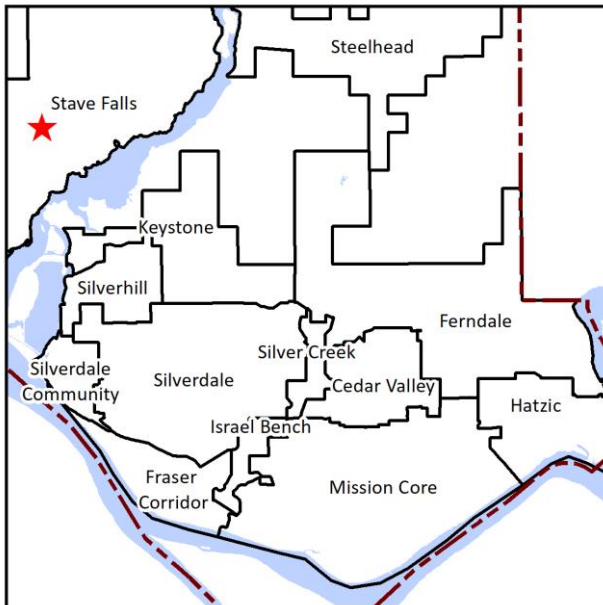


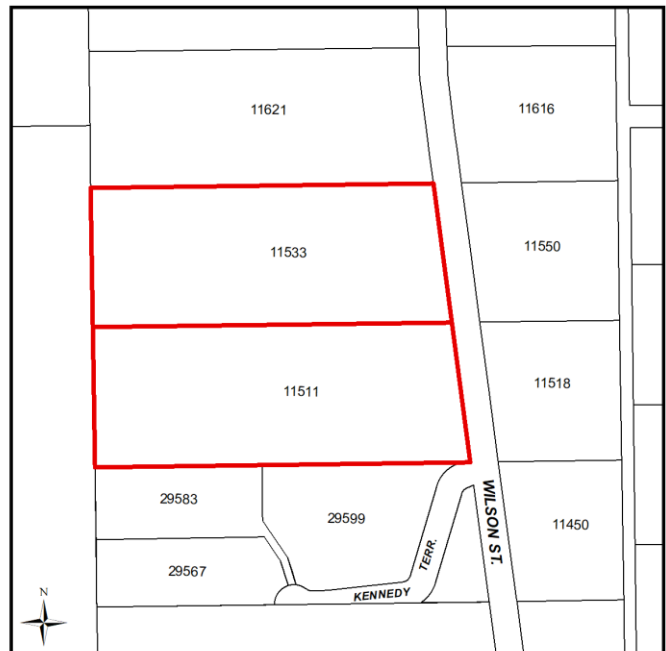
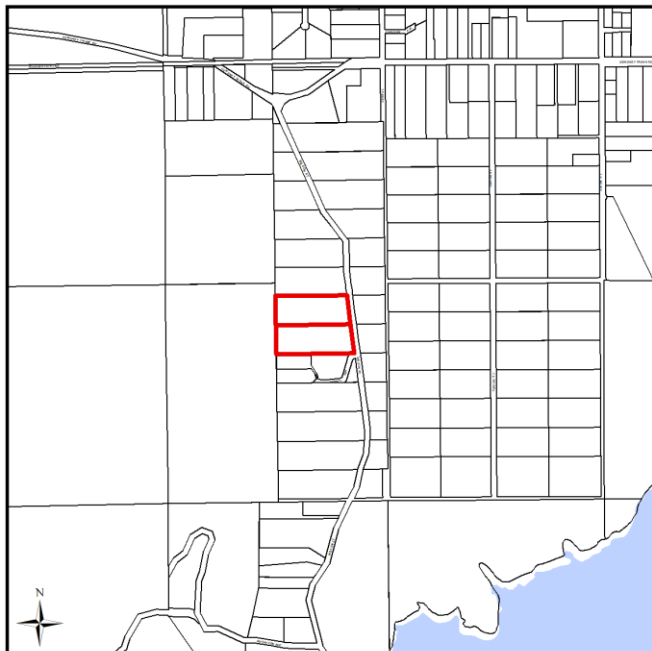
Project: P2018-039
Application Number: R18-027

