permit does not substantially start any construction with respect to which the Permit was issued.
8. For the purposes of this Development Permit, the holder of the Permit shall be the owner(s) of the lands.

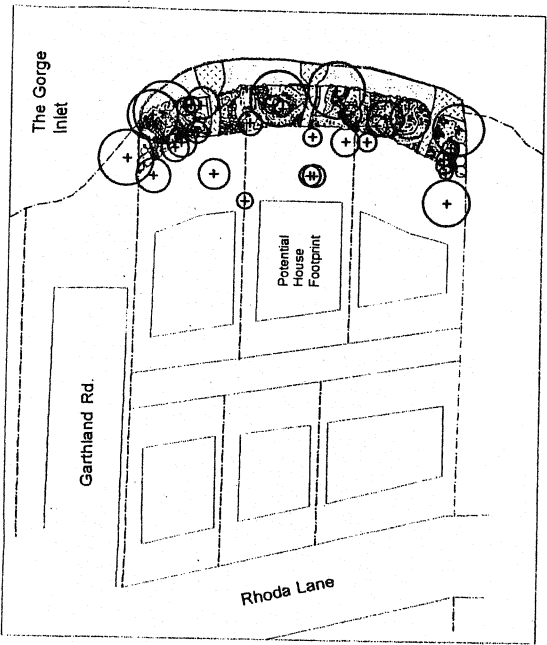
ISSUED BY MUNICIPAL COUNCIL RESOLUTION ON THE _____ DAY OF
_____, 2008

SIGNED THIS _____ DAY OF _____, 2008

Director of Development Services

Corporate Officer
Corporation of the Township of Esquimalt

Location Map



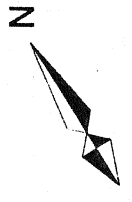
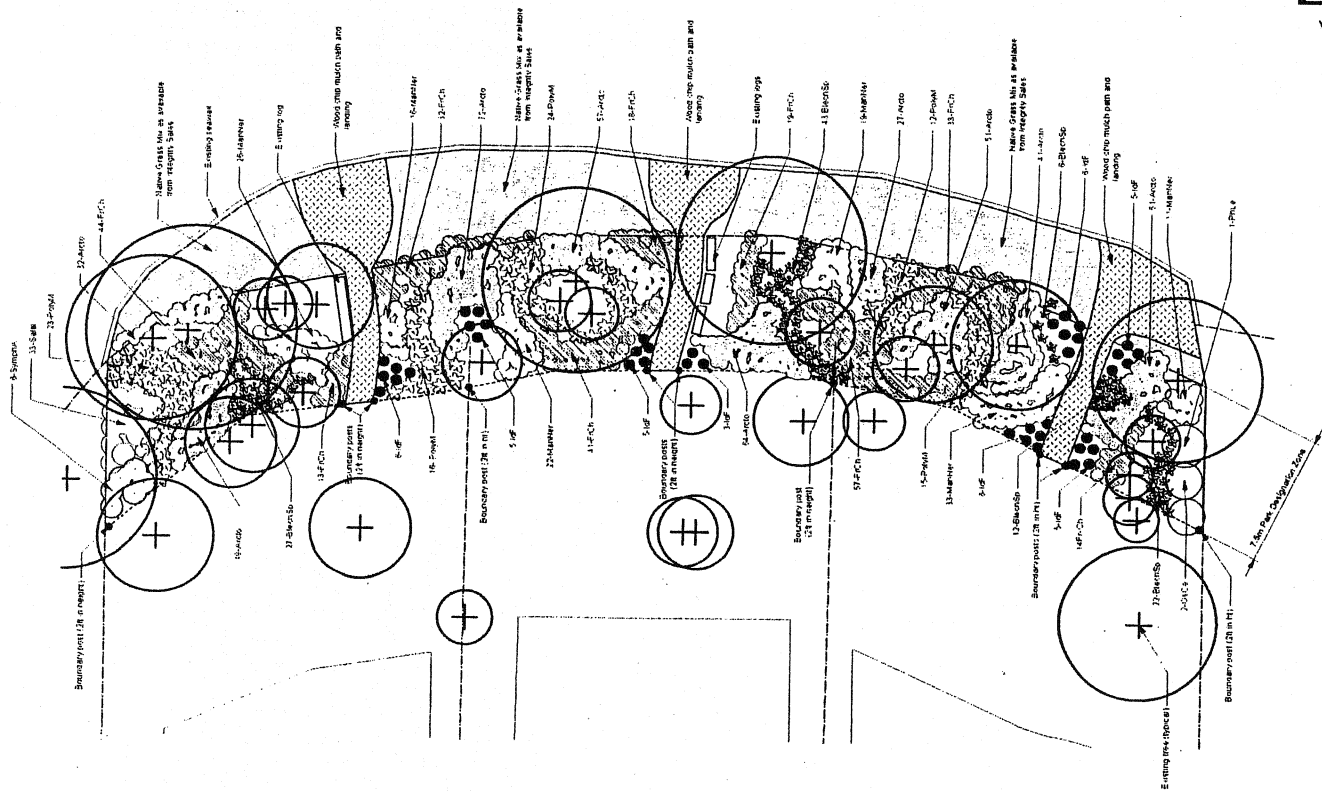
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Required Plant List

