



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, OCTOBER 21, 2014**

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**SUBJECT**     **SECTION 941 PROVISION OF PARK LAND FOR SUBDIVISION OF LOT 2,  
DISTRICT LOT 17, RENFREW DISTRICT, PLAN 32241**

**ISSUE**

To consider provision of 5% park land or cash-in-lieu pursuant to Section 941 of the *Local Government Act (LGA)* for the proposed bare land strata subdivision of Lot 2, District Lot 17, Renfrew District, Plan 32241 (6649 Godman Road) in Port Renfrew.

**BACKGROUND**

The 0.83 ha parcel was created by subdivision in 1977 and is now zoned Community Residential 1 (CR-1) in the Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109. The property is bordered by an unconstructed portion of Godman Road to the west, CR-1 zoned properties to the south, a Tourist Commercial 1 (TC-1) property to the east, and Snuggery Cove to the north (Appendix 1). The foreshore area on the property is a steep cliff bank with rocky shoreline. There is an existing dwelling and accessory buildings on the property which may need to be relocated should the property be developed.

The owner has applied to subdivide the property into six bare land strata lots under the provision of the CR-1 zone that the minimum parcel size shall be 0.1 ha when the parcel is hooked up to a community sewer and water system. The applicant proposes to connect the parcels to the Port Renfrew community water system and to a private sewage system on the property. The six lots will be accessed from a short strata road off Godman Road (Appendix 2).

The owner has obtained a foreshore lease for private moorage and may construct an access to a dock in the future. A geotechnical assessment conducted by Ryzuk Geotechnical Ltd. recommends a minimum 3 m setback from the crest of the foreshore slope for all building which will result in the foreshore area remaining generally free from development in the future.

The proposed subdivision application was referred to the Juan de Fuca Electoral Area (JdF EA) Parks and Recreation Advisory Commission to consider provision of 5% park land or cash-in-lieu pursuant to Section 941 of the *LGA*. The Commission considered the application at their meeting on September 23, 2014.

**ALTERNATIVES**

1. Recommend to the CRD Board that 5% cash in-lieu of park land dedication be requested pursuant to Section 941 of the *Local Government Act* for the proposed subdivision of Lot 2, District Lot 17, Renfrew District, Plan 32241 as shown in Appendix 2.
2. Recommend to the CRD Board that 5% park land dedication be requested.
3. Refer the application back to staff for more information.

**LEGISLATIVE IMPLICATIONS**

Section 23 of CRD Bylaw No. 3110 requires application for bare land strata subdivision to be made to the Local Area Planning office. A bare land strata plan must obtain the approval of the Provincial Approving Officer pursuant to Section 243 of the *Strata Property Act*.

Section 941 of the *LGA* outlines requirements for provision of park land with respect to subdivision. No more than 5% of the land being proposed for subdivision, or a monetary equivalent, is required to be provided by the applicant for park as a condition of the proposed subdivision.

### **PUBLIC CONSULTATION IMPLICATIONS**

There are no public consultation requirements in Bylaw No. 3110 for subdivision applications. An internal review of subdivision requirements is conducted by staff and conditions forwarded to the Approving Officer.

As the proposed subdivision involves provision of park land under Section 941 of the *LGA*, the application was referred to the JdF EA Parks and Recreation Advisory Commission and considered at their meeting on September 23, 2014. The Commission provides recommendations on the development, maintenance, and operation of community parks, recreational facilities and equipment and the organization and conduct of recreational programs within the JdF EA. Any matters related to future park dedication in the JdF EA are referred to the Commission for advice. Commission meetings are open to the public, advertised in the local newspaper and on the CRD website.

### **LAND USE IMPLICATIONS**

Pursuant to Section 941 of the *LGA*, where an official community plan contains policies and designations respecting the location and types of future parks, the local government may determine whether the owner must provide 5% park land or cash-in-lieu. If an owner is to pay money, the value of the land is based on the average market value of all land in the proposed subdivision calculated as that value would be on the date of preliminary approval of the subdivision before any works or services are installed, or a value agreed upon by the parties. Any money received for park land must be deposited in a reserve for the purpose of acquiring park lands.

The Comprehensive Community Plan for Port Renfrew, Bylaw No. 3109, includes policies and objectives related to parks and open space for both active and passive recreational pursuits. A continuous network of open spaces linking parks within the community is identified; however, the area around Godman Road is not specifically referenced. The JdF EA Community Parks Strategic Plan, 2010, identifies acquisition objectives for community parks and establishes that although park dedications are preferred to cash-in-lieu, it may be more appropriate to seek cash-in-lieu in marginal locations. Park acquisition policies and selection criteria are also outlined in the Strategic Plan.

Should the application to subdivide the 0.83 ha (8300 m<sup>2</sup>) property be approved, provision of park will be required under Section 941. Five percent of the area of the parcel would equal 415 m<sup>2</sup>. A monetary equivalent would need to be determined by an appraisal; however, based on the 2014 assessed land value of \$301,000, approximately \$15,050 would be received as cash in-lieu.

The application was referred to the JdF EA Parks & Recreation Advisory Commission for consideration at their meeting of September 23, 2014. The Commission made the following motion:

*That the Juan de Fuca Electoral Area Parks & Recreation Advisory Commission recommend to the Land Use Committee that cash-in-lieu be requested pursuant to Section 941 of the Local Government Act for the proposed subdivision of Lot 2, District Lot 17, Renfrew District, Plan 32241 and subject to verification of appraisal value.*

Although access to water may be desirable, the 5% land area is relatively small and would not serve to connect any existing parks in the area. The Approving Officer may consider Section 9 of the *Bare Land Strata Regulation* to dedicate a strip of land not exceeding 7 m along the bank or shore for the purpose of providing public access; however, due to the steep topography, it may not be feasible to develop an access. Therefore, staff recommend considering the JdF EA Parks and Recreation Advisory Commission's advice to accept cash in-lieu for this subdivision application. The applicant would be responsible for providing an appraisal of the land value and the CRD holds the funds for future park land acquisition.