Subject: Development Application – 11511 & 11533 Wilson Street



DATE: March 20, 2023
BYLAW / PERMIT #: 6132-2022-5949(85)
PROPERTY PIDs: **012-426-695**
012-426-628
LOCATION: Steelhead
CURRENT ZONING: Rural 16 Zone (RU16)
PROPOSED ZONING: Rural Residential Secondary Dwelling Zone (RR7s)
CURRENT OCP: Rural Residential
PROPOSED OCP: No change

PROPOSAL:
 To rezone the subject properties from RU16 Zone to RR7s Zone to facilitate a subsequent bare land strata subdivision of seven potential lots.



Recommendation(s)

1. That draft bylaw 6132-2022-5949(85) to rezone 11511 and 11533 Wilson Street from Rural 16 Zone (RU16) to Rural Residential 7 Secondary Dwelling Zone (RR7s) be considered for first and second reading;
2. That, subject to the Bylaw receiving first and second reading, a Public Hearing be scheduled on a date to be determined; and
3. That one of the following options regarding tree replacement be selected:
 - 3.1. That as per LAN.32, replacement trees be planted at a ratio of 3:1 for the 717 significant tree removed, for a total replacement of 2,151 trees by replanting on site or providing financial compensation at a rate of \$250/tree or combination of the two methods; or
 - 3.2. That as per the recommendation of the arborist report, consider the new growth from natural tree regeneration to be sufficient replacement for all trees removed; or
 - 3.3. That replacement trees to be planted and/or financial compensation at a rate of \$250/tree, and allow up to 50% of new growth from natural regeneration, provided that tree species are consistent with LAN.32, to be considered towards the total amount of trees required for replacement.
4. That prior to the adoption of the Bylaw, the following conditions be met to the satisfaction of the Director of Development Services:
 - 4.1. Substantial completion of subdivision application S18-015.
 - 4.2. Collection of any volunteered contributions to the City's community amenity reserve.
 - 4.3. Any other requirements resulting from Council's consideration of the Bylaw, including Public Hearing.

Rationale of Recommendation(s)

The proposal is consistent with the Official Community Plan (OCP).

- The subject site is designated Rural Residential in the OCP. The proposal for rezoning to the RR7s Zone conforms to the Rural Residential OCP designation.

The replanting recommendation is consistent with Land Use Policy LAN.32 Tree Retention/Replanting.

- Section 32.4 of LAN.32, requires that where there is documented evidence that tree removal has occurred prior to submission of a development application and prior to approval of a tree retention/replanting plan, the development proposal must entail replacement of all significant trees removed at a ratio of 3:1.

Purpose

To accommodate the subdivision of seven potential bare land strata lots. See Attachment A for the proposed lot layout.

Site Characteristics and Context

Applicant

- OTG Developments Ltd.

Property Sizes

- 11511 Wilson Street: ~ 2.97 ha (7.35 ac)
- 11533 Wilson Street: ~ 2.82 ha (6.97 ac)
- Total Area: ~ 5.79 ha (14.30 ac)

Neighbourhood Character

- The subject site is surrounded by large rural parcels that are mostly treed. To the north and south, the subject site has rural residential designated properties, the east are agricultural designated properties, and to the west the subject site backs on to a municipal forest designated land.
- This area consists of a mix of zones including Agricultural Zones A80 and A16, Rural Zones RU80 and RU16, Rural Residential Zones RR7 and RR7s, and Comprehensive Development Zone 38 (CD38).

