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REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, JULY 21, 2020

SUBJECT **Provision of Park Land for Subdivision of Lot A, District Lot 17, Renfrew District, Plan EPP10506 – 6505 Powder Main Road**

ISSUE SUMMARY

To consider provision of 5% park land or cash-in-lieu equivalent pursuant to Section 510 of the *Local Government Act (LGA)* for the proposed 13-lot bare land strata subdivision of Lot A, District Lot 17, Renfrew District, Plan EPP10506.

BACKGROUND

The 1.85 hectare (ha) parcel is located at 6505 Powder Main Road and is zoned Tourism Commercial - One (TC-1) in the Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109 (Appendices A and B). The subject property has several existing single-family dwellings and accessory structures that are used as tourist accommodation facilities. The buildings are accessed by an existing driveway that winds through the parcel from Powder Main Road. The parcel is intersected by a watercourse that runs roughly south to north.

The applicant has applied to subdivide the property into 13 bare land strata lots with an internal common property access road (Appendix C). The requirement for provision of park land or payment for parks purposes pursuant to Section 510 of the *LGA* applies to the subdivision.

At their meeting of May 26, 2020, the Juan de Fuca Electoral Area (EA) Parks and Recreation Advisory Commission (the Commission) recommended that cash in-lieu of park land be received (Appendix D).

ALTERNATIVES

Alternative 1

That the Land Use Committee recommend to the CRD Board:

That cash in lieu of park land dedication in the amount of 5% of the value of the land being subdivided be requested pursuant to Section 510 of the *Local Government Act* for the proposed subdivision of Lot A, District Lot 17, Renfrew District, Plan EPP10506.

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 Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109, includes policies and objectives related to parks and trails. A proposed network of trails within the community is identified; however, the area around the subject property is not specifically included.

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.

Should the application to subdivide the parcel be approved, provision of park is required under Section 510 of the *LGA*. Five percent of the parcel would be equal 0.09 ha. A monetary equivalent would need to be determined by an appraisal; however, based on the 2020 assessed land value of \$240,000, approximately \$12,000 would be received as cash in-lieu.

The Commission considered subdivision application SU000720 at its meeting of May 26, 2020, (Appendix C) and passed the following motion:

MOVED by Commissioner Sloan, **SECONDED** by Commissioner Braunschweig 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 A, District Lot 17, Renfrew District, Plan EPP10506 (SU000720), 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 1.85 ha property at 6505 Powder Main Road into 13 bare land strata lots. The JdF EA Parks and Recreation Advisory Commission reconsidered the application on May 26, 2020, and recommends accepting 5% cash in-lieu of park land 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

That the Land Use Committee recommend to the CRD Board:

That cash in lieu of park land dedication in the amount of 5% of the value of the land being subdivided be requested pursuant to Section 510 of the *Local Government Act* for the proposed subdivision of Lot A, District Lot 17, Renfrew District, Plan EPP10506.

Submitted by:	Iain Lawrence, MCIP, RPP, Manager, Juan de Fuca Community Planning
Submitted by:	Don Closson, Manager, Juan de Fuca Community Parks and Recreation
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Larisa Hutcheson, P.Eng., General Manager, Parks & Environmental Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENTS

- Appendix A: Subject Property Map
- Appendix B: Orthophoto Map
- Appendix C: Plan of Subdivision
- Appendix D: Commission Minutes May 26, 2020