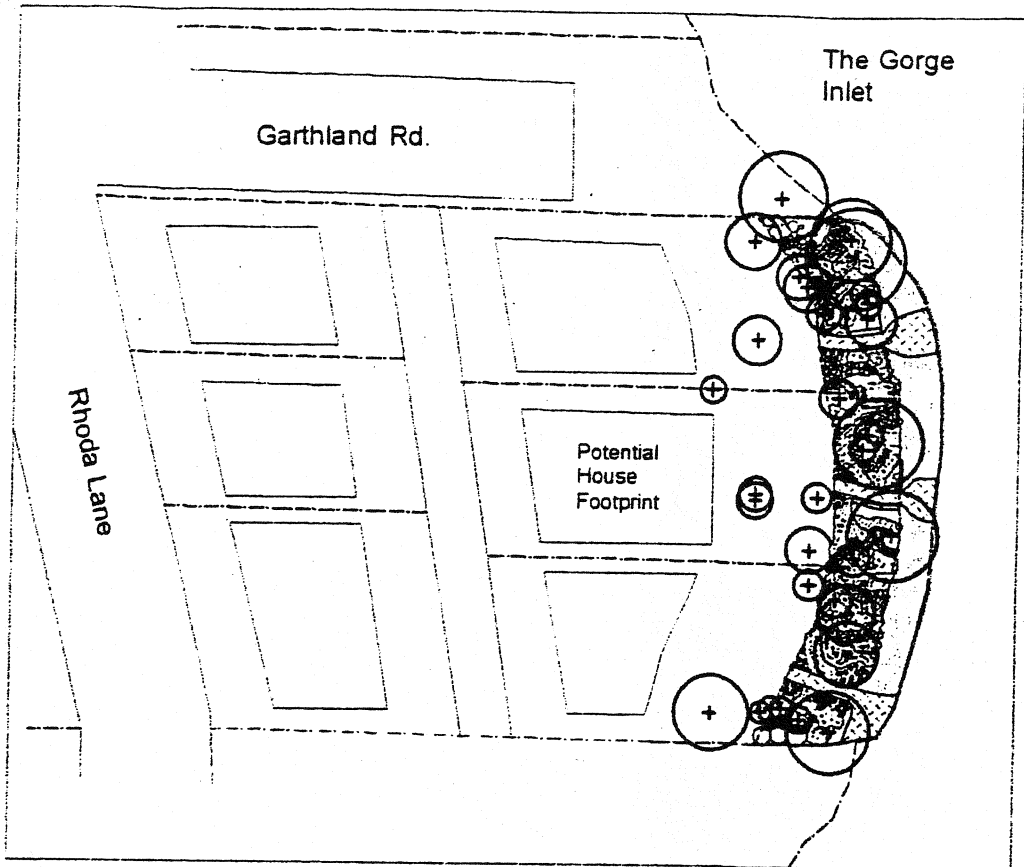
Large Shrubs	Botanical Name	Common Name	Size
ID			
Quantity			
1	Ornamental carolinensis	Mock Orange	#1 pot
1	Philadelphus lewisii	Mock Orange	#1 pot
Medium Shrubs	Botanical Name	Common Name	Size
ID			
Quantity			
1	Salix	Salix	#2 1/2 pot
1	Salix douglasii	Hardhack	#2 1/2 pot
6	Symphoricarpos alba	Snowberry	#1 pot
Small Shrubs	Botanical Name	Common Name	Size
ID			
Quantity			
0			
11	Mahonia nervosa	Low Oregon Grape	#1 pot
16	Mahonia repens	Creeping Oregon Grape	#1 pot
Perennials, Annuals and Ferns	Botanical Name	Common Name	Size
ID			
Quantity			
104	Blechnum spicant	Deer fern	#1 pot
41	Festuca rubra	Red fescue	#2 1/2 pot
74	Polystichum munitum	Sword fern	#1 pot
Ground Covers	Botanical Name	Common Name	Size
ID			
Quantity			
300	Asplenium ovatum	Kidney fern	#2 1/2 pot
271	Epigaea repens	Common wintergreen	#2 1/2 pot

