



## The Corporation of the District of Saanich

PH 18 Jan 2022

**Supplemental Report #3****RECEIVED***By T.Da Silva, Legislative Services at 8:48 am, Dec 10, 2021*

**To:** Mayor and Council  
**From:** Sharon Hvozdanski, Director of Planning  
**Date:** December 1, 2021  
**Subject:** Subdivision, Rezoning and Development Variance Permit Application  
**File:** SUB00819; REZ00614; DVP00407 • 855 Falaise Crescent

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**BACKGROUND****November 2, 2020 Special Council meeting**

At the November 2, 2020 Special Council meeting, Council considered the above-noted application and resolved as follows:

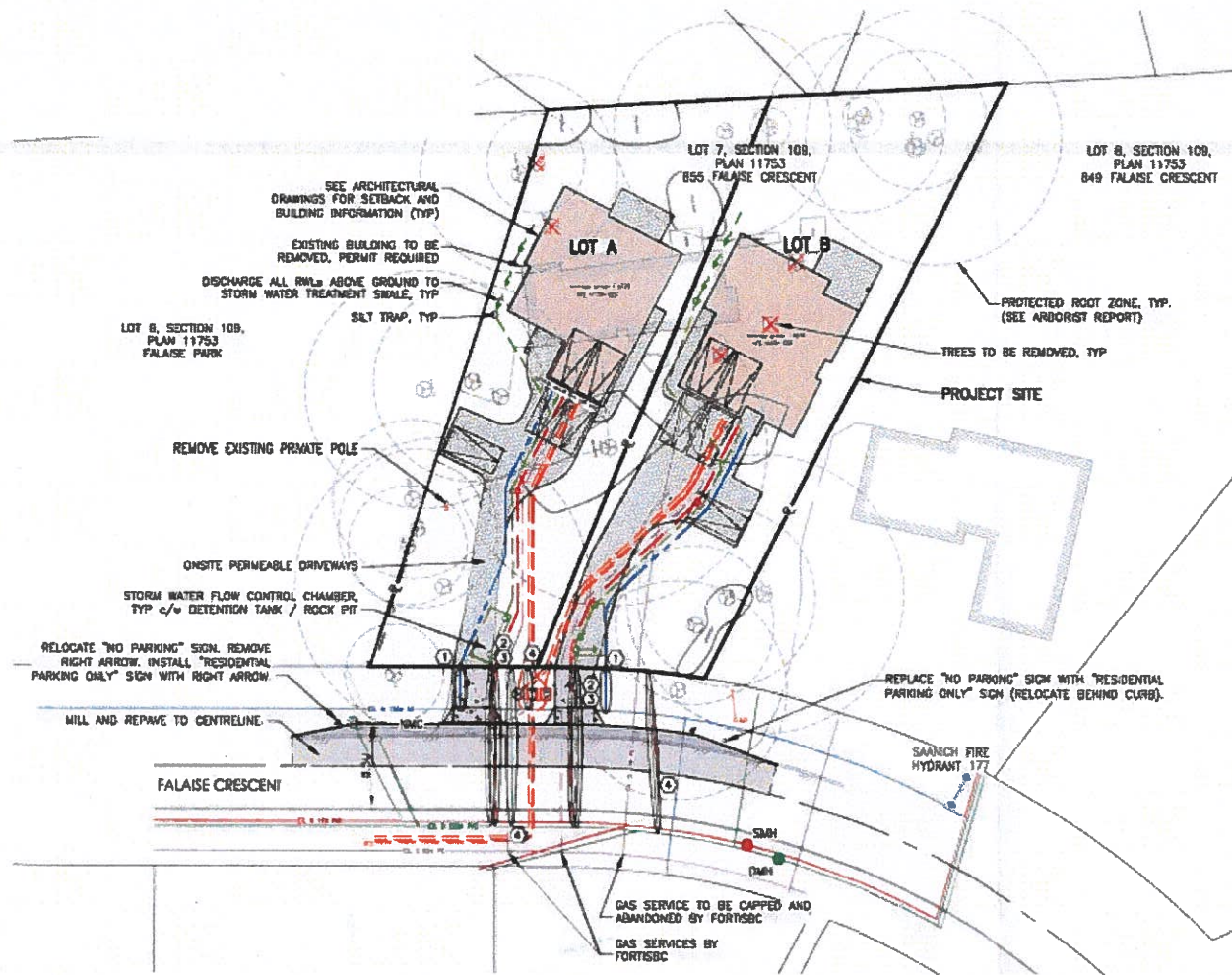
“That a Public Hearing be called to further consider the rezoning application on Lot 7, Section 109, Lake District, Plan 11753 (855 Falaise Crescent).”

