

DATE OF MEETING JUNE 9, 2025

AUTHORED BY KAREN ROBERTSON, DEPUTY CORPORATE OFFICER

SUBJECT ALTERNATIVE APPROVAL PROCESS TO REMOVE PARK DEDICATION FROM A PORTION OF “ELAINE HAMILTON PARK” FOR ROAD DEDICATION PURPOSES – SANDSTONE DEVELOPMENT

OVERVIEW

Purpose of Report

To seek Council approval to proceed with an Alternative Approval Process (AAP) to remove park dedication from a portion of “Elaine Hamilton Park” (formerly known as Trofton Park) at 1631 Naylor Cres. for road dedication purposes to facilitate the Sandstone Development.

Recommendation

That Council:

1. direct the Corporate Officer, or their designate, to undertake an Alternative Approval Process to remove park dedication from a portion of “Elaine Hamilton Park” for road dedication purposes.
2. determine the total number of electors of the area to which the approval process applies (the whole of the City of Nanaimo) to be 7,672.
3. establish a deadline of 4:30 p.m. on Monday, 2025-JUL-21 for receiving elector responses for the Alternative Approval Process in relation to “Parks Dedication Amendment Bylaw 2025 No. 2255.01” (a bylaw to remove dedication as public park from a portion of “Elaine Hamilton Park” for road dedication purposes).
4. approve the Elector Response Form as outlined in Attachment A of the Staff Report titled “Alternative Approval Process to Remove Park Dedication From a Portion of ‘Elaine Hamilton Park’ for Road Dedication Purposes - Sandstone Development”, dated 2025-JUN-09.
5. endorse the AAP Communication and Engagement Strategy as outlined in Attachment C of the Staff Report titled “Alternative Approval Process to Remove Park Dedication From a Portion of ‘Elaine Hamilton Park’ for Road Dedication Purposes - Sandstone Development”, dated 2025-JUN-09.

BACKGROUND

Council approval is being sought to undertake an Alternative Approval Process that would remove park dedication from a portion of “Elaine Hamilton Park” (formerly known as Trofton Park) at 1631 Naylor Crescent for road dedication purposes. This property was purchased in fee simple on 1978-APR-01 and the general park dedication was adopted by the City through “Parks Dedication Bylaw 1980 No. 2255”. For more information on the proposal please refer to the report by Victor Foca, Property Agent, Real Estate titled “Proposed Removal of Park Dedication from a portion of 1631 Naylor Crescent (Elaine Hamilton Park)” attached to this agenda package.

In accordance with Section 30(3) of the *Community Charter* a bylaw that removes a reservation or dedication [as park] may only be adopted with approval of the electors. Therefore, in order to proceed, Council is required to have approval of the electors prior to adoption of the Bylaw Amendment to remove the portion of the park dedication at 1631 Naylor Crescent.

Approval of the electors may be received by way of an Alternative Approval Process (AAP), or assent voting (i.e. referendum). Council may proceed with bylaw adoption, if less than 10% of the electors oppose the proposal by submitting a valid Elector Response Form (Attachment A) in the case of an AAP.

As outlined in the AAP Policy (Attachment B), a high-level Communication and Engagement Strategy has been prepared for Council's consideration (Attachment C).

DISCUSSION

The AAP requires Council approval for the following:

- Fair determination of the number of electors:
 - Section 86(3) of the *Community Charter* requires that a fair determination be made of the total number of electors within the City of Nanaimo, which forms the basis of the 10 per cent threshold. It was determined that there are 76,724 electors in the City of Nanaimo based on the following:
 - 76,251. This number represents the eligible electors on the Provincial voter's list. An updated voter's list was provided by the Province to the City on 2025-MAY-12. It should be noted that the number of eligible electors is less than the previous Alternative Approval Process as the Province recently conducted an audit and purged voters from the list who were inactive or who had passed away.
 - Plus 63 registered non-resident property electors;
 - Plus 410. This represents one month of population growth at 2.2% based on BC Statistics census data.
- Approval of Elector Response Form (Attachment A).
- Bylaw readings (3 readings) must be passed for "Parks Dedication Bylaw 1980 No. 2255.01" by a Council majority. The proposed "Parks Dedication Amendment Bylaw 2025 No. 2255.01" is provided in the report titled "Proposed Removal of Park Dedication from a portion of 1631 Naylor Crescent (Elaine Hamilton Park)" attached to this agenda package.
- Elector Response form Submission Period: Council must establish the deadline for receiving elector responses, a minimum of 30 days after the notice has been published as per Section 86(3.1) of the *Community Charter*. If approved, the notice would be published on Wednesday 2025-JUN-18, and Staff are proposing Monday, 2025-JUL-21 as the AAP closing deadline.