THIS IS SCHEDULE A OF
 DEVELOPMENT PERMIT NO. 1712008

CORPORATE ADMINISTRATOR



Scale: 1:150



Scale: 1:500

THIS IS SCHEDULE A OF
DEVELOPMENT PERMIT NO. M/2000
CORPORATE ADMINISTRATOR

Required Plant List

Large Shrubs

ID	Quantity	Botanical Name	Common Name	Size
OsCe	2	Osmanion caraciformis	Indian Plum	#5 pot
PhLe	1	Philadelphus lewisii	Mock Orange	2m ht.

Medium Shrubs

ID	Quantity	Botanical Name	Common Name	Size
SaLa	11	Gaultheria shallon	Saial	#SP3 pot
SpDo	5	Spiraea douglasii	Hardhack	#SP3 pot
SymphA	6	Symphoricarpus albus	Snowberry	#1 pot

Small Shrubs

ID	Quantity	Botanical Name	Common Name	Size
MahNer	111	Mahonia nervosa	Low Oregon Grape	#1 pot
MahRep	18	Mahonia repens	Creeping Oregon Grape	#1 pot

Perennials, Annuals and Ferns

ID	Quantity	Botanical Name	Common Name	Size
BleChSp	104	Blechnum spicant	Deer fern	#1 pot
IdF	41	Festuca idahoensis	Idaho fescue	#SP3 pot
PolyM	74	Polystichum munitum	Sword fern	#1 pot

Ground Covers

ID	Quantity	Botanical Name	Common Name	Size
ArCo	366	Arctostaphylos uva-ursi	Kinnikinnick	#SP3 pot
FCh	271	Fragaria chiloensis	Coastal strawberry	#SP3 pot

N

RE
DEV
SEP

STAFF REPORT

DATE: 5 November 2009 **REPORT NO.** DEV-08-111
TO: Tom Day, Chief Administrative Officer
FROM: Barbara Snyder, Director of Development Services
**SUBJECT: REQUEST FROM OWNER OF 1190 RHODA
REGARDING PARK DEDICATION**

FOR INFORMATION

1190 Rhoda Lane is currently the subject of two applications, one for a Development Permit for the protection of the natural environment and the other for a six-lot subdivision. The Development Permit application is being considered for approval at the November 10th Council Meeting.

Regarding the proposed subdivision, the owners have provided a letter requesting that they be allowed to give cash-in-lieu of land for the required Park dedication [letter attached].

Since receiving their letter, staff have contacted a law firm which specializes in municipal planning matters. The advice we have received is that the parkland dedication requirement, as set out in the following excerpts from Esquimalt's Official Community Plan, is solidly based.

The references from our OCP - Section 6: A Green and Blue Community - Parks, Trails and Recreation are:

Section 6.1.1 (c) To provide opportunities for public access to the saltwater shoreline including that of the Gorge Waterway, by continuing to acquire land or easements.

Section 6.1.2 (a) The Esquimalt Parks and Recreation Strategic Plan, adopted by Council in 2003, will be used to provide guidance on municipal decisions respecting parks and recreation services.

d) Public ownership of the Gorge Waterway shoreline.