Environmental Protection

- The subject site has a watercourse and wetland on it. A Riparian Area Protection Regulation (RAPR) report will be required to determine setbacks and protection measures. Tree removal has occurred within a Streamside Protection and Environmental Area (SPEA), which the applicants Qualified Environmental Professional (QEP) is aware of and working to resolve. The RAPR report will need to detail the encroachment and follow the provincial process for such activity.
- Development Permit under Area E for Natural Environment (DP18-033) is required and delegated to staff.
- The property addressed 11511 Wilson Street was clear cut in 2019 without an arborist report or an approved tree removal and replacement planting plan. As such, LAN.32. would require the applicant to replace all significant trees removed at a 3:1 ratio.

Geotechnical Protection

- The Development Permit under Area G for Geotechnical Hazards (DP19-094) is applicable to this development. This Development Permit is delegated to Staff for approval.

Fire Interface

- The Development Permit under Area I for Fire Interface (DP19-093) is applicable to this development. This Development Permit is delegated to Staff for approval.

Parks and Trails

- Ruskin Park is a five-minute drive from the subject site.

Servicing

Development of this area will require servicing, as outlined in Attachment B.

Referrals

Engineering Department:	No concerns; see Attachment C for referral comments.
Building Division:	No concerns.
Mission Fire Rescue Service:	No concerns.

Environmental Services:	Application should not proceed without an accepted arborist report. Replacement of trees at a 3:1 ratio is recommended. See Attachment C for referral comments.
Forestry Department:	An arborist report is requested with comments specific to the land clearing activities and its impacts on the TFL26 trees. See Attachment D for referral comments.
Bylaw Enforcement Division:	No concerns.
Finance Department:	No concerns.
Parks, Recreation, and Culture:	No comment was provided.
School District 75:	No concerns.
BC Transit:	No comment was provided.

Development Considerations

Community Amenity Contribution

The applicant has volunteered to contribute Community Amenity Contributions in accordance with Policy LAN.40(C).

Tree Management

Tree removal has occurred on a portion of the subject site, ahead of development approval. On March 12, 2019, the Bylaw Enforcement Division received a complaint regarding active clear cutting taking place at 11511 Wilson Street. At the time of the complaint, 11511 Wilson Street had not been included in the development application P2018-039, however staff had been made aware of a forthcoming development application for 11511 Wilson Street. The owner of the property and the applicant were made aware of the complaint and the implications of clear cutting a property ahead of an expected development application. As per Policy LAN.32, removal of significant trees prior to an application and/or prior to an approved tree retention and replanting plan will be penalized with a 3:1 tree replacement requirement.

The property located at 11511 Wilson Street was officially added to the development file P2018-039 on July 11, 2019. A site visit by staff on September 19, 2019, revealed the site to had been clear cut. Staff requested an arborist report to address the replanting requirements and to assess any damage that clear cutting may have had on the on-site watercourses and the root systems of the adjacent trees of Tree Farm Licence 26 (TFL26).

An arborist report dated November 10, 2022, by Redcedar Environment Consulting has been received by staff (Attachment E). The report estimates 500 significant trees per hectare to have been on the site. While the arborist report speaks to the entire site, staff used the report's estimations and applied them to the 11511 Wilson Street property only as staff have more documented evidence of Policy LAN.32 infraction.

The property located at 11511 Wilson Street is 2.97 ha in total area, and 1.186 ha of that total has been determined to be exempt as per Policy LAN.32. This leaves 1.784 ha of land to apply the arborist's estimation of 500 trees per ha, for a total of 892 significant trees that Policy LAN.32 would be applicable too. Of the 892 estimated trees, 175 trees currently remain on parcel 11511 Wilson Street, allowing for credit under LAN.32 and bringing the total significant trees removed from 11511 Wilson Street to 717 trees. The 717 trees are subject to the 3:1 replacement planting requirements or financial compensation of \$250 per tree removed or a combination of replacement planting and financial compensation as described in LAN.32.

While the arborist report acknowledges tree removal having taken place and provides an estimate of trees removed, the arborist does not recommend replanting as per Policy LAN.32. Rather, the report notes on page 6,

“However, this report recognizes that the property has remained fallow for a number of years and that natural regeneration has started. Natural regeneration is an acceptable method of rehabilitation. In this case, there have been at least four complete growing seasons, and trees are becoming established on the site.”

