



Corporate Report

NO: R174

COUNCIL DATE: September 8, 2008

REGULAR COUNCIL – LAND USE

TO: Mayor & Council DATE: September 8, 2008
FROM: General Manager, Planning and Development FILE: 7996-0292-00
SUBJECT: Proposed Subdivision of 12244 - 102 Avenue -
Application No. 7996-0292-00

RECOMMENDATION

The Planning and Development Department recommends that Council:

1. Receive this report as information;
2. Refer Application No. 7996-0292-00 back to staff to work with the applicant to design an alternate plan of subdivision and development for the property at 12244 - 102 Avenue, which better addresses tree preservation in comparison to the current proposal for the site; and
3. Instruct the City Clerk to forward a copy of this report and the related Council resolution to the applicant.

INTENT

The purpose of this report is to provide Council with an update on the progress that has been made with respect to tree/watercourse preservation in relation to the proposed development of property located at 12244 – 102 Avenue.

BACKGROUND

At the July 24, 2006 Regular Council - Land Use meeting, Council considered a Planning Report related to a Development Variance Permit (DVP) application for a property located at 12244 - 102 Avenue. The DVP application was seeking to relax the minimum panhandle width for four proposed single-family lots to allow subdivision of the property into approximately nine single-family lots (File No. 7996-0292-00). Council approved the DVP to proceed to public notification. (Appendix I).

The subject property is designated Urban in the Official Community Plan (OCP) and is currently zoned Single Family Residential Zone (RF). With the exception of the width of the proposed panhandles, the proposed subdivision complies with all of the requirements of the RF Zone. The proposal would involve the enclosure of an existing yellow-coded watercourse and the removal of approximately 43 of the 47 protected trees on the site, including some large cedar trees.

At the Council-In-Committee meeting on September 25, 2006, Council received a delegation from the owners of the properties that are adjacent to the subject property. These owners expressed concerns with the impact of the proposed development related to the enclosure of the watercourse and the loss of riparian habitat and wildlife and the loss of the existing stand of cedar trees located along the west side of the property. The delegation suggested that the site could be developed in a sustainable manner that is financially rewarding to the developer and at the same time respectful of the important habitat and trees on the site. After hearing the delegation, Council adopted the following resolution:

"That Development Variance Permit No. 7996-0292-00 be referred to staff to work with the neighbourhood and review tree preservation".

On October 16, 2006, Council received a delegation from the applicant's engineering and environmental consultants in support of the subject application.

DISCUSSION

Since the delegations to Council, Planning staff have met with the applicant a number of times to discuss alternative development concepts for the site that would preserve more trees and at the same time allow the applicant to achieve a lot yield commensurate with the existing RF zoning of the subject property. The applicant's response has been that the property is zoned for RF single family lots and that the Department of Fisheries and Oceans (DFO) has issued an "Authorization for Works or Undertakings Affecting Fish Habitat", which allows for the elimination of the watercourse and associated riparian habitat on the subject property.¹ Riparian compensation has been negotiated with DFO and is proposed to be provided adjacent to the Manson Canal, on the property located at 10390 - 104 Avenue, with the permission of the property owner. The applicant is unwilling to make further adjustments to the subdivision proposal and has requested that the Approving Officer issue a preliminary approval letter for the subdivision layout as most recently submitted (See Appendix II).

The latest subdivision layout submitted by the applicant proposes nine single-family lots, all of which comply with the lot area and dimensional requirements of the RF Zone. However, this proposal involves a number of panhandle lots, would require removal of approximately the same number of trees as the original proposal and does not address the concerns expressed by the owners of the neighbouring properties.

¹ It is noted that some local residents have presented a court challenge to this DFO authorization, but, to date, the presiding judge has not rendered a decision on the Manson Creek judicial review application.

