

DATE OF MEETING JUNE 9, 2025

AUTHORED BY VICTOR FOCA, PROPERTY AGENT, REAL ESTATE

**SUBJECT PROPOSED REMOVAL OF PARK DEDICATION FROM A PORTION
OF 1631 NAYLOR CRESCENT (ELAINE HAMILTON PARK)**

OVERVIEW

Purpose of Report

To seek Council approval to remove the park dedication from a portion of City-owned parkland located at 1631 Naylor Crescent, Elaine Hamilton Park (previously known as Trofton Park) to dedicate it as road right-of-way in order to provide access through 1618 Extension Road to 1750 Rajeena Way.

Recommendation

That:

1. "Parks Dedication Amendment Bylaw 2025 No. 2255.01" (a bylaw to remove dedication as public park from a portion of "Elaine Hamilton Park" [formerly known as Trofton Park] at 1631 Naylor Crescent for road dedication purposes) pass first reading.
2. "Parks Dedication Amendment Bylaw 2025 No. 2255.01" pass second reading.
3. "Parks Dedication Amendment Bylaw 2025 No. 2255.01" pass third reading.
4. Council authorize the Mayor and Corporate Officer to execute the Road Dedication Agreement to effect the transaction.

BACKGROUND

Seacliff Properties ("Sandstone") Ltd. is in the process of redeveloping lands located in South Nanaimo to facilitate the long-term build-out of a residential, industrial, and mixed-use development as envisioned in the Sandstone Master Plan.

Council, at its meeting held 2024-MAY-27, adopted Bylaw No. 4500.215, RA461, to rezone 1100 Cedar Road, 1505 and 1605 Fielding Road, and 1750 Rajeena Way from Rural Resource (AR1) and Parks, Recreation, and Culture One (PRC1) to Steep Slope Residential (R10), Highway Industrial (I1), Light Industrial (I2), and Comprehensive Development District Zone Thirteen (CD13) (the "Sandstone Lands", Attachment A).

The Sandstone Lands cover a large area in south Nanaimo, adjacent to the Regional District of Nanaimo. The lands are intersected by the Island Highway and the Duke Point Highway. On the east side of the Island Highway, the properties are adjacent to the Nanaimo Regional Landfill and the Snuneymuxw First Nation No. 2 Reserve. West of the Island Highway, a portion of the site is located at the edge of the established Chase River and Cinnabar Valley neighbourhoods.

Within the RA461 rezoning report individual parcels were referred to as "Development Areas" (DA). Development Area 6 (Cinnabar Valley Neighbourhood Precinct) – 1750 Rajeena Way "DA6"

is located on the west side of the Island Highway and is a hilly site with a number of watercourses and wetlands present. Informal trails cross the site connecting with existing trail networks at Elaine Hamilton Park and Richards Marsh Park. Abutting public streets include Healy Road, Rajeena Way, Trofton Road, and Roberta Road South. DA6 is also flanked by the Island Corridor Foundation corridor (formerly E&N Railway) to the east.

A condition of the rezoning was that Sandstone and the City enter into a Master Development Agreement (MDA) that was secured and registered on the property titles through a Section 219 Covenant. The MDA outlines the works and additional studies that are to be provided by the property owner as the Sandstone lands develop. The MDA contemplates a connection of DA6 to Extension Road to be constructed through Sandstone's property at 1618 Extension Road and through the City-owned Park known as Elaine Hamilton Park at 1631 Naylor Crescent (Attachment B).

To permit the construction of the road right-of-way within the park "Parks Dedication Amendment Bylaw 2025 No. 2255.01 (a bylaw to remove dedication as public park from a portion of "Elaine Hamilton Park" [formerly known as Trofton Park] at 1631 Naylor Crescent for road dedication purposes) will need to be adopted by Council.

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 to remove the park dedication at 1631 Naylor Crescent. Approval of the electors may be received by way of an Alternative Approval Process (AAP). Council may proceed with bylaw adoption, if less than 10% of the electors oppose the proposal by submitting a valid elector response form.

Should Council provide the first three readings of the park dedication removal bylaw, a report following this report, will be presented to Council on tonight's council agenda to outline the AAP process.

DISCUSSION

Elaine Hamilton Park

Elaine Hamilton Park legally described as: Lot A, Section 17, Range 4, Cranberry District, Plan 31536 was dedicated by Council as park through "Parks Dedication Bylaw 1980 No. 2255", on 1980-DEC-15 under the name of Trofton Park. Trofton Park subsequently was renamed in 2006 to Elaine Hamilton Park.

Elaine Hamilton Park consists of approximately 2.96ha (7.31 acres) of land. It is currently improved with field and a washroom/fieldhouse facility. The proposed partial park dedication removal area is approximately 0.418ha (1.03 acres).

The road dedication is located on the north portion of Elaine Hamilton Park. The field will remain intact however the washroom/fieldhouse facility will need to be removed, and a new washroom facility will be rebuilt on the property by Sandstone. Visuals of the proposed road dedication and replaced washroom/fieldhouse facility is shown on Attachments C and D.

While the proposed road alignment has been designed to minimize impacts to existing wetlands and watercourse leave-strips, it is not possible to completely avoid disturbance. Sandstone has engaged a qualified environmental professional to evaluate environmentally sensitive area (ESA) impacts of the proposed road and prepare a mitigation and compensation strategy. In general terms the strategy proposes restoration and habitat enhancement of existing wetland areas as well as creation and enhancement of additional wetland area and leave strip to off-set the impacts and meet the City's net-gain principle.