As such, the arborist report does not recommend replacement planting for the tree’s removed in 2019. The report notes 34 additional trees that are marked for removal. The 34 additional trees would require replacement at 1:1 as they are being requested for removal as per process.

Staff visited the site on March 6, 2023 and assessed the natural regeneration to consist of some viable native conifer saplings. However, staff also noted invasive plants that are beginning to colonize the site, which may threaten the health of the successive forest. Staff are unable to determine how many of the saplings from the natural regeneration process will remain after construction activities are complete.

While Policy LAN.32 does not provide staff with any guidance regarding credit for natural regeneration, staff have considered the value of the natural regeneration that is occurring and with that in mind have proposed an option that would allow partial credit for the natural regeneration.

In addition to the replacement planting requirements, two trees per lot will be required to be planted on each lot as part of the subdivision process.

Options for Consideration:

Staff have recommended 3 options for Council to consider in the recommendation section.

Option 1, listed as Recommendation 3.1.

- That as per LAN.32, replacement trees be planted at a ratio of 3:1 for the 717 significant tree removed, for a total replacement of 2,151 trees by replanting on site or providing financial compensation at a rate of \$250/tree or combination of the two methods.

This option would result in a strong message discouraging this type of extensive tree clearing activity prior to development approvals being in place. If the entire 2,151 trees required to be replanted were provided as financial compensation the amount would be \$537,750, or \$76,821 per lot, based on the proposed 7 lot layout.

Option 2, Listed as Recommendation 3.2.

- That as per the recommendation of the arborist report, consider the new growth from natural tree regeneration to be sufficient replacement for all trees removed.

This option of considering natural regrowth is the recommendation of the arborist hired by the applicant. Staff agree with the arborist that the saplings that have begun to grow are of good quality, the quantity and species mix may not be consistent with the intent of LAN.32. This approach also does not send a strong message to other property owners to discourage similar future tree clearing activity.

Option 3, Listed as recommendation 3.3.

- That replacement trees to be planted and/or financial compensation at a rate of \$250/tree, and allow up to 50% of new growth from natural regeneration, provided that tree species are consistent with LAN.32, to be considered towards the total amount of trees required for replacement.

Staff have proposed this option as a compromise, in the belief that it strikes a balance between the

intent of policy LAN.32 to discourage excessive tree clearing as a component of development application and the goal of regenerating the recently clear cut site. If 50% of the 2,151 trees required to be replanted were provided as financial compensation the amount would be \$268,875, or \$38,410 per lot, based on the proposed 7 lot layout.

Parkland Contribution

Provisions of the Local Government Act authorize a local government to receive up to 5% of development lands or cash-in-lieu contribution for parkland. Under this provision of the Act, 5% parkland cash-in-lieu will be collected from the developer prior to the completion of the subdivision.

Housing Needs Projections

If this development is approved, it will add seven market home ownership dwelling units to the City's housing stock.

Transit

The proposed development is not within walking distance of a transit stop. Walking distance is generally considered to be 400 m or less.

Financial Implications

There are no financial implications associated with this report beyond what has been discussed with respect to replacement tree valuation.

Communication

Communication action, as listed below, is in accordance with Policy LAN.03 Development Notification Signs, Land Use Application Procedures and Fees Bylaw 3612-2003, and the *Local Government Act*.

- The applicant has posted one development notification sign.
- Public Hearing Notification will be sent to all occupiers and owners of properties within 500 m from the development site notifying them of the public hearing details.

Attachments

Attachment A:	Draft Site Plan & Lot Layout
Attachment B:	Engineering Referral Comments
Attachment C:	Environment Referral Comments
Attachment D:	Forestry Referral Comments
Attachment E:	Arborist Report

Sign-Offs



Rob Publow, Manager of Planning

HA / sh

Approved for Inclusion: Mike Younie, Chief Administrative Officer