

**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, MAY 15, 2012**

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**SUBJECT**     **PROPOSED ROAD CLOSURE LOT A, SECTION 43, HIGHLAND DISTRICT,  
PLAN VIP85011**

**ISSUE**

The applicant is requesting closure of an unopened road right-of-way and proposing to provide an alternative road right-of-way.

**BACKGROUND**

The 0.18 ha parcel is located on Mark Lane in Willis Point (Appendix 1). The parcel is designated Residential and zoned Community Residential - One (CR-1) under the Comprehensive Community Development Plan for Willis Point, Bylaw No. 3207. The unopened road right-of-way bisects the parcel to provide an alternative access to a 17.1 ha property legally described as Lot 2, Section 23/43, Highland District, Plan VIP77211. The owners wish to consolidate the portion split by the road and create a useable lot. The applicant has submitted a request to the Ministry of Transportation and Infrastructure to close the 6.10 m unopened road right-of-way bisecting their parcel and has proposed a 12.19 m road right-of-way to replace the proposed road closure adjacent to the south parcel boundary (Appendix 2).

The proposed road closure was previously considered in 2006 (S-03-03) however a specific location of an alternative road right-of-way was not included. At that time the Willis Point Advisory Planning Commission advised the Juan de Fuca Land Use Committee (LUC) to recommend approval of the proposed closure of the right-of-way on Lot 37, Plan 8166, Section 42 Highland District on condition that the applicant establish an easement for pedestrian access along the southwest side and the rear portion of Lot 38 and the rear portion of Lot 37 up to the present location of the right-of-way. The LUC considered the application at the April 4, 2006 and recommended that the application and all correspondence regarding the application be forwarded to the Ministry of Transportation without recommendation due to the opposition from the owners of Lot 2, Section 23/43, Highland District, Plan VIP77211. At the May 10, 2006 CRD Board meeting the Board accepted the LUC recommendation and forwarded the application without recommendation to the Ministry.

**ALTERNATIVES**

1.     Recommend to the Capital Regional District Board to support the proposed unopened road right-of-way closure and provision of an alternate road right-of-way.
2.     Recommend to the Capital Regional District Board to not support the proposed unopened road right-of-way closure and provision of an alternate road right-of-way.
3.     Refer the proposed unopened road right-of-way closure and provision of an alternate road right-of-way application to the Willis Point Advisory Planning Commission for comment prior to making a recommendation to the Capital Regional District Board.

### **LEGISLATIVE IMPLICATIONS**

The Ministry of Transportation and Infrastructure has requested the Capital Regional District Board's comments and recommendations regarding the proposed road closure and re-dedication (Appendix 3).

### **PUBLIC CONSULTATION IMPLICATIONS**

The Advisory Planning Commissions were established to make recommendations to the Land Use Committee on land use planning matters referred to them relating to Part 26 of the *LGA*, therefore, the proposal should be referred to the Willis Point Advisory Planning Commission.

### **PLANNING ANALYSIS**

The unopened road right-of-way provides an alternative access to Lot 2, Section 23/43, Highland District, Plan VIP77211 which also fronts on Willis Point Road. The proposed right-of-way may provide public trail access to Lot 2 should further development occur in the future. The owners of Lot 2 support the closure of the unopened road right-of-way and the dedication of a new right-of-way adjacent to the southern property line (Appendix 4). The Ministry of Transportation and Infrastructure has also indicated they support the proposal as the newly dedicated road would be in a much safer location for sight distance in both directions on Mark Lane. As there are no plans to open the road at this time, the impacts on the adjacent properties is limited. However, staff recommends that the application be referred to the Willis Point Advisory Planning Commission for comment.

### **RECOMMENDATION**

That the Juan de Fuca Land Use Committee direct staff to refer the proposed unopened road right-of-way closure and the proposed dedication of a new road right-of-way to the Willis Point Advisory Planning Commission for comment.

Original signed

Original signed

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June Klassen  
Manager, Local Area Planning

\_\_\_\_\_  
Robert Lapham, MCIP  
General Manager, Planning & Protective Services