**CONCLUSION**

The applicant proposes to subdivide the 0.82 ha property at 6649 Godman Road in Port Renfrew. The JdF EA Parks and Recreation Advisory Commission considered the application and recommends accepting 5% cash in-lieu of park land pursuant to Section 941 of the *LGA*. Staff supports the Commission's recommendation.

**RECOMMENDATION**

That the Land Use Committee recommends to the Capital Regional District Board:

That cash in-lieu of land be requested pursuant to Section 941 of the *Local Government Act* for the proposed subdivision of Lot 2, District Lot 17, Renfrew District, Plan 32241 subject to:

- a) verification of appraisal value acceptable to the CRD; and
- b) receipt of funds prior to registration of the subdivision.

**\*\*ORIGINAL SIGNED\*\***

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Emma Taylor, MA  
Planner

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June Klassen, MCIP  
Manager, Local Area Planning  
Concurrence

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Kevin Lorette, P.Eng., MBA  
General Manager  
Planning & Protective Services  
Concurrence

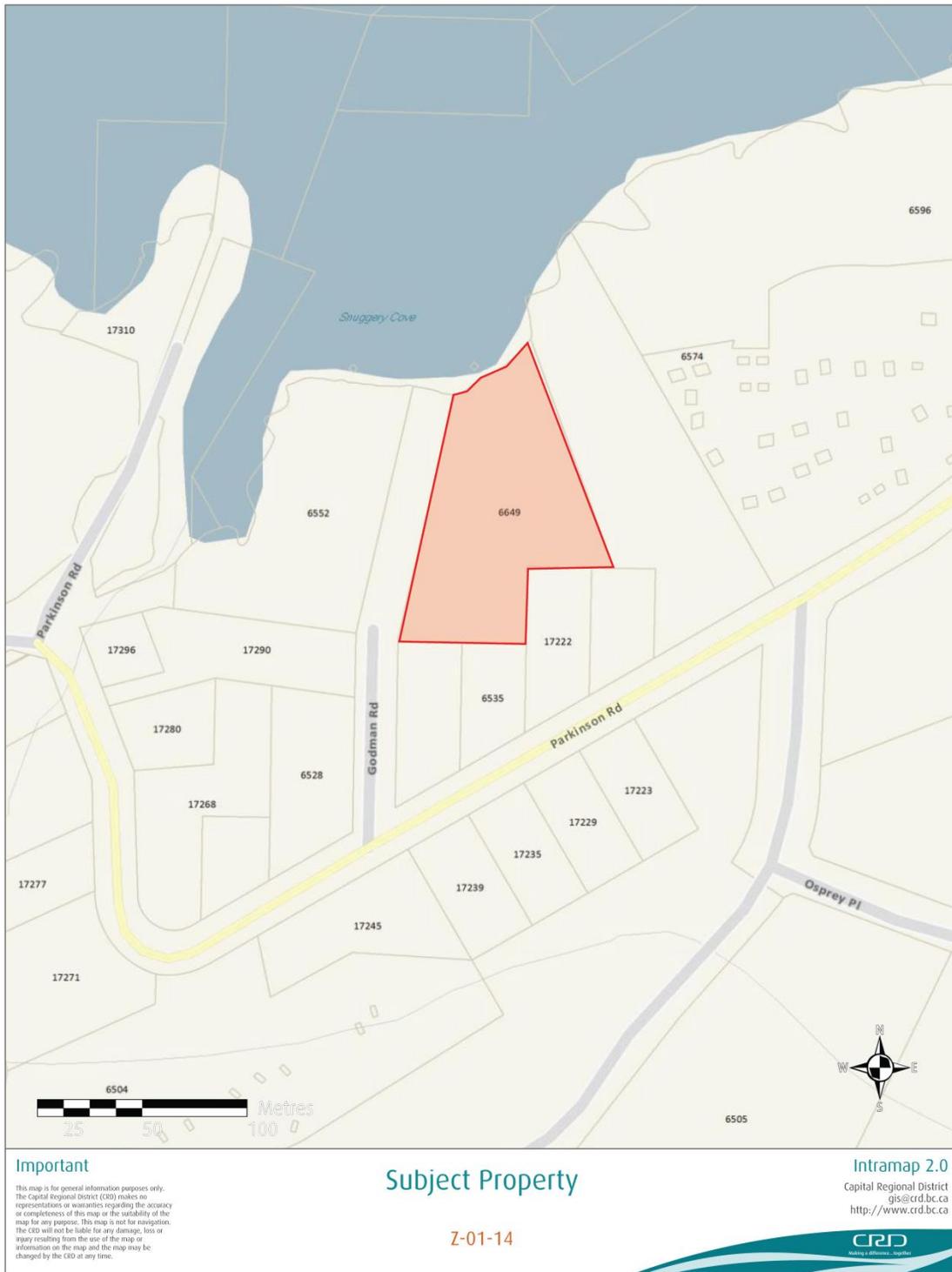
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Robert Lapham, MCIP  
Chief Administrative Officer  
Concurrence

Appendices:

- 1. Subject Property Map
- 2. Plan of Subdivision

Appendix 1: Subject Property Map



Appendix 2: Plan of Subdivision

