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**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, SEPTEMBER 26, 2023**

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**SUBJECT**      **Provision of Park Land for the Subdivision of Rem. Parcel A (DD 143426I) of Section 97, Renfrew District, Except Plans 15462, VIP77871, EPP24972 and EPP104826 (PID: 009-592-423)**

**ISSUE SUMMARY**

To consider options for the provision of park land pursuant to Section 510 of the *Local Government Act (LGA)* in conjunction with a proposed 31-lot bare land strata (SU000754) in Port Renfrew.

**BACKGROUND**

The subject properties are located adjacent to Parkinson Road in Port Renfrew (Appendix A). The lands are zoned Community Residential – One (CR-1) and partially designated as a riparian development permit area (DPA) by the Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109.

Subdivision application SU000754 proposes to create 31 bare land strata lots from an existing 6.7 ha 4-lot bare land strata and from a 1.38 ha parcel that is proposed to be created under 2-lot subdivision application SU000759 (Appendix B). The 1.38 ha parcel was not previously considered for park dedication requirements.

In 2020, a subdivision proposal for the 4-lot bare land strata (SU000721) resulted in an initial review of park land dedication interests for the property. The CRD Board passed a resolution (20-373) at its meeting of August 12, 2020, requiring the construction and dedication of a CRD trail through an agreement with the landowner. Thereafter, a statutory-right-of-way for the trail (CB96336), was registered on title in favour of the CRD (Appendix C).

The applicant now proposes a realignment of statutory-right-of-way CB96336 within the 4-lot strata and extension of the trail through the lands that were not previously considered for park land dedication. At its meeting of June 27, 2023, the Juan de Fuca Electoral Area Community Parks and Recreation Advisory Commission (the Commission) considered the proposal and options for park land dedication requirements (Appendix D). The annotated proposed trail dedication plan identifies the proposed trail re-alignment and extension (Appendix E).

**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 1.38 ha land area proposed by the subdivision of Parcel A (DD 143426I) of Section 97, Renfrew District, except plans 15462, VIP77871, EPP24972 and EPP104826 (PID: 009-592-423), except that a lesser amount may be acceptable where the owner agrees to dedicate land and construct a roadside trail to JdF Community Parks and Recreation Standards on that portion of the subject property and amending the Capital Regional District Statutory Right-of-Way CB96336 registered on the affected and new title certificates prior to subdivision approval.

*Alternative 2*

Refer the application back to staff for more information.

## **IMPLICATIONS**

### *Legislative Implications*

Section 510 of the LGA (Appendix F) requires the provision of park land at the time of subdivision where fewer than 3 additional lots would be created if the parcel proposed to be subdivided was itself created by subdivision within the past 5 years. 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 amount 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*

Bylaw No. 3109 includes policies and objectives related to parks and trails. As part of the subdivision approval process, the provision of park land is required under Section 510 of the LGA. Five percent of the proposed 1.38 ha subject parcel is equal to 0.69 ha (690 m<sup>2</sup>). In the absence of a market value appraisal, the 2023 assessed value of the proposed 1.38 ha parcel is approximately \$92,755.72.

The Commission considered subdivision applications SU000759 and SU000754 at its meeting of June 27, 2023, and passed the following motion:

***MOVED*** by Commissioner Braunschweig, ***SECONDED*** by Commissioner Sloan that the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission recommend to the Juan de Fuca Land Use Committee that, in accordance with Section 510 of the Local Government Act, park dedication in the amount of 5% be required for proposed subdivision of Parcel A (DD 1434261), Section 97, Renfrew District, Except Plans 15462, VIP77871, EPP24972 and EPP104826; and Strata Lots 1-4, Section 97, Renfrew District, Strata Plan EPS7049 (SU000759 and SU000754), except where the owner agrees to dedicate that portion of land required to construct a trail that connects to Parkinson Road to JdF Community Parks and Recreation standards and that the owner agree to construct the trail prior to subdivision approval.

**CARRIED**

In accordance with Bylaw No. 3109, Section 4.8, the provision of park land must help the community achieve their quality-of-life goal objective. The Bylaw outlines that the provision of park land must be in the form of trails, tot lots, community parks, sports fields, regional parks, and/or interpretive parks. The proposed trail re-alignment and extension meets the intent of Bylaw No. 3109 by providing pedestrian connectivity and recreation opportunity through the proposed 31-lot bare land strata. Staff concur with the Commission's recommendation for this subdivision application. The applicant would be responsible for constructing a trail with a minimum width of 1.5 m 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, confirming that all subdivision requirements have been met.

**CONCLUSION**

The applicant proposes to create 31 bare land strata lots within an existing 4-lot bare land strata and 1.38 ha portion of a 28 ha remainder parcel. The Commission considered the application on June 27, 2023, and recommended accepting a statutory right-of-way extension on lands that have not previously received formal consideration for park land dedication. Staff recommend that park dedication in the amount of 5% be received, except that a lesser amount may be acceptable if the owner agrees to amend CRD statutory right-of-way CB96336 to include a new section of trail through the 1.38 ha lot, and construct the trail to JdF Community Parks and Recreation standards prior to subdivision approval.

**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 1.38 ha land area proposed by the subdivision of Parcel A (DD 143426I) of Section 97, Renfrew District, except plans 15462, VIP77871, EPP24972 and EPP104826 (PID: 009-592-423), except that a lesser amount may be acceptable where the owner agrees to dedicate land and construct a roadside trail to JdF Community Parks and Recreation Standards on that portion of the subject property and amending the Capital Regional District Statutory Right-of-Way CB96336 registered on the affected and new title certificates prior to subdivision approval.

Submitted by:	Iain Lawrence, MCIP, RPP, Senior Manager, JdF 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: Location Map
- Appendix B: Proposed Subdivision Plans SU000759 & SU000754
- Appendix C: CB96336 Reference Plan
- Appendix D: Minutes of the June 27, 2023, JdF Community Parks and Recreation Advisory Commission Meeting
- Appendix E: Annotated Proposed Trail Dedication
- Appendix F: Section 510 of the *LGA*