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**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, JULY 18, 2023**

**SUBJECT Provision of Park Land for Subdivision of Lot 1, Section 98, Sooke District,
Plan VIP23938 – 6144 East Sooke Road**

ISSUE SUMMARY

To consider the provision of park land or cash-in-lieu equivalent pursuant to Section 510 of the *Local Government Act (LGA)* in conjunction with the proposed four-lot subdivision of Lot 1, Section 98, Sooke District, Plan VIP23938.

BACKGROUND

The 1.78 hectare (ha) parcel is located on the north side of East Sooke Road adjacent to Sooke Basin and is zoned Rural Residential 5 (RR-5) in the Juan de Fuca Land Use Bylaw, 1992, No. 2040 (Appendix A).

The applicant has applied to subdivide the property into 4 fee simple lots (Appendix B). The requirement for provision of park land or payment for parks purposes pursuant to Section 510 of the *LGA* applies to the subdivision. The requirement for Access to Waterfront pursuant to Section 75 of the *Land Title Act* would not apply to this subdivision since an access exists approximately 140 m to the west at Cockle Lane meeting the minimum interval requirement of 200 m.

At their meeting of May 30, 2023, 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 1, Section 98, Sooke District, Plan VIP23938 subject to verification of the land value 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 the 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 land.

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 & Recreation Strategic Plan, 2023, identifies that it may be more appropriate to defer park land in favour of cash-in-lieu at the time of subdivision if the land in question would not provide value to the community.

East Sooke Regional Park and Copper Mine Park are located approximately 450 m to the east and 150 m to the west of the subject property respectively; however, any trail construction to provide connectivity between community features in the area would also require road crossings since both parks are located on the south side of East Sooke Road.

The Commission considered the application at its meeting of May 30, 2023, (Appendix C) and passed the following motion:

MOVED by Commissioner McKay, **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 the requirement for park land dedication in accordance with Section 510 of the *Local Government Act*, for the proposed subdivision of Lot 1, Section 98, Sooke District, Plan 23938 (SU000757), 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 1.78 ha property at 6144 East Sooke Road into four lots. The JdF EA Parks and Recreation Advisory Commission considered the application on May 30, 2023, 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 the land value pursuant to Section 510 of the *Local Government Act*.

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: Subject Property Map
- Appendix B: Plan of Subdivision
- Appendix C: Commission Minutes May 30, 2023