Section 6.1.2.1 9 (h) As the Parklands and Panhandle residential areas lack neighbourhood parks, when vacant land in these areas is subdivided or redeveloped, the municipality should acquire a suitable site for a neighbourhood park. [*Note: the proposed subdivision is in the Panhandle neighbourhood which is identified in the OCP.*]

Section 6.1.2.2 (a) The Township's long range goal is to maximize public access to the Gorge Waterway and to connect existing parks and greenspace where possible. Where properties are proposed for redevelopment which involves rezoning or subdivision, the municipality will endeavour to secure park dedication or access easements for parkland, public access or ecological restoration along the Gorge Waterway.

The requirement that park land be provided when waterfront properties are subdivided has been adhered to in recent subdivisions including:

- 915 Glen Vale Road
- 1013 Arcadia Street
- 1004 DeCosta Place

Parkland has also been provided for earlier subdivisions at:

- 900 block Yarrow Place
- 1382 Treebank Road W
- 934 Mesher Place
- 300 Plaskett Place
- 400 block Grafton Street

As the population of the Capital region increases and lands are developed to higher densities any greenspace, including pocket parks and green corridors, will be increasingly valued. Even if the amount of land acquired in a single subdivision may be small, the eventual accumulation of these parcels in combination with municipal road ends can provide passive recreation opportunities for future generations. These may be places to launch a kayak, bird-watch or simply stare at the water. If these waterfront areas are not secured now, at the time of subdivision, the opportunity to provide these public waterfront greenspaces without additional cost to the taxpayers will be lost.

There are other redevelopment projects planned for various locations along the Gorge Waterway. Any deviation from the current practice of acquiring parkland upon subdivision will be seen as setting a precedent for those proposals.

Our lawyers have advised that, even if the waterfront is designated as "Park", it may be possible to grant the owner an easement or licence over the parkland for access to a dock. That agreement could deal with any potential liability issues. The owner would need to apply to the province for a water lot licence [as long as the Township is not objecting as the new riparian owner] and if a licence is granted, the water lot would have to be rezoned to permit a dock.



Barbara Snyder
Director of Development Services

Approved for Council's consideration:



Tom Day, Chief Administrative Officer

Dated: Nov 6/08

Large & Co. Developers

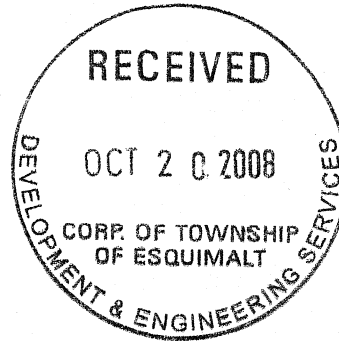
300 – 1095 McKenzie Ave.,
Victoria, BC V8P 2L5

Telephone: (250) 480-2894

Fax: (250) 480-2895

October 20, 2008

Township of Esquimalt
Attn: Mayor & Council
Municipal Hall – 1229 Esquimalt Rd.
Esquimalt, BC V9A 3P1



Dear Mr. Mayor and Councilors:

Re: 1190 Rhoda Lane
Lot 1, Sec. 2 Esquimalt Dist., Plan 7068

Our development permit application limiting landscaping in the permit area has been supported by Parks and Development Services.

We intend to further enforce the continuing adherence to the development permit by reiterating the terms and conditions of the landscaping covenant within the strata documents agreed to by property owners.

Further, after extensive consultation with the municipality's Engineering Services staff, our engineering consultant (Westbrook Engineering) will ensure that all requirements for sewer, storm drains, roads and street lights as specified in their report will be complied with.

As we went through the process we learned more about alternatives in development pertaining to the Gorge Waterway and now realize we can request that Council accept cash-in-lieu of parkland dedication. We have been canvassing this alternative on an informal basis to determine the merits thereof.

We realize that our request that Council entertains this alternative is rather sudden, but it is very important that the Council review our presentation. It seems to us that it is overwhelmingly in the best interest of the Municipality and future home owners that cash-in-lieu of land is the most appropriate course of action.

