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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 Parcel A (DD 143426I) of Section 97, Renfrew District, Except that part in Plans 15462, VIP77871 and EPP24972 – 17151 Parkinson Road**

ISSUE SUMMARY

To consider options regarding the provision of park land pursuant to Section 510 of the *Local Government Act (LGA)* for the proposed four-lot bare land strata subdivision of Parcel A (DD 143426I) of Section 97, Renfrew District, Except that part in Plans 15462, VIP77871 and EPP24972.

BACKGROUND

The 30.9 hectare (ha) parcel is located on 17151 Parkinson 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 parcel is currently accessed by existing logging roads and one single family dwelling is located in the northwest corner, which is accessed by a driveway from Parkinson Road. A watercourse flows through the parcel, but is located outside the area affected by the proposed subdivision.

The applicant has applied to subdivide the property into 2 lots with a concurrent application to further subdivide one of the newly created parcels into 4 bare land strata lots (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 (JdF EA) Parks and Recreation Advisory Commission (the Commission) considered options for park land requirements (Appendix D).

ALTERNATIVES

Alternative 1

That the Land Use Committee recommend to the CRD Board:

That 5% park land dedication be requested pursuant to Section 510 of the *Local Government Act* for the proposed subdivision of Parcel A (DD 143426I) of Section 97, Renfrew District, Except that part in Plans 15462, VIP77871 and EPP24972, except that a lesser amount may be acceptable where the owner agrees to dedicate that portion of the subject property required to locate a trail along Parkinson Road to JdF Community Parks and Recreation standards, and that the owner agrees to construct the trail prior to subdivision approval.

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 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, cash-in-lieu can be appropriate in marginal locations. Park acquisition policies and selection criteria are also outlined in the Strategic Plan.

The Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109, includes policies and objectives related to parks and trails. Should the application to subdivide the parcel be approved, provision of park is required under Section 510 of the *LGA*. Five percent of the larger parcel would equal 1.5 ha; but the area of land under consideration at this time is 6.7 ha, of which five percent would be equal to 0.335 ha. A monetary equivalent would need to be determined by an appraisal; however, based on the 2020 assessed land value of \$1,395,000, approximately \$15,100 would be received as cash in-lieu.

The Commission drafted a plan identifying a network of potential trails within the community as a result of earlier development proposals (Appendix E). The subject property is identified as an area of interest as part of this plan.

In light of the goal of developing a trail network around the community, the Commission considered subdivision application SU000721 at its meeting of May 26, 2020, 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 143426I) of Section 97, Renfrew District, Except that part in Plans 15462, VIP77871 and EPP24972 (SU000721), except where the owner agrees to dedicate that portion of land required to construct a trail along Parkinson Road to JdF Community Parks and Recreation standards and that the owner agrees to construct the trail prior to subdivision approval.

CARRIED

A similar agreement was reached with the owner as part of a proposed 13-lot subdivision of land to the east of the subject property. Such a voluntary agreement reduces the amount of land required to be dedicated by the owner and provides the community with a constructed asset. Therefore, staff support the JdF EA Parks and Recreation Advisory Commission's recommendation for this subdivision application.

CONCLUSION

The applicant proposes to subdivide 6.7 ha of the 30.9 ha property at 17151 Parkinson Road into 4 bare land strata lots. The JdF EA Parks and Recreation Advisory Commission considered the application on May 26, 2020, and recommended accepting 5% cash in-lieu of park land pursuant to Section 510 of the *LGA*, except where the owner agrees to dedicate that portion of land required to construct a trail along Parkinson Road to JdF Community Parks and Recreation standards and that the owner agrees to construct the trail prior to final subdivision approval.

If the Land Use Committee and CRD Board agree to the motion, the applicant would be responsible for satisfying Section 510 of the *LGA* by voluntarily constructing and dedicating an approved trail. Satisfactory completion of the works would be a condition of Juan de Fuca Community Planning's sign-off to the Ministry of Transportation and Infrastructure required for final approval of the subdivision.

RECOMMENDATION

That the Land Use Committee recommend to the CRD Board:

That 5% park land dedication be requested pursuant to Section 510 of the *Local Government Act* for the proposed subdivision of Parcel A (DD 143426I) of Section 97, Renfrew District, Except that part in Plans 15462, VIP77871 and EPP24972, except that a lesser amount may be acceptable where the owner agrees to dedicate that portion of the subject property required to locate a trail along Parkinson Road to JdF Community Parks and Recreation standards, and that the owner agrees to construct the trail prior to subdivision approval.

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
- Appendix E: Draft Port Renfrew Trails Plan