Any application for subdivision that is consistent with the zoning of the property being subdivided falls within the purview of the Approving Officer. In this circumstance, given the delegations to Council, the neighbourhood sensitivity related to the proposed subdivision, due to the proposal by the applicant to eliminate a watercourse and remove a substantial number of trees from the site, staff is forwarding this report to Council for consideration.

Staff has considered the following two options in relation to addressing this application:

Option 1- Allow development to proceed in accordance with the existing RF zoning and use provisions of the Tree Protection Bylaw for tree loss compensation

Under this option, the Approving Officer would evaluate the applicant's most recent subdivision proposal in accordance with the existing RF zoning and use the tree replacement provisions of Surrey Tree Protection Bylaw, 2006, No. 16100 (the "Tree Bylaw") to compensate for protected trees that are removed as part of the subdivision proposal. As it is improbable that the proposed lots will be sufficiently large to accommodate the required number of replacement trees, the applicant will be required to pay cash-in-lieu to the City at a rate of \$300 for each replacement tree that is not planted on site. Upsizing of replacement trees may also be required as part of this option.

Benefits/Advantages

- Allows the applicant to move forward with his subdivision proposal avoiding further delays in processing; and
- The applicant will likely be required to make a cash-in-lieu contribution to the City's Green City Fund in lieu of planting some replacement trees on site, which will allow the City to plant trees at other strategic locations in the City.

Implications/Disadvantages

- A substantial number of mature cedar trees will be removed to accommodate the proposed lots, which will be contrary to the wishes of the neighbouring residents/property owners.

Option 2 – That staff continue to work with the applicant to prepare an alternate plan of subdivision and development for the site, which acts to preserve more trees.

The tree preservation summary provided by the arborist in April 2005 indicated that there are 47 protected trees on the site of which 43 trees are to be removed based on the applicant's current proposal. Many of the trees to be removed are cedar trees with a trunk diameter of 70 to 100 centimetre (27 to 40 inch) , located along either side of the creek corridor in the property. The adjoining property owners have identified the stand of mature trees and creek on the subject property as important neighbourhood amenities that should be preserved in the interest of the larger community.

Under this option staff will work with the applicant to revise the proposed layout and/or building envelope on the proposed lots as part of an alternate plan of development with a

view to preserving more of the existing trees on the site, particularly those along the watercourse corridor.

Benefits/Advantages

- Could result in the preservation of more of the stand of mature trees on the site, as requested by the local residents;
- Allows development of the subject site; and
- Supports policies and objectives in the Official Community Plan to protect natural and environmentally sensitive areas and to retain significant trees native to the site.

Implications/Disadvantages

- May result in a reduction in the number of lots available to the applicant, in comparison to the current proposal, which will not likely be received well by the applicant; and
- DFO has authorized the elimination of the watercourse and associated riparian habitat on the subject property.

