



Staff Report to Community Advisory Committee

DATE: Thursday, November 2, 2023

DEPARTMENT: Administration

SUBJECT: Desmond Drive - Road Closure and Park Dedication

BACKGROUND:

At the intersection of Latoria Road and Desmond Drive there is a green space area of approximately one acre on the east side of Desmond Drive. This green space area is currently an undeveloped road right-of-way that has been used as a stormwater detention pond since it was dedicated as road in 1998. The area contains mature trees, plant vegetation, and wildlife habitat. Staff are recommending that Council consider closing this portion of Desmond Road and formally dedicate the area as Park, and that the land ultimately be improved for the benefit of the surrounding neighbourhoods.

Staff have attached the draft bylaw identifying the legal description and legal plan to be registered upon approval.

COMMENTARY:

The Parks and Engineering departments have been discussing the opportunity of enhancing the proposed area by formalizing existing and new trails in support of pedestrian connectivity along the Latoria Road corridor. In recent years, pedestrian trails were constructed along Latoria Road to the east and west of the subject area, as well as on the west side of Desmond Drive leading into the Delbush Lane neighbourhood. The dedication of this park would provide a continuous green corridor along Latoria Road in perpetuity.

Currently, this area is dedicated as road right-of-way and therefore is subject to the regulations of the Highway Use Bylaw No. 33 (known informally as “the Traffic Bylaw”). Should the proposed park dedication be approved, the area would become subject to the Municipal Parks Regulation Bylaw No. 177 (the “Parks Bylaw”). The Parks Bylaw contains more park and open space specific regulations including allowing dogs and other pets, and permitting activities not be captured by the Traffic Bylaw. In addition to creating regulatory ease and simplicity, this area and all enhancement features would be added to the Parks department asset inventory. The pond itself would remain the responsibility of the Engineering department as it serves as storm water management infrastructure.

The Parks department allocated \$53,000 in the 2023 Parks Capital Budget for enhancement of the Desmond Pond area. Enhancements are proposed to include a trail of approximately 240 metres around the pond, seating and rest areas, and native vegetation restoration. It is anticipated that these works will not have any negative impact on the wildlife habitat as the wildlife areas are not being disturbed. While the Parks Department is anticipating that there will be no large tree removal, should any hazardous trees need to be removed, efforts will be made to use those trees to create wildlife habitat and nurse logs. In addition to the Parks enhancements, the Engineering Department, through the sidewalk infill program along Latoria Road, has expressed interest in building a three-metre-wide pedestrian pathway, a formalized school bus stop, and a crosswalk at Desmond Road. Due to the nature of the works and the time remaining in the fiscal year, it is likely that some or all of the works will be deferred to 2024.

Mayor and Council should note that there are overhead power lines with cable and telecommunications running across the south corner of this area. The City and the utility companies will need to enter into non-exclusive license to occupy agreements for this infrastructure.

Figure 1.0: Subject Area



FINANCIAL IMPLICATIONS:

There will be some costs associated with preparing the necessary survey plans and filing the necessary documents at the Land Titles Office. Staff estimate these costs to be less than \$10,000.00.

\$53,000 was approved in the Parks Capital Budget for enhancement works around Desmond pond. These enhancements will be coordinated with Engineering's pedestrian connectivity upgrades along the northside of Latoria Road, including a school bus drop-off area, protected walking path and crosswalk. Final costs are not known at this time, as staff have held off on drafting final plans until direction from Council is received regarding the dedication.

The area is currently maintained through the roads contract with VCMMC, should this dedication occur, the area would be moved to fall within the park contract with VCMMC. It is expected that this will not result in any significant maintenance costs; however, with the creation of new trails there will be some additional costs. The actual amount of these costs will be determined upon the completion of the proposed trails.

LEGAL IMPLICATIONS:

To dedicate this land as park, the road must be closed in accordance with Section 40 of the *Community Charter*. Once the road is closed, it will be dedicated as park by depositing a plan at the Land Title Office.

As required in the *Community Charter*, public notice of intention to close the road must be posted in the local newspaper for two consecutive weeks.

Should the area be dedicated as park, it would be subject to regulation through the Municipal Parks Regulation Bylaw No. 177 as amended.

OPTIONS:

Option 1

THAT the Committee recommend that Council:

- a. Give Road Closure Bylaw No. 2133 1st, 2nd, and 3rd readings; AND
- b. Authorize Mayor and CAO to enter into license agreements with the utility companies to permit them to occupy and maintain their existing infrastructure in the Park dedication;
- c. Direct staff to post a public notice as prescribed in the *Community Charter* prior to bylaw adoption; AND

- d. Authorize the Mayor and CAO or Corporate Officer to execute all documents necessary to complete the road closure and park dedication.

OR Option 2

THAT the Committee recommend that Council take no action at this time with respect to Road Closure Bylaw No. 2133.

SUBMITTED BY: Daryl Minifie, ASCT, Senior Land Development Technologist

Concurrence: Leah Stohmann, MCIP, RPP Deputy Director of Planning and Subdivision

Concurrence: Donna Petrie, Senior Manager of Business Development and Events

Concurrence: Yari Nielsen, Director of Parks, Recreation and Facilities

Concurrence: Matthew Baldwin, MCIP, RPP, Director of Planning and Subdivision

Concurrence: Katelyn Balzer, P.Eng., Director of Engineering and Public Works

Concurrence: Michael Dillabaugh, CPA, CA, Director of Finance

Concurrence: Marie Watmough, Deputy Director of Corporate Services

Concurrence: Braden Hutchins, Director of Corporate Services

Concurrence: Darren Kiedyk, Chief Administrative Officer