.....
Building Homes for Today's Families

Analysis

Ownership of the land has major problems for the Municipality.

- a) Liability - Anyone injured while on the property will look to the Municipality for redress.
- b) Public lands can be accessed by anyone, thereby creating “tent city” potential.
- c) Ongoing maintenance and restoration is the responsibility of the Municipality.
- d) Loss of tax revenue.
- e) The land has no practical use for the Municipality.
- f) It is impossible to enforce rules of conduct on the property. This creates potential for intolerable conditions in the neighbourhood.

The Official Community Plan, like previous plans encourages the restoration of more natural habit conditions of private and public land adjacent to the Gorge Waterway. The development permit achieves this goal without the necessity of ownership. Indeed, most of the waterway will always be in private ownership and a little piece here and there owned by the Municipality will only be a nuisance and is clearly not needed to achieve the goal of the O.C.P.

Parkland Acquisition – Best Practices Guide

This guide, published by the Province of British Columbia was initiated by the Development Finance Review Committee, which is made up of representatives from the province, local government and the development community. As stated in the document “**the principles of fairness and equity were particularly important** in guiding the development of the best practices. These principles speak to the need for *consistency* in how parkland acquisition tools are applied within a municipality, for *openness* and *transparency*, for *predictability* in actions and for *mutual respect* between players in the development process” (emphasis added)

Section 3.1

In addressing their community needs for parkland many municipalities collect DCCs and make use of the 5% dedication/cash-in-lieu provisions of the Local Government Act.

Section 3.2

If no park is illustrated on or near the land owner’s parcel, identified in the plan’s policies or otherwise referenced in the plan, it is reasonable for land owners to expect that cash-in-lieu will be accepted by the municipality instead of land.

(OCP Bylaw No 2646 Schedule A – Land Use Designation – 1190 Rhoda Lane is in the heart of a single and two unit residential zone. There is no parkland on or near this property – map attached). The guide goes on to highlight our situation in the following manner.

RECOMMENDED BEST PRACTICE

In general, land owners should expect to provide or dedicate land in locations where a park has been identified in a neighbourhood plan, or referenced in other land use planning documents through specific policies or illustrations on a land use map. Where future park locations are not identified or referenced in planning documents, and development applications are consistent with land use plans, it is reasonable for owners to expect to contribute cash-in-lieu of land.

Moorage

The property has had wharfage for at least 50 years. The previous owner built the wharf. We note that there are fourteen such facilities near the subject property including both neighbours. A wharf is recognized as a safe and environmentally friendly method for accessing a waterway.

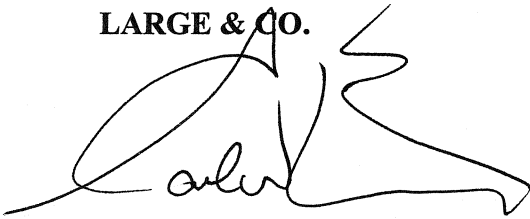
Summary

Therefore, by accepting \$63,500 cash-in-lieu of land, with appropriate covenants registered on title, the best use practice for this land will be achieved. The principles of fairness, equity, consistency and mutual respect will be adhered to. The municipality will obtain funds to acquire more appropriate park land while ensuring the rehabilitation and protection of a sensitive ecosystem.

We believe that the Township of Esquimalt will be operating in a responsible and best use manner by securing monies for these lands to better enhance and expand existing parks and by establishing registered covenants on title, ensuring the rehabilitation and maintenance of the 7.5 meter without shouldering the financial and liability burdens.

Thank you for your consideration of our request.

LARGE & CO.

A handwritten signature in black ink, appearing to read 'Earl W. Large', with a stylized flourish extending to the right.