**Additional Information**Servicing Routes

In the Staff Report dated October 15, 2020, it was recommended “That prior to the Public Hearing, the applicant provide to staff verification from communication and service providers that the servicing routes on the Tree Management Plan are feasible”. To address this requirement the applicant has submitted a Conceptual Servicing Plan prepared by McElhanney Consulting showing the location of the proposed driveways and servicing. A revised Tree Protection Plan has also been received. In particular, it is noted that:

- The location of the hydro, telephone and cable lines have been shown to be underground. While BC Hydro cannot confirm routing until the Building Permit stage, the proposed routing is based on discussions and coordination with BC Hydro; and
- Fortis will not comment on gas connections until the Building Permit stage but did provide details on their clearances to services, which have been met.

Based on the BC Hydro requirement for 900 mm separation, the proposal is to cross the road with one servicing duct and to install a service box on public land between the two driveways. The location of other services would be shifted as necessary to give the required separation. Saanich Engineering has confirmed that the proposal is acceptable subject to review of the tree impacts.



**Figure 1: Proposed Servicing Plan (Prepared by McElhanney Consulting)**

### Tree Management Plan

A revised Tree Management Plan (TMP) was prepared by Gye and Associates Consulting Arborists to reflect the proposed site servicing. Saanich Parks has reviewed the revised arborist report and preliminary servicing plan, and note that they meet the intent of the previous submission that was presented to Council, and provide a finer grain of detail and feasibility for the proposed project. Should the project receive support from Council at the Public Hearing, Parks recommends that the following items be secured by covenant prior to final approval:

- Parks acknowledges that exceptional efforts, some at considerable expense, will be required to retain tree #1986, the 88 cm DBH Garry Oak tree growing between the proposed locations of the two driveways. Even then, its long-term viability and vitality is questionable. Parks recommends that the construction techniques, driveway locations, servicing routes and house foundations detailed in the TMP be a requirement of approval of the project. The Recommendation has been amended to include this item and is noted in bold below.
- To paraphrase, the TMP states that the proponent is prepared to contribute additional funds to plant three Garry Oaks in the adjacent park as soon as feasible. This is to mitigate the potential loss of tree #1986 in the event that, despite best efforts, the safe useful life expectancy of Oak #1986 is adversely affected. The current Parks fee to plant and maintain a tree is \$1350 per tree. Should the proposed development receive approval, Staff

recommend that this payment be registered via covenant as a donation directed to the Urban Forest Reserve Fund. This is a voluntary donation being proposed by the applicant and does not replace or supersede any requirements in the Tree Protection Bylaw or Subdivision Bylaw (Schedule I trees). The Recommendation has been amended revise the wording of this item and is noted in bold below.

- The TMP states that there is a modified foundation plan in the NE corner of the house and the plans show a grade beam and pier footings to protect Tree #1999A which is situated in the Park adjacent to the proposed building on lot A. Parks recommends that the construction techniques detailed in the TMP be a requirement of project approval.
- Retention of the remainder of the trees on-site require the construction techniques, driveway locations, servicing routes, and house foundations detailed in the TMP be a requirement of project approval.
- The proposed 2 m wide covenant to protect existing fence and proposed hedgerow planting can be supported by Parks as long as the planting is done as per the applicant's letter dated June 10, 2020 and received by Planning June 11, 2020. This proposed covenant does not provide protection for the adjacent trees or to the remainder of the trees on the site. Parks recommends that the area outside of the proposed houses be protected with a no-build covenant so that future proposals (i.e. accessory buildings) do not necessitate tree removals. The Recommendation has been amended to include this item and is noted in bold below.
- The community consultation meeting notes indicate a desire to have Garry Oak trees planted as replacement trees. The applicant has stated in the TMP that due to existing canopy density on Lot B they would be paying cash-in-lieu of replacement trees, for trees removed at the building permit stage of the development (\$900). This is supportable under the Tree Protection Bylaw as the proposed lot has a density of existing trees that preclude viable replacement tree planting.
- There are mature Garry Oaks on the subject property and their canopies and roots traverse the property line. The community has expressed great concern regarding the health of the Garry Oaks, particularly in the Park. Great care and due diligence should be taken by the applicant to ensure no negative tree impacts occur to the publically owned trees and associated habitat in Falaise Park. The boundary between Falaise Park and the subject property is already fenced and appears to be the property line. The onus is on the applicant to ensure no trespass or harm to public lands occurs due to the development associated with this application. Should the project be approved, tree protection fencing would be a condition of any tree permits issued for the site.

