



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, NOVEMBER 20, 2018**

SUBJECT **Section 510 Provision of Park Land for Subdivision of Lot 2, District Lot 17, Renfrew District, Plan 32241**

ISSUE

To reconsider provision of 5% park land or cash-in-lieu pursuant to Section 510 of the *Local Government Act (LGA)* for the proposed six-lot bare land strata subdivision of Lot 2, District Lot 17, Renfrew District, Plan 32241 (6649 Godman Road) in Port Renfrew.

BACKGROUND

The 0.83 ha parcel is zoned Community Residential 1 (CR-1) in the Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109. The property is bordered by Godman Road to the west, CR-1 zoned properties to the south, a Tourist Commercial 1 (TC-1) property to the east, and Snuggery Cove to the north (Appendix 1). The foreshore area on the property is a steep cliff bank with rocky shoreline. There is an existing dwelling and accessory buildings on the property and the owner has obtained a foreshore lease for private moorage.

The owner applied to subdivide the property into six bare land strata lots in 2014 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 community sewer and water systems (Appendix 2). The applicant proposes to connect the parcels to the Port Renfrew community water system and to a private on-site community sewage system. A preliminary non-approval was issued by the Ministry of Transportation & Infrastructure for the subdivision in 2015 due to an unacceptable on-site sewage disposal system design. The applicant has now provided an acceptable sewage system design and has requested consideration of preliminary layout approval.

At their meeting of September 23, 2014, the Juan de Fuca Electoral Area (JdF EA) Parks and Recreation Advisory Commission (the Commission) recommended that cash in-lieu of park land be received pursuant to Section 510 of the *LGA*. This recommendation was supported by the Land Use Committee on October 21, 2014 and by the CRD Board on November 12, 2014 (Appendices 3 & 4). The Commission reconsidered the application at their meeting of September 25, 2018, rescinded their previous motion, and stated an interest in receiving park land for a trail connection (Appendix 5).

ALTERNATIVES

1. That the Land Use Committee recommend to the CRD Board:
 - a. That the Board motion of November 12, 2014, requesting cash in-lieu of land for subdivision application S-03-14, for Lot 2, District Lot 17, Renfrew District, Plan 32241, be rescinded.
 - b. That 5% park land dedication be requested pursuant to Section 510 of the *Local Government Act* for the proposed subdivision of Lot 2, District Lot 17, Renfrew District, Plan 32241 pursuant to securing dedication of land for a trail connection.
2. Refer the application back to staff for more information.

LEGISLATIVE IMPLICATIONS

CRD Bylaw No. 3110 requires applications 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.

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 are forwarded to the 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

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. A continuous network of open spaces linking parks 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 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.

Five percent of the area of the 0.83 ha subject parcel would equal approximately 415 m². A monetary equivalent would need to be determined by an appraisal; however, based on the existing property's 2018 assessed land value of \$407,000, approximately \$20,350 would be received as cash in-lieu.

The Board supported the Commission's earlier recommendation that cash in-lieu of park land for the proposed subdivision be accepted. Since that time, however, there have been additional development applications in Port Renfrew with park land considerations, as well as completion of the Port Renfrew Tourism Trail with funding from the Rural Dividend Fund. The Commission has expressed a desire to develop a comprehensive trail network plan for the community.

The Commission reconsidered subdivision application S-03-14 at their meeting of September 25, 2018 and moved to rescind their September 23, 2014, motion recommending cash in-lieu of park land pursuant to securing dedication of land for a trail connection. Further review of the property will be required to determine a suitable area to dedicate as park.

CONCLUSION

The applicant proposes to subdivide the 0.82 ha property at 6649 Godman Road in Port Renfrew. The JdF EA Parks and Recreation Advisory Commission reconsidered the application on September 25, 2018 and recommends accepting 5% park land pursuant to Section 510 of the *LGA*.

RECOMMENDATION

That the Land Use Committee recommend to the CRD Board:

- a. That the Board motion of November 12, 2014, requesting cash in-lieu of land for subdivision application S-03-14, for Lot 2, District Lot 17, Renfrew District, Plan 32241, be rescinded.
- b. That 5% park land dedication be requested pursuant to Section 510 of the *Local Government Act* for the proposed subdivision of Lot 2, District Lot 17, Renfrew District, Plan 32241 pursuant to securing dedication of land for a trail connection.

Submitted by:	Emma Taylor, MA, MCIP, RPP, Planner
Concurrence:	Iain Lawrence, MCIP, RPP, Manager, Local Area Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

Attachments:

- Appendix 1. Subject Property Map
- Appendix 2. Plan of Subdivision
- Appendix 3. LUC Minutes October 21, 2014
- Appendix 4. Board Minutes November 12, 2014
- Appendix 5. Commission Minutes September 25, 2018