Council Decision on Next Steps:

Elector approval is deemed to have been obtained if less than 7,672 valid Elector Response Forms in opposition to "Parks Dedication Amendment Bylaw 2025 No. 2255.01" are received prior to 4:30 p.m. on Monday, 2025-JUL-21. Council would then be able to consider bylaw adoption. Should 7,672 or more opposition responses be submitted, Council could only consider approving the removal of

park dedication from a portion of “Elaine Hamilton Park” through a successful referendum. If the AAP fails, the developer has stated that rather than move forward with a referendum, it would look to explore alternate connection routes from the existing road network as outlined on page 22 of the Master Development Agreement (which is currently registered as a covenant as part of the conditions for rezoning). That section reads as follows:

“If the Owner is unable to construct the Unnamed Highway because the City cannot remove the park dedication from part of Elaine Hamilton Park as contemplated in Section 6(f) , then the City will consider, taking into account the intent of the Agreement, alternate connection routes from the existing road network” whereby the Developer would work with the City to explore alternate connection routes from the existing road network.”

OPTIONS

Option 1:

That Council:

1. direct the Corporate Officer, or their designate, to undertake an Alternative Approval Process to remove park dedication from a portion of “Elaine Hamilton Park” for road dedication purposes.
 2. determine the total number of electors of the area to which the approval process applies (the whole of the City of Nanaimo) to be 7,672.
 3. establish a deadline of 4:30 p.m. on Monday, 2025-JUL-21 for receiving elector responses for the Alternative Approval Process in relation to “Parks Dedication Amendment Bylaw 2025 No. 2255.01” (a bylaw to remove dedication as public park from a portion of “Elaine Hamilton Park” for road dedication purposes).
 4. approve the Elector Response Form as outlined in Attachment A of the Staff Report titled “Alternative Approval Process to Remove Park Dedication From a Portion of ‘Elaine Hamilton Park’ for Road Dedication Purposes - Sandstone Development”, dated 2025-JUN-09.
 5. endorse the AAP Communication and Engagement Strategy as outlined in Attachment C of the Staff Report titled “Alternative Approval Process to Remove Park Dedication From a Portion of ‘Elaine Hamilton Park’ for Road Dedication Purposes - Sandstone Development”, dated 2025-JUN-09.
- The advantages of this option: Electors would have 33 days to submit their response form, and the AAP process does not require them to appear in person on designated days to express their opinion, making this method of elector consent more convenient for electors.
 - Financial Implications: The costs associated with conducting an AAP is significantly less than conducting a referendum. It is estimated that this Alternative Approval Process could be administered for approximately \$10,000 - \$15,000, with the legal costs such as developing the road dedication agreement, land title fees, advertising, etc. to be borne by the Developer.

Option 2:

That Council direct Staff to hold an Assent Voting Process – “Assent Voting” to consider removing park dedication from a portion of “Elaine Hamilton Park” (formerly known as Trofton Park) at 1631 Naylor Cres. for road dedication purposes to facilitate the Sandstone Development.

- The advantages of this option: A referendum provides a process similar to an election.
- The disadvantages of this option: Conducting a referendum involves the same resources and costs as holding a general election which is estimated to be approximately \$293,000,00.
- Financial Implications: The costs and Staff resources associated with Assent Voting are significant and similar to a general election. Despite this being a developer led project, most of the costs under this option would need to be borne by the City.

Option 3:

That Council provide staff alternate direction.

SUMMARY POINTS

- Council is being asked to proceed with an Alternative Approval Process in relation to the removal of park dedication from a portion of ‘Elaine Hamilton Park’ at 1631 Naylor Crescent for road dedication purposes.
- An Alternative Approval Process may be undertaken by Council in order to move forward with approval of Bylaw 2255.01.
- Should Council move forward with the Alternative Approval Process, there will be opportunity for electors opposed to the proposal to submit an Elector Response Form.
- Elector approval is deemed to have been obtained if less than 7,672 valid Elector Response Forms in opposition to Bylaw No. 2255.01 are received prior to 4:30 p.m. on 2025-JUL-21.

ATTACHMENTS:

Attachment A – Elector Response Form_1631NaylorCrescent Portion of ParkDedicationRemoval

Attachment B – Alternative Approval Process Policy

Attachment C – Elaine Hamilton Park AAP Communications and Engagement Strategy

Submitted by:

Karen Robertson,
Deputy Corporate Officer

Concurrence by:

Sheila Gurrie,
Director of Legislative Services

Jeremy Holm,
Director, Planning and Development

Kerry Ing,
Acting Gen. Mgr., Corporate Services

Darcie, Osbourne,
Director, Parks, Recreation & Culture

Bill Sims, Acting CAO