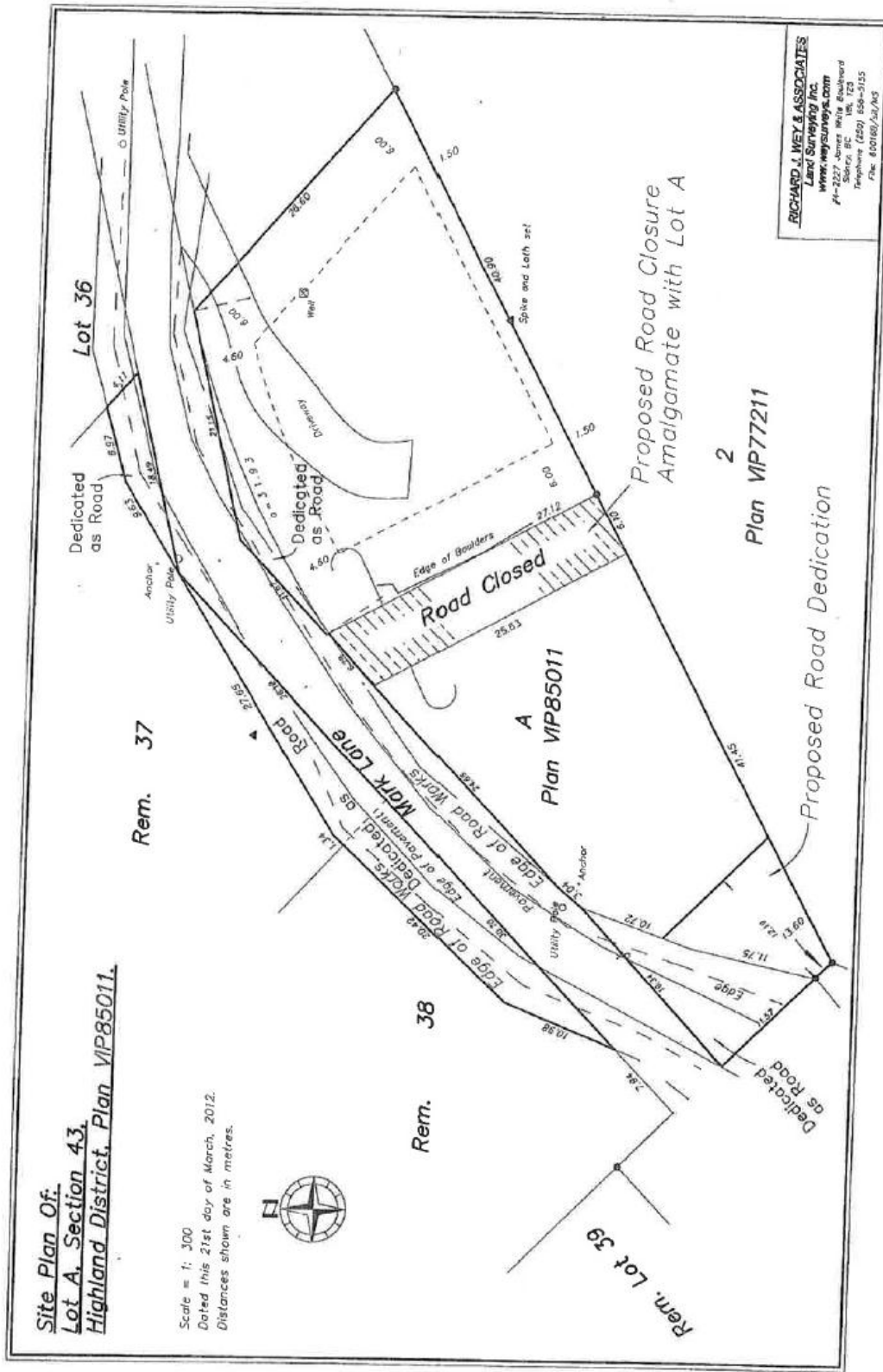
Attachments:

1. Appendix 1 – Subject Property Map
2. Appendix 2 – Proposed Plan of Road Closure and New Dedication
3. Appendix 3 – Letter from Ministry of Transportation and Infrastructure
4. Appendix 4 – Letter of Support from Owners of Lot 2, Sections 23/43, Highland District, Plan VIP77211

Appendix 1: Subject Property Map



Appendix 2: Proposed Site Plan



Appendix 3: Letter from Ministry of Transportation and Infrastructure



April 11, 2011

File: eDAS 2012-01575

Ms. Santarossa  
Manager – Legislative Services  
Capital Regional District  
PO Box 1000  
Victoria BC V8W 2S6

Dear Ms. Santarossa:

**Re: Proposed Road Closure and Newly Dedicated Road off Mark Lane - Highlands**

May I please have the Capital Regional District Board's comments and recommendations regarding the attached road closure and re-dedication in the Highlands off of Mark Lane.

The road proposed to be closed is an unopened road right-of-way serving Lot 2, Plan VIP 77211 (part of the original FAMA Development Lands). The owners of Lot 2 (letter attached) agrees with the proposal. This Ministry also supports the application as the newly dedicated road would be in a much safer location for sight distance in both directions on Mark Lane.

Please do not hesitate to call me should you have any questions.

Yours truly,

Ross D. Deveau  
District Development Technician

Enclosure

Ministry of  
Transportation  
and Infrastructure

South Coast Region  
Vancouver Island District  
Saanich Area Office

Mailing Address:  
PO Box 9833 Stn Prov Govt  
Victoria BC V8W 9T1  
Telephone: 250 952-4515  
Fax: 250 952-4508

Location:  
Suite 240-4460  
Chatterton Way  
Victoria BC V8X 5J2  
www.gov.bc.ca/tran

Appendix 4 – Letter of Support from Owners of Lot 2,  
Sections 23/43, Highland District, Plan VIP77211

COPY



March 28, 2012

Ministry of Transportation and Infrastructure  
Saanich Area  
Suite 240-4460 Chatterton Way  
Victoria, BC V8X 5J2



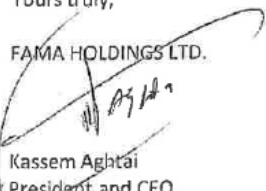
Attention: Mr. Ross Deveau

Dear Mr. Deveau:

Please take this letter as my acceptance of the proposal to relocate the public road R/W between Mark Lane on Willis Point and Lot 2, Plan VIP 77211, as outlined on the attached sketch plan.

Yours truly,

FAMA HOLDINGS LTD.

  
Kassem Aghtai  
President and CEO

Enclosure

Cc: Mr. Frank Edgell