



# BOARD REPORT

**TO:** Chair and Directors

**File No:** 6140 60 31

**SUBJECT:** Swanson Road Park Development

**DESCRIPTION:** Report from Ryan Nitchie, Team Leader Community Services, dated November 6, 2017. Letter to the Minister of Transportation and Infrastructure seeking a review and support for CSRD development plans for a community park at Swanson Road in Electoral Area E.

**RECOMMENDATION #1:** THAT: the Board request the Minister of Transportation and Infrastructure review and make a decision on the CSRD’s comprehensive park concept plan submitted application to develop a portion of Swanson Road in Electoral Area E for a community park under the CSRD’s current Licence of Occupation issued by the Ministry of Transportation and Infrastructure.

### SHORT SUMMARY:

The Area E Parks Plan recommends development of a lake access park at Swanson Road in the Swansea Point area of Electoral Area E. The CSRD has developed lake access parks at six locations in the Swansea Point area and Swanson Road represents the final undeveloped lake access location. Encroachments from neighbouring properties to the east and west of the road right-of-way have delayed development of the park. CSRD staff have engaged with the neighboring properties in 2016 in an effort to resolve encroachment issues and proceed with development of the property into a community park. Following consultation with the neighbours, a comprehensive park concept plan was created by staff and submitted to the Ministry of Transportation and Infrastructure (MoTI) for approval. The eastern neighbour recently submitted a permit application to MoTI to construct a private loop-road through a portion of the right-of-way that would connect interior laneways within their property. CSRD staff do not support this application as it represents private use of publicly owned lands and presents a safety hazard to the public utilizing the park space. Staff has exhausted all reasonable efforts to reach a compromise with the neighbour and with local MoTI staff. Staff are now requesting that the CSRD Board ask the Minister responsible to review the application and support the CSRD’s plans to develop a community park within the right-of-way.

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**VOTING:** Unweighted Corporate  LGA Part 14 (Unweighted)  Weighted Corporate  Stakeholder (Weighted)

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### BACKGROUND:

The acquisition and development of Swanson Road into a lake access park is identified in the 2007 Electoral Area E Parks Plan as a high priority. Encroachments from neighbouring properties on the MoTI road right-of-way have prohibited its development to date. In 2016, staff engaged with the president of the neighbouring strata property, Strata KAS163 (Strata) and made progress in furthering the development of the park. Staff subsequently engaged with a sub-committee of the Strata to address their concerns and desires for the park development. Staff from MoTI were also consulted early in the process. Prior to development of any preliminary planning, the Strata advanced the notion to obtain approval to use public lake access space for private use. The notion was emphatically declined by MoTI

staff who verbalized their opinion was not to allow exclusive private use of publicly owned land. Based on these discussions, CSRD staff developed a preliminary plan for the park which considered the concerns of the Strata including:

- The provision of emergency vehicle access including a laneway, roll over bollards and gates to the westerly side of the Strata property;
- The use of bollards instead of fencing along the boundary of the park and the Strata property to improve aesthetics;
- The use of vegetative and natural features and signage to delineate the park boundaries;
- The provision of a gate for occasional access for one lot owner at the south west boundary to move a recreational vehicle in and out of their property;
- The construction of a playground within the park;
- The minimization of the removal of mature trees within the park to maintain aesthetics and buffering between properties;
- The incorporation of the existing memorial bench area previously constructed at the westerly boundary of the Strata property into the park design;
- The relocation of the vault toilet to a central position between the two neighbouring properties;
- The construction of the playground at a time when the least disruption would occur to the residents of the Strata during peak summer time usage;
- The removal and disposal of a wooden fence which was constructed by the Strata which was encroaching in the right-of-way;
- The acquisition and installation of the requested emergency gates; and
- An agreement to allow for the existing encroachments into the setback to remain including buildings, sheds and air conditioning units.

Based on these considerations, a comprehensive park plan design was created and submitted to MoTI staff for approval. Following the submission of the plan to MoTI, the CSRD received correspondence from the Strata suggesting that the CSRD had failed to consult with neighbouring properties and failed to address perceived safety concerns that the development of the park would pose to residents of the Strata. CSRD staff clearly communicated to the Strata that all reasonable measures were taken to accommodate their design requests, however, the safety of residents and vehicular movement within the Strata development were not the responsibility of the CSRD. Following a meeting between CSRD staff, MoTI staff, and Strata representatives on February 22, 2017, verbal approval for the CSRD plan was provided by MoTI staff. Given the length of time needed for the delivery of playground equipment, the CSRD ordered and purchased the equipment for the Swanson Road project.

MoTI staff verbally requested the CSRD delay development of the Swanson Road project pending a MoTI review of the application to which CSRD agreed. After several additional weeks, MoTI staff indicated they had received a formal permit application from the Strata requesting use of a portion of the right-of-way to connect two of their internal laneways. CSRD staff advised MoTI that the application lacked sufficient detail to comment and that the private use of public lands was generally not supported. On October 24, 2017, the CSRD was advised by MoTI that a decision regarding both permit applications are suspended until the CSRD and the Strata come to a consensus regarding the opposing uses of the right-of-way. CSRD staff advised the Strata that it would not support development of a park that included their proposed laneway road access through the park and that no further concessions could be accommodated. A response was received from the Strata advising they would not withdraw their application as submitted.

**FINANCIAL:**

The project is being funded through the 2017 Five Year Financial Plan and the Electoral Area E Community Works Funds allocation.

Approximately \$30,000 has been expended to date to purchase playground equipment and conduct a survey for Swanson Road. Several hours of staff time have also been expended towards this project.

**KEY ISSUES/CONCEPTS:**

The Board request the Minister of Transportation and Infrastructure review and support the permit application to construct a community park as designed at Swanson Road.

**COMMUNICATIONS:**

Correspondence from the Board will be submitted to the Minister of Transportation and Infrastructure.

**DESIRED OUTCOMES:**

The Board support the recommendation to submit correspondence to the Minister of Transportation and Infrastructure.

**BOARD'S OPTIONS:**

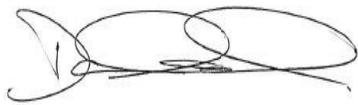
1. *Endorse the Recommendation.*
2. *Deny the Recommendation.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

**LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:**

**Report Approval Details**

Document Title:	Swanson Road MoTI Licence of Occupation.docx
Attachments:	
Final Approval Date:	Nov 6, 2017

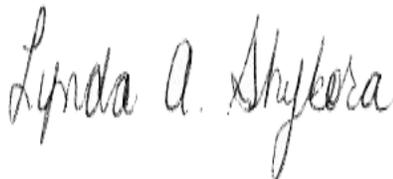
This report and all of its attachments were approved and signed as outlined below:



**Darcy Mooney - Nov 6, 2017 - 1:50 PM**



**Jodi Pierce - Nov 6, 2017 - 3:13 PM**



**Lynda Shykora - Nov 6, 2017 - 3:36 PM**



**Charles Hamilton - Nov 6, 2017 - 3:50 PM**