CONCLUSION

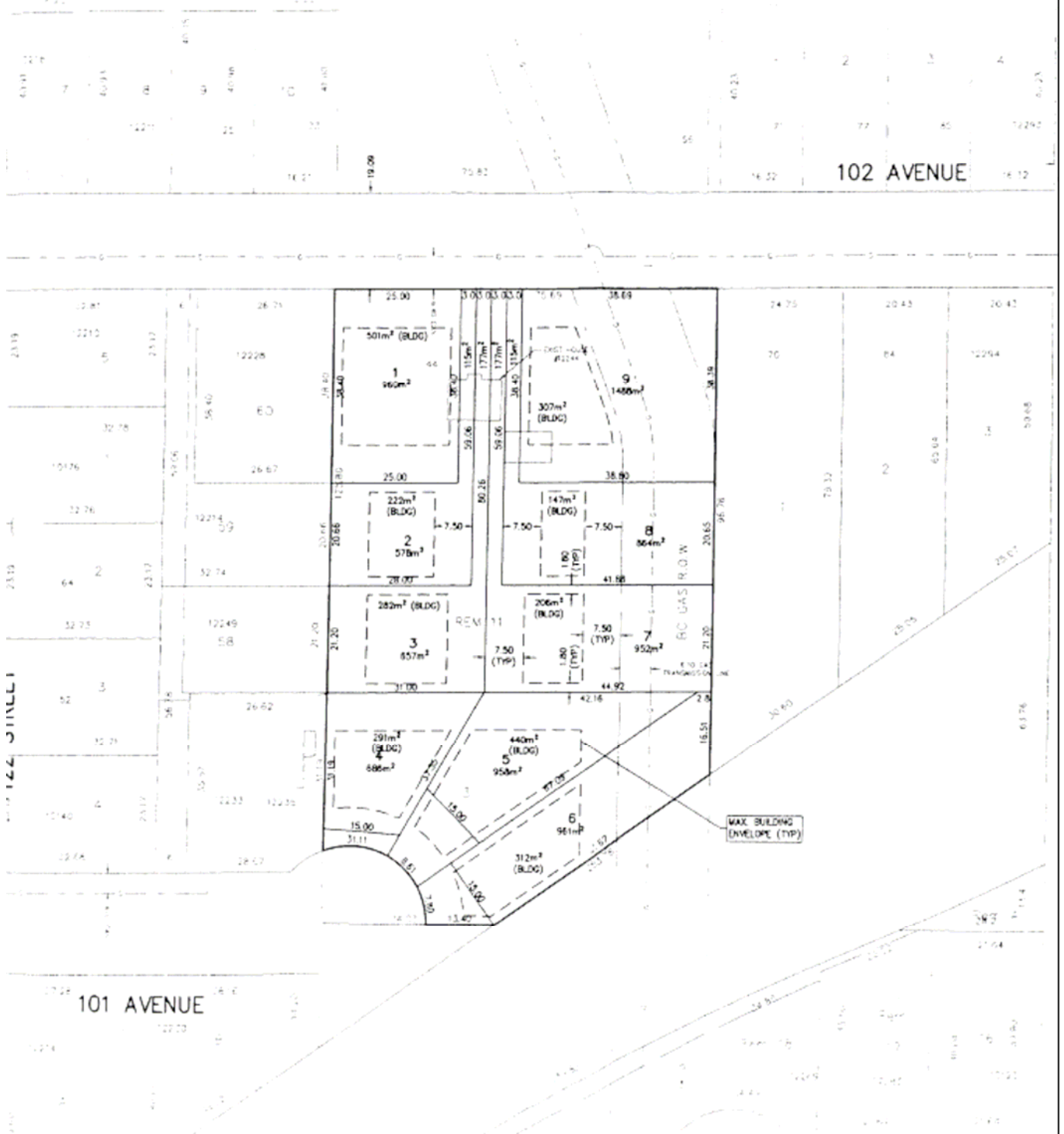
Staff holds the view that it is possible to redesign the subdivision to preserve more trees while providing a reasonable lot yield from the site. As such, staff recommends that Council refer the application back to staff to work with the applicant in a manner consistent with Option 2 above.

