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REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, DECEMBER 15, 2020

SUBJECT **Provision of Park Land for Subdivision of Lot 9, Section 129, Sooke District, Plan VIP67208 – 590 Seedtree Road**

ISSUE SUMMARY

To consider provision of 5% park land or cash-in-lieu pursuant to Section 510 of the *Local Government Act (LGA)* for the proposed four-lot subdivision of Lot 9, Section 129, Sooke District, Plan VIP67208.

BACKGROUND

The 4.03 hectare (ha) parcel is located on 590 Seedtree Road and is zoned Rural Residential 6A (RR-6A) in the Juan de Fuca Land Use Bylaw No. 2040 (Appendix A).

The applicant has applied to subdivide the property into 2 fee simple lots with a concurrent application to further subdivide one of the newly created parcels into 3 bare land strata lots (Appendix B). The requirement for provision of park land or payment for parks purposes pursuant to Section 510 of the *Local Government Act (LGA)* applies to the subdivision.

At their meeting of October 27, 2020, the Juan de Fuca Electoral Area (JdF EA) Parks and Recreation Advisory Commission (the Commission) considered options for park land requirements and recommended that cash in-lieu of park land be received (Appendix C).

ALTERNATIVES

Alternative 1

The Land Use Committee recommends to the CRD Board:

That cash in lieu of park land dedication be requested for the proposed subdivision of Lot 9, Section 129, Sooke District, Plan VIP67208, subject to verification of appraisal value acceptable to the Commission pursuant to Section 510 of the *Local Government Act*.

Alternative 2:

Refer the application 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 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 of preliminary layout 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.

Public Consultation Implications

There are no public consultation requirements in Bylaw No. 3885 for subdivision applications. An internal review of subdivision requirements is conducted by staff and conditions are forwarded to the Provincial Approving Officer. As the proposed subdivision requires provision of park land under Section 510 of the *LGA*, the application was referred to the JdF EA Parks and Recreation Advisory Commission. Meetings are open to the public, advertised in the local newspaper and on the CRD website.

Land Use Implications

The East Sooke Official Community Plan, Bylaw No. 4000, includes policies and objectives related to parks and trails. A network of parks and trails within the community is identified; however, the area around the subject property is not specifically referenced.

The JdF EA Community Parks Strategic Plan, 2010, identifies broad acquisition objectives for community parks and establishes that although park dedication is 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.

East Sooke Regional Park is located 900 m to the west of the subject property; Matheson Lake Regional Park is located 1.5 km to the north of the subject property. The property is an older second growth forest ecosystem and the steep terrain is challenging for trail construction. Natural features of the site will be protected through issuance of a development permit.

The Commission considered subdivision applications SU000725/SU000726 at its meeting of October 27, 2020, (Appendix C) and passed the following motion:

MOVED by Commissioner Sloan **SECONDED** by Commissioner Gaston that the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission recommend to the Juan de Fuca Land Use Committee that the requirement for park land dedication in accordance with Section 510 of the *Local Government Act*, for proposed subdivision of Lot 9, Section 129, Sooke District, Plan VIP67208 (SU000725/SU000726), be received in the form of cash-in-lieu.

CARRIED

Staff support acceptance of cash in-lieu of park land dedication as recommended by the Commission.

CONCLUSION

The applicant proposes to subdivide the 4.03 ha property at 590 Seedtree Road into four lots. The JdF EA Parks and Recreation Advisory Commission considered the application on October 27, 2020, and recommended accepting cash in-lieu of park land dedication pursuant to Section 510 of the *LGA*. If the Land Use Committee and Regional Board agree to accept cash-in-lieu, the requirement would be fulfilled prior to final approval of the subdivision.

RECOMMENDATION

The Land Use Committee recommends to the CRD Board:

That cash in lieu of park land dedication be requested for the proposed subdivision of Lot 9, Section 129, Sooke District, Plan VIP67208, subject to verification of appraisal value acceptable to the Commission pursuant to Section 510 of the *Local Government Act*.

Submitted by:	Iain Lawrence, MCIP, RPP, Manager, Juan de Fuca Community Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENTS

Appendix A: Subject Property Map

Appendix B: Plan of Subdivision

Appendix C: Commission Minutes October 27, 2020