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REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, MAY 21, 2024

SUBJECT **Provision of Park Land Requirement for Subdivision Applications SU000711 and SU000756 at That Part of Section 17, Otter District, Lying East of Otter Point Road, Except Parcel C (DD43782I) and Except Parts in Plans 3054 and 17721: PID: 009-499-369 – 3542 Otter Point Road**

ISSUE SUMMARY

To consider options for the provision of park land pursuant to Section 510 of the *Local Government Act (LGA)* regarding a 6-lot conventional subdivision in Otter Point.

BACKGROUND

The 15 ha subject property is located at 3542 Otter Point Road in Otter Point, and is zoned Rural Residential 2 (RR-2) and Rural Industrial (M-RU) by the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040 (Appendix A). The Otter Point Official Community Plan, Bylaw No. 3819 (the OCP), designates portions of the subject property as watercourse & wetland and commercial & industrial development permit areas.

The CRD has received a referral from the Ministry of Transportation and Infrastructure (MoTI) for a 6-lot fee simple subdivision application (SU000711) and a subsequent 4-lot bare land strata subdivision application (SU000756) (Appendix B). Since 3 or more parcels will be created, the smallest of which is less than 2 ha, the provision of park land is required in accordance with Section 510 of the *LGA* (Appendix C).

The subject property was rezoned from Rural (A) to RR-2 and M-RU in 2021 to permit a range of light industrial to general industrial uses in addition to the continued operation of an existing sawmill. During rezoning process, the application was referred to the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission for consideration (the "Commission"). At its meeting of July 30, 2019, the Commission recommended support of the proposed rezoning subject to the provision of a trail along the Wieland Road right-of-way at the time of subdivision (Appendix D). The landowner now proposes to meet the Commission's interest in park expressed at the time of rezoning and the requirements of Section 510 of the *LGA* by constructing a trail that completes the Wieland trail, which extends from William Simmons Park to Kemp Lake Road, on a portion of land that will become part of the Wieland Road right-of-way upon completion of the 6-lot subdivision (Appendix E).

At its meeting of March 26, 2024, the Commission considered the landowner's proposal and its earlier recommendation in 2019 related to the rezoning application (Appendix F).

ALTERNATIVES

Alternative 1

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

That in accordance with Section 510 of the *Local Government Act*, park dedication in the amount of 5% be required for the proposed subdivision of That Part of Section 17, Otter District, Lying East of Otter Point Road, Except Parcel C (DD43782I) and Except Parts in Plans 3054 and 17721 (the "Land"); PID: 009-499-369; except that a lesser amount may be acceptable where the owner agrees to construct a trail built to JdF Community Parks and Recreation standards prior to subdivision approval on that part of the Land that will become the Wieland Road right-of-way.

Alternative 2

That the application be referred back to staff for more information.

IMPLICATIONS

Legislative Implications

Section 510 of the *LGA* requires the provision of park land at the time of subdivision where three or more additional lots are created, and the smallest lot being created is 2 ha or less. Where a regional district provides a community park service and an official community plan contains policies and designations respecting the location and types of future parks, the owner may be required to provide either land or cash-in-lieu at the discretion of the local government. The area of land to be provided may not exceed 5% of the land being subdivided.

If an owner is to provide cash-in-lieu, 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 that a proposed subdivision receives preliminary approval 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.

Land Use Implications

The OCP includes policies and objectives related to parks and trails. Should the application be approved, provision of parkland is required under Section 510 of the *LGA*. Five percent of the 15 ha land area is equal to 0.75 ha. In absence of an appraisal that follows provincial guidelines and regulations, the 2024 assessed land value is \$749,000.00; with \$37,450.00 being 5% of this value.

The Commission considered subdivision application SU000711 at its meeting of March 26, 2024, and passed the following Motion.

MOVED by Commissioner Braunschweig, **SECONDED** by Commissioner McKay that the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission recommends to the Juan de Fuca Land Use Committee that a trail be constructed to JdF Community Parks and Recreation standards for the proposed 6-lot subdivision (SU000711) and 4 lot bare land strata subdivision (SU000756) of That Part of Section 17, Otter District, Lying East of Otter Point Road, Except Parcel C (DD 43782I) and Except Parts in Plans 3054 and 17721, as outlined in the proposal submitted by the landowner, dated March 14, 2024.

CARRIED

In accordance with Section 3.2.6 of the Otter Point OCP, the provision of park land prioritizes an extensive network of multi-use trails that support recreation and connect to bus stops, parks and to the District of Sooke. With a primary focus on safety, these connections encourage trails that separate motorized vehicles from horses, pedestrians, and cyclists. The proposed trail through the Wieland Road public right-of-way intends to follow the direction provided by the Commission and meet the goals and objectives of the OCP for park land. The applicant would also be responsible for constructing a trail as a condition of CRD sign-off to MoTI advising that all subdivision requirements have been met. Staff recommend considering the Commission's advice for this subdivision application.

CONCLUSION

The applicant proposes to subdivide an existing 15 ha split-zoned parcel to create 6 RR-2 zoned lots and 4 M-RU zoned lots. The Commission considered the applications at its meeting of March 26, 2024, and recommended accepting the construction of a trail within the future Wieland Road public right-of-way. Staff recommend that park land dedication in the amount of 5% be provided, except that a lesser amount may be accepted where the owner agrees to construct a trail to CRD standards as a condition of the CRD's sign-off to MoTI, prior to final approval of the subdivision.

RECOMMENDATION

The Land Use Committee recommends to the Capital Regional District Board:
That in accordance with Section 510 of the *Local Government Act*, park dedication in the amount of 5% be required for the proposed subdivision of That Part of Section 17, Otter District, Lying East of Otter Point Road, Except Parcel C (DD43782I) and Except Parts in Plans 3054 and 17721 (the "Land"); PID: 009-499-369; except that a lesser amount may be acceptable where the owner agrees to construct a trail built to JdF Community Parks and Recreation standards prior to subdivision approval on that part of the Land that will become the Wieland Road right-of-way.

Submitted by:	Iain Lawrence, RPP, MCIP, Senior Manager, Juan de Fuca Local Area Services
Concurrence:	Kevin Lorette, P.Eng, MBA, General Manager, Planning & Protective Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENTS

- Appendix A: Subject Property Map
- Appendix B: Proposed Subdivision Plans SU000711 & SU000756
- Appendix C: Section 510 of the *LGA*
- Appendix D: Minutes from the July 30, 2019, Juan de Fuca Electoral Area Parks and Recreation Advisory Commission Meeting
- Appendix E: Proposal to Meet the Provision of Park Land Requirements
- Appendix F: Minutes from the March 26, 2024, Juan de Fuca Electoral Area Parks and Recreation Advisory Commission Meeting