



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, OCTOBER 18, 2016**

SUBJECT **Section 510 Provision of Park Land for Subdivision of the Easterly ½ of the Northwest ¼ of Section 36, Township 13, Renfrew District except that part shown coloured red on Plan 346-R and except those parts in Plans 22475, 24267, 24755, 29515, 41154,50819 and VIP59967 (PID: 000-468-291); and the West ½ of the Northwest ¼ of Section 36, Township 13, Renfrew District except those parts in Plan 5109, 24267 and 24755 (PID: 00-565-787) – 17013 Wickanninish Road**

ISSUE

To consider options regarding the provision of park land pursuant to Section 510 of the *Local Government Act (LGA)* for a proposed 20-lot, bare land strata subdivision in Port Renfrew.

BACKGROUND

An application has been made to subdivide two parcels of land in Port Renfrew to create 20 bare land strata lots (SU000679). The western property is approximately 21 hectares and has frontage on Parkinson Road. The eastern property is approximately 27 hectares and has frontage on Wickanninish, Parkinson and Deering Roads. The two subject parcels are currently vacant and accessed by existing logging roads. A watercourse flows through the parcels but is located outside the area affected by the proposed subdivision (Appendix 1).

The two parcels are zoned Community Residential One (CR-1) in the Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109. The parcels are bordered by CR-1 zoned property to the east and west, the Rural Resource Lands planning area to the south, and by small CR-1 and Community Use (CU) zoned parcels and a Tourist Commercial One (TC-1) zoned parcel to the north.

The owner has applied to subdivide the property into 20 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 proposed plan of subdivision is included as Appendix 2.

The proposed subdivision application was referred to the Juan de Fuca Electoral Area (JdF EA) Parks and Recreation Advisory Commission to consider the provision of park land pursuant to Section 510 of the *LGA*. The Commission considered the application at their meeting on September 26, 2016.

ALTERNATIVES

1. That the requirement for dedicated park land or cash-in-lieu be waived for the proposed subdivision of the Easterly ½ of the Northwest ¼ of Section 36, Township 13, Renfrew District except that part shown coloured red on Plan 346-R and except those parts in Plans 22475, 24267, 24755, 29515, 41154,50819 and VIP59967; and the West ½ of the Northwest ¼ of Section 36, Township 13, Renfrew District except those parts in Plan 5109, 24267 and 24755, and that the voluntary commitment by 0983327 BC Ltd. to construct a 1.5 m wide trail to Juan de Fuca Electoral Area Parks and Recreation standards within the public road right-of-way be accepted.

2. That park land or cash-in-lieu not be waived.
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 510 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 Provincial Approving Officer.

As the proposed subdivision involves provision of park land under Section 510 of the *LGA*, the application was referred to the JdF EA Parks and Recreation Advisory Commission and considered at their meeting on September 26, 2016. 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 510 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. 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 two parcels be approved, provision of park is required under Section 510. Five percent of the total area of the parcels would equal 2.4 ha. As the area of land being subdivided at this time, is 4.5 ha, five percent of the developed area would equal 0.12 ha. A monetary equivalent would need to be determined by an appraisal; however, based on the 2016 combined assessed land value of \$1,128,000, approximately \$2,820 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 26, 2016. The Commission made the following motion:

That the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission recommend to the Juan de Fuca Land Use Committee that requirement for dedicated parkland or cash-in-lieu be waived for the proposed subdivision of the Easterly ½ of the Northwest ¼ of Section 36, Township 13, Renfrew District except that part shown coloured red on Plan 346-R and except those parts in Plans 22475, 24267, 24755, 29515, 41154, 50819 and VIP59967; and the West ½ of the Northwest ¼ of Section 36, Township 13, Renfrew District except those parts in Plan 5109, 24267 and 24755, and that the voluntary commitment by 0983327 BC Ltd. to construct a 1.5 m wide trail to Juan de Fuca Electoral Area Parks and Recreation standards within the public road right-of-way be accepted.

Staff recommend considering the JdF EA Parks and Recreation Advisory Commission's advice for this subdivision application. The applicant would be responsible for constructing a 1.5 m wide trail prior to CRD approval of the subdivision. Completion of the works would be a condition of Juan de Fuca Planning's sign-off to the Ministry of Transportation and Infrastructure that all subdivision requirements have been met.

CONCLUSION

The applicant proposes to subdivide a portion of two properties at 17013 Wickanninish Road in Port Renfrew. The JdF EA Parks and Recreation Advisory Commission considered the application and recommends waiving the park dedication and accepting the voluntary commitment by the owner to construct a trail within the public road right-of-way.

RECOMMENDATION

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

That the requirement for dedicated park land or cash-in-lieu be waived for the proposed subdivision of the Easterly ½ of the Northwest ¼ of Section 36, Township 13, Renfrew District except that part shown coloured red on Plan 346-R and except those parts in Plans 22475, 24267, 24755, 29515, 41154, 50819 and VIP59967; and the West ½ of the Northwest ¼ of Section 36, Township 13, Renfrew District except those parts in Plan 5109, 24267 and 24755, and that the voluntary commitment by 0983327 BC Ltd. to construct a 1.5 m wide trail to Juan de Fuca Electoral Area Parks and Recreation standards within the public road right-of-way be accepted.

Submitted By:	Ron Hamilton, Manager, Juan de Fuca Parks and Recreation
Submitted By:	Iain Lawrence, Manager, Local Area Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Glenn Harris, Ph.D., R.P. Bio., Acting General Manager, Parks & Environmental Services
Concurrence:	Bob Lapham, MCIP, RPP, Chief Administrative Officer

Appendices:

1. Subject Property Map
2. Plan of Subdivision

Appendix 1: Subject Property Map