As noted in the Supplemental Report to Council dated August 14, 2019, the applicant has volunteered a 2:1 tree replacement for all trees proposed for removal. The Tree Protection Bylaw sets out the replacement ratios and security deposit amounts. It was amended in February 2020, after the subject application was received. As a result, the transition period applies and Staff propose that the replacement amounts committed to by the applicant be secured under the previous rates of \$300 per tree (versus the current rate of \$700/tree). The Bylaw requires a total of \$900 for the three Bylaw protected trees proposed for removal at a ratio of 1:1 at the Building Permit stage. The applicant has proposed a 2:1 replacement ratio for the five trees proposed for removal for a total of \$3000. Staff recommend that the difference between the required replacement amounts and the proposed replacement ratio of 2:1 (\$2100) be contributed to the Urban Forest Reserve Fund.


Should Council see merit in the proposed development application, Staff recommend that this be secured through a covenant prior to Final Reading rather than be sent to the Approving Officer for consideration. The recommendation has been amended to include this item and is noted in bold below. Should Council approve the proposed development, the applicant would have 24 months from the date of Final Reading to apply for a Building Permit. Should the applicant apply for a Building Permit after 24 months, the transitional clauses would no longer apply and the current tree replacement ratios and security deposits would apply.


In 2010, Saanich Council adopted the Urban Forest Strategy. A key goal is "To Protect and Enhance the Urban Forest". Further to this goal is the "No Net Loss" canopy policy. The policy ensures that every public or protected private tree removed is replaced with a minimum of one tree. While the current proposal attempts to meet this important policy by providing a 2:1 replacement proposal, it is important to note that the lots cannot accommodate the required replacement trees on site. The Tree Protection Bylaw requires cash-in-lieu of replacement trees. In addition to the 2:1 proposed replacement ratios, the applicant has also committed to paying Saanich to plant and maintain three (3) additional Garry Oaks in Falaise Park.

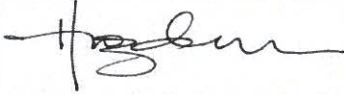
### RECOMMENDATION

1. That the application to rezone from the A-1 (Rural) Zone to the RS-10 (Single Family Dwelling) Zone be approved.
2. That Development Variance Permit DVP00407 be approved.
3. That Final Reading of the Zoning Amendment Bylaw and ratification of the Development Variance Permit, be withheld pending the registration of a covenant to secure the following:
  - Development of the property in accordance with the plan of subdivision prepared by Powell & Associates, BC Land Surveyors date stamped received on June 11, 2020; the conceptual site and house plans prepared by Outline Home Design date stamped received on June 11, 2020; and the Tree Management Plan prepared by Gye and Associates date stamped received on June 10, 2021;
  - Servicing routes for communication and service providers as identified on the Tree Management Plan;
  - Construction of the new dwellings to be solar ready for future installation of photovoltaic or hot water heating systems;
  - **Suitable protection for the trees to be retained both on the site and the adjacent park and properties during construction in accordance with the recommendations of the Tree management Plan;**
  - **A no-build covenant or other suitable protection to ensure that future construction of an accessory building or other structure does not necessitate additional trees removals; and**
  - **A contribution to the Urban Forest Reserve Fund for a total of \$6,150 to address:**
    - **\$2,100 (the difference between the pre-amended Tree Bylaw requirements and the proposed replacement tree ratio of 2:1) and;**
    - **\$4050 (\$1350 per tree) to support planting three additional Garry Oaks in Falaise Park.**



Prepared by:   
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Manager of Current Planning

Approved by:   
\_\_\_\_\_  
Sharon Hvozanski  
Director of Planning

NDF/jsp

**ADMINISTRATOR'S COMMENTS:**

I endorse the recommendation from the Director of Planning.

  
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Bent Reems, Acting Chief Administrative Officer