

Report

Date January 15, 2025

File:

Subject Proposed Road Closure adjacent to 6478 Paddle Road

PURPOSE

To seek approval to close a portion of Paddle Road and obtain authorization to enter into a Land Exchange Agreement with the owners of 6478, 6494, 6495, 6493, and 6489 Paddle Road to dedicate part of their property for a road in exchange for the road closure area.

BACKGROUND

Cowichan Project 168 Ltd. (INC, No BC1273676) (the Developer) is the owner of roughly 2.17 ha (5.4 acres) of land in the Bell McKinnon Local Area Plan, north of Drinkwater Road. The Developer intends to construct several multi-family dwellings in up to five stages, including four apartment buildings, townhomes, and two-family dwellings. A total of 348 apartments, eight townhouse units, and 10 two-family dwellings are envisioned as part of the project.

The properties include:

6478 Paddle Road (Parcel Identifier: 002-363-313)

6494 Paddle Road (Parcel Identifier: 005-351-464)

6495 Paddle Road (Parcel Identifier: 005-351-499)

6493 Paddle Road (Parcel Identifier: 005-351-472)

6489 Paddle Road (Parcel Identifier: 005-039-029)

At the January 18, 2023, Council meeting, Council adopted Zoning Bylaw 3867 to permit the development subject to several conditions, including:

- Registration of a housing agreement requiring 10% (37 units) to be rental units with 7.5% below market and 2.5% affordable per Canada Mortgage Housing Corporation definition;
- Further road dedication by the Developer to relocate Paddle Road further to the south;
- Restrictions on use until the new public road is completed, including water, storm and sanitary utilities, sidewalks and landscaping;
- All buildings must conform to Step Code 3;
- Provide a minimum electrical rough-in for EV Charging stations for 25% of the below ground parking stalls;
- Vegetation management and maintenance plan of 15 m vegetated ALR buffer; and,
- Provide a financial contribution of \$3,300 per residential unit for parkland acquisition.

The Developer is in the process of advancing the first phases of the project and is seeking to dedicate and construct a reconfigured Paddle Road.

Before that work takes place, North Cowichan must close the existing northern portion of Paddle Road and transfer the lands to the Developer in exchange for the new road alignment and improvements.

DISCUSSION

To meet the obligations of the Development Covenant related to subdivision and roads, North Cowichan is to close 832 m² (8,959 sq ft) of North Paddle Road. In exchange, the Developer will dedicate land shown on the January 25, 2024, sketch plan prepared by Kenyon Wilson, included in Attachment 1 and described as follows:

- (a) the approximately 2.4 m wide area, comprising approximately 73 m² that covers the portion of the lands labelled "Z" on Attachment 1;
- (b) the approximately 5.0 m wide area, comprising approximately 328 m² that covers the portion of the lands labelled "Y" on Attachment 1;
- (c) the 15.0 m wide area, comprising approximately 1,291 m² that covers the portions of the lands labelled "W" on Attachment 1; and,
- (d) the approximately 131 m² area that covers the portion of the lands labelled "X" as shown on Attachment 1.

The Developer will bear the costs related to the closure of Paddle Road, including but not limited to the preparation of the survey plans, capping of services and legal and filing fee.

North Cowichan's legal counsel, Young Anderson, has prepared a separate Road Exchange Agreement that sets out the agreement above (Attachment 2).

Road Closure Application

The Developer proposes to close 832 m² of municipal-owned road and, in exchange, dedicate 1,824 m² for road, as shown in Attachment 1. Accordingly, as the amount of land being dedicated for road versus road closure is greater, no compensation issues exist with the proposed exchange.

Staff have reviewed the proposed road closure against all municipal standards and confirmed that this road right-of-way at Paddle Road is deemed surplus to municipal requirements. Staff are seeking Council's authorization of the Road Closure and Land Exchange Agreement and for Council to provide first and second readings to "Road Closure and Removal of Highway Dedication Bylaw No. 3991, 2025" (Attachment 3).

Next Steps

Council is being asked to initiate the Road Closure process by providing first and second readings. Should Council proceed, the next steps anticipated are:

- The Mayor and Corporate Officer will sign the Road Exchange Agreement;
- A Notice of Disposition and Intention to Close a portion of Paddle Road will be advertised to the Public;
- At third Reading where the public can provide their feedback to Council;

- Following third Reading, the bylaw is sent to the Ministry of Transportation and Traffic for sign off ;
- The bylaw is brought back to Council for adoption; and,
- The plans can be registered in the Land Title Office following adoption of the bylaw.

OPTIONS

1. **(Recommended Option)** THAT Council:

- (1) Authorize the road closure and disposition of a portion of Paddle Road and direct staff to enter into a Road Closure and Land Exchange Agreement; and,
- (2) Give first and second reading to Road Closure and Removal of Highway Dedication Bylaw No. 3991, 2025 (to provide for highway closure and dedication removal of a portion of Paddle Road adjacent to 6493 and 6489 Paddle Road).

- Advantages: By providing approval for the road closure and land exchange for the road dedication area, the road dedication requirements will be met, and the Developer can continue developing the property as proposed. Staff will publish a notice of road closure, removal of highway dedication, and proposed property disposition as required by sections 26, 40, and 94 of the *Community Charter*.
- Disadvantages: None identified.
- Financial Implications: There are no financial implications for North Cowichan. The Developer has agreed to pay the legal and surveying costs and half of the costs to publish the required notices.

2. THAT Council deny the road closure and disposition of a portion of Paddle Road.

- Advantages: None identified.
- Disadvantages: The Developer will not meet the road dedication requirements that are part of the development covenant Council requested through the rezoning bylaw amendment process.
- Financial Implications: If Council denies the road closure, North Cowichan may be subject to litigation from the Developer.

RECOMMENDATION

THAT Council:

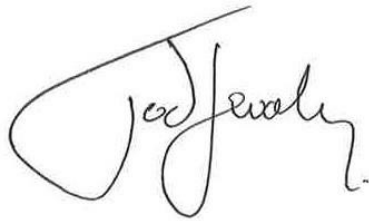
- (1) Authorize the road closure and disposition of a portion of Paddle Road and direct staff to enter into a Road Closure and Land Exchange Agreement; and,
- (2) Give first and second reading to Road Closure and Removal of Highway Dedication Bylaw No. 3991, 2025 (to provide for highway closure and dedication removal of a portion of Paddle Road adjacent to 6493 and 6489 Paddle Road).

Report prepared and reviewed by:



Bill Corsan
General Manager, Corporate Services and Community
Relations

Approved to be forwarded to Council:



Ted Swabey
Chief Administrative Officer

Attachments:

- (1) Sketch Plan
- (2) Road Exchange Agreement
- (3) Road Closure and Removal of Highway Dedication Bylaw No. 3991, 2025