Earl W. Large



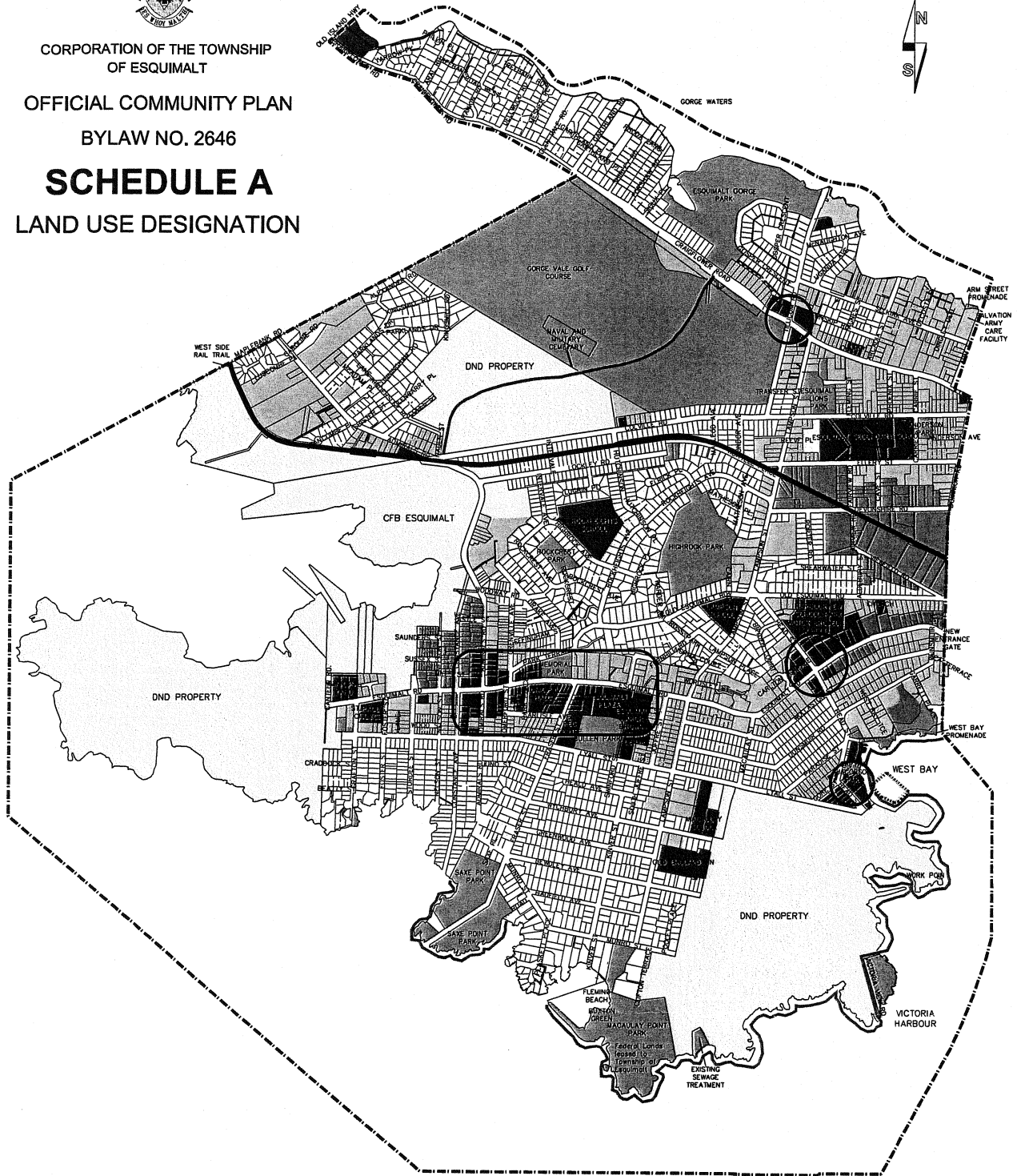
CORPORATION OF THE TOWNSHIP
OF ESQUIMALT

OFFICIAL COMMUNITY PLAN

BYLAW NO. 2646

SCHEDULE A

LAND USE DESIGNATION



LEGEND

	Single and Two-Unit Residential		Industrial
	Townhouse Residential		Commercial Mixed-Use
	Multi-Unit, Low-Rise Residential (up to four storeys)		Commercial Node
	Multi-Unit, High-Rise Residential (five+ storeys)		Institutional
	Floathome Residential		DND Federal Land
	Parks and Open Space		Water Area
	Trails (existing and proposed)		Municipal Boundary
	Transportation Corridor		