The specifics of the required environmental mitigation and restoration will be developed through further detailed investigations by qualified environmental professionals as necessary to demonstrate how an increase in the quality and quantity of functional habitat within the ESA and ESA leave strip will be achieved once the proposed development is complete. These details will be reviewed and approved through subsequent ESA development permit approval by the City and *Water Sustainability Act* approval by the Province. Attachment E shows the surveyed creek and the wetland boundary and setback that is located within the proposed road dedication area. The Corvidae Environmental Consulting Inc. memo outlining the proposed mitigation and compensation strategy is included on Attachment F.

Subdivision of DA6 will not be approved unless and until the owner constructs or otherwise secures to the satisfaction of the City, the park amenities and structures of a like kind and size, including a washroom/fieldhouse, to replace those that currently occupy Elaine Hamilton Park that may be impacted by construction of the connecting roadway. Through the subdivision process Sandstone will also be responsible for the costs to construct the road and DA6 is expected to allow up to 600 residential units.

An independent fair market value appraisal for the portion of the park property was prepared and should the park dedication removal bylaw be adopted the City will receive \$45,000 from Sandstone for the dedication of the road.

Staff have reviewed the proposed partial park removal against all City standards and have confirmed that the north portion of Elaine Hamilton Park is surplus to City requirements and could allow for road connection between DA6 and Extension Road to facilitate Sandstone Master Plan vision.

Next Steps:

If Council provides first, second and third reading of "1631 Naylor Crescent, Parks Dedication Amendment Bylaw 2025 No. 2255.01", the next steps will occur:

1. The Mayor and Corporate Officer would execute the Road Dedication Agreement which will be subject to the condition of receiving approval of the electors in accordance with the *Community Charter*;
2. Council would direct Staff to commence the AAP process;
3. Staff would then return to Council with the AAP results; and
4. Should approval by the electors be received Parks Dedication Amendment Bylaw, 2025 No. 2255.01 will be brought forward for adoption. |

OPTIONS

1. That:
 1. “Parks Dedication Amendment Bylaw, 2025 No. 2255.01” (a bylaw to remove dedication as public park from a portion of “Elaine Hamilton Park” [formerly known as Trofton Park] at 1631 Naylor Crescent for road dedication purposes) pass first reading.
 2. “Parks Dedication Amendment Bylaw, 2025 No. 2255.01” pass second reading.
 3. “Parks Dedication Amendment Bylaw, 2025 No. 2255.01” pass third reading.
 4. Council authorize the Mayor and Corporate Officer to execute the Road Dedication Agreement to effect the transaction.
 - The advantages of this option: by providing approval to commence the bylaw process for the removal of a partial park dedication of a partial section of Elaine Hamilton Park for the road dedication area, the approval may be received from the electors, the road dedication requirements may be met, and the Sandstone Master Plan vision can proceed. A new washroom/fieldhouse will be constructed on the park at Sandstone’s cost.
 - The disadvantages of this option: None identified.
 - Financial Implications: the City will receive a payment of \$45,000 from Seacliff Properties (Sandstone) Ltd. Sandstone is responsible for all legal, survey cost and costs to publish the notices as required for the AAP.
2. That Council deny the removal of a partial park dedication of a partial section of City-owned Park located at 1631 Naylor Crescent (Elaine Hamilton Park).
 - The advantages of this option: None identified.
 - The disadvantages of this option: The road requirements that are part of the Sandstone’s Master Plan vision will not be able to be achieved, and an alternative access to DA6 will need to be reevaluated.
 - Financial Implications: The \$45,000 proceeds from the road dedication will not be received. Potential loss of opportunity by not moving along with the Sandstone Master Plan vision and the redevelopment of the washroom/fieldhouse facility.

SUMMARY POINTS

- Sandstone is in the process of redeveloping the land located to the east of Elaine Hamilton Park, as part of their master plan vision with Development Area 6 (DA6) at 1750 Rajeena Way.
- DA6 is located on the west side of the Island Highway and through subdivision it is expected to allow up to 600 residential units.
- To connect DA6 with Extension Road a bylaw needs to be adopted by removing the park dedication from a portion of Elaine Hamilton Park. The bylaw requires approval from the electors through an Alternative Approval Process.
- Elaine Hamilton Park consists of approximately 2.96ha (7.31 acres) of land. It is currently improved with a field and a washroom/fieldhouse facility.
- The proposed partial park dedication removal area is approximately 0.418ha (1.03 acres). The proposed road dedication is located in the north portion of Elaine Hamilton Park, where the existing washroom/fieldhouse facility exists

- Should approval by the electors be received and the subdivision at DA6 proceeds, Sandstone will construct the road, the field will remain intact, and the facility will be replaced with a new facility at Sandstone's cost.
- Staff are seeking Council's authorization for Council to provide first, second and third reading to "Parks Dedication Amendment Bylaw 2025 No. 2255.01" to commence the Alternative Approval Process.

ATTACHMENTS:

ATTACHMENT A: Sandstone Lands

ATTACHMENT B: Location Plan – 1631 Naylor Crescent

ATTACHMENT C: Road Dedication Proposal

ATTACHMENT D: Road Visual Proposal

ATTACHMENT E: Surveyed Creek and the 15m Creek Setback

ATTACHMENT F: Link to Corvidae Environmental Consulting Inc. Mitigation and Compensation Strategy

"Parks Dedication Amendment Bylaw 2025 No. 2255.01" (a bylaw to remove dedication as public park from a portion of "Elaine Hamilton Park" [formerly known as Trofton Park] at 1631 Naylor Crescent for road dedication purposes).

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