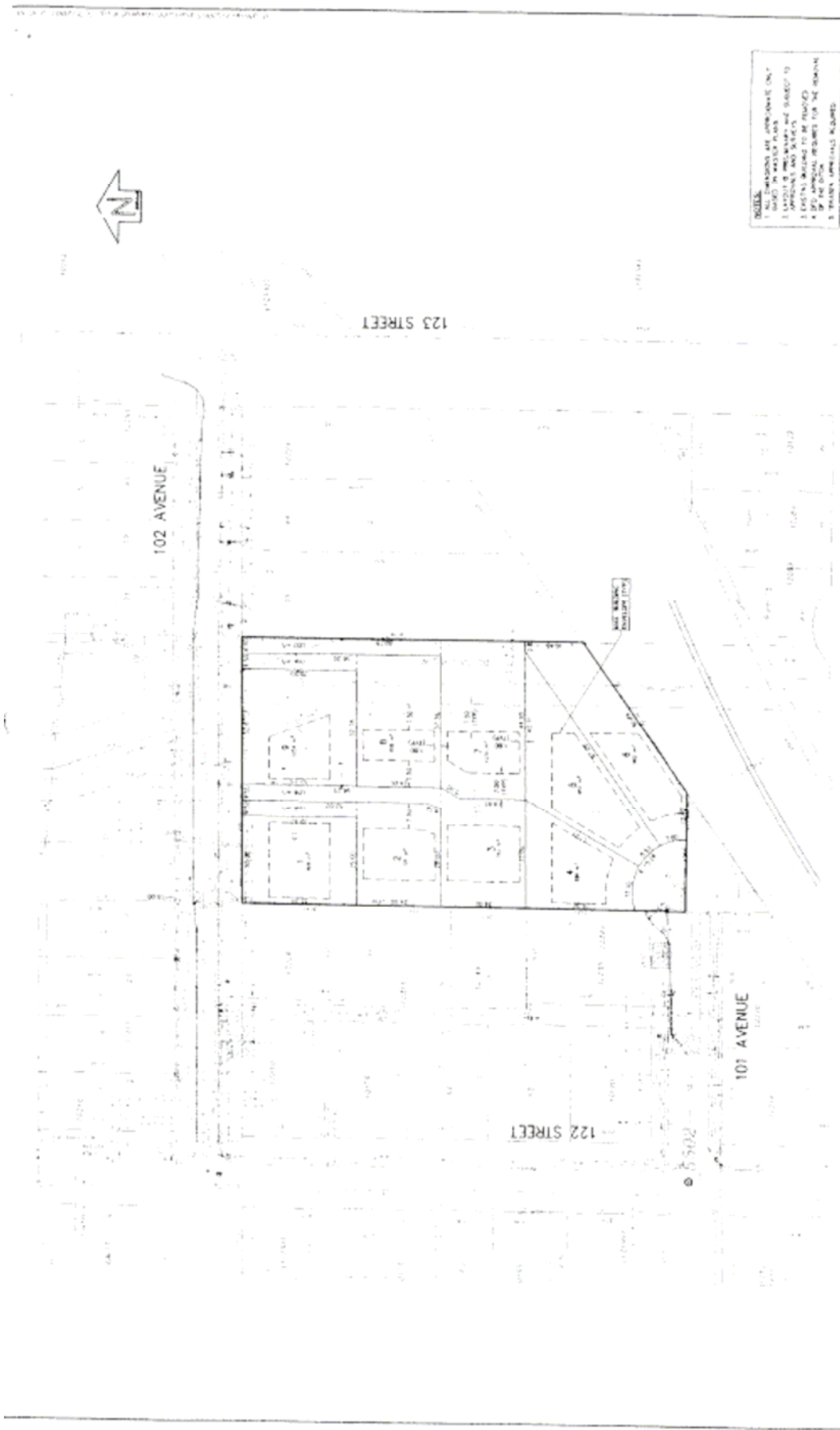
Jean Lamontagne
General Manager,
Planning and Development

GF:saw

Attachments:

- Appendix I Original proposed subdivision layout
- Appendix II Revised proposed subdivision layout
- Appendix III Clustering concept





Scale	1:500	North Arrow	True
Date	2004-07-24	Drawn By	W. J. ...
Checked By	W. J. ...	Reviewed By	W. J. ...
Project No.	04-112	Job No.	04-2043
Sheet No.	04-112	Sheet	04-112 / 24

ERNEST ORNLAK
 3802 ... STREET, ...
PRELIMINARY LOT LAYOUT
 SUBDIVISION LOCATED AT 102A - 102 AVENUE, ...



CITYWEST CONSULTING LTD.
 10101 ... STREET, ...
 ...
 ...

Scale	1:500
Date	2004-07-24
Drawn By	W. J. ...
Checked By	W. J. ...
Reviewed By	W. J. ...
Project No.	04-112
Job No.	04-2043
Sheet No.	04-112
Sheet	04-112 / 24

