

# COUNCIL REPORT FORM



<b>To</b>	Mayor and Council	<b>Item</b>
<b>From</b>	Kirk Brewer, Planner Colin Smith, CAO	<b>Meeting Date</b>
<b>Date</b>	April 9, 2024	
<b>Subject</b>	By-law 300-7-12: 1) Additional information re: landscaping buffers 2) Responses to points raised at public hearing	

**1) Additional information re: landscaping buffers**

**ISSUE**

Council held a public hearing to consider objections to rezoning by-law 300-7-12, which proposes to rezone property on Hillsborough Road from R1 to RM to permit four six-unit rowhouse dwellings. Council requested options to ensure the landscaping buffers between the proposal and surrounding R1 properties would not be disturbed.

**DISCUSSION**

Numerous concerns were raised from surrounding property owners about the impact of new development on their privacy. The submitted site layout proposes to preserve the existing trees around the perimeter of the property, with a 6m wide landscape area to the east and west of the property, and 15m to the south.

While the zoning by-law has landscaping minimums for multi-unit buildings, it should be noted that there are no minimum landscape buffers required for townhouse or rowhouse dwellings, other than a 2m wide buffer between the parking lot and property line. The buffers being proposed by the developer are voluntary but will form part of the agreement with the Town.

The Planning Advisory Committee recommended that Council impose conditions that a surveyor delineate these buffers prior to any tree clearing on the property to ensure the landscaping remains undisturbed. Council inquired if there were additional conditions that could be required to ensure the site is developed per the proposed site plan, and that any buffer areas that are disturbed are restored to their initial state.

In 2019, Council considered a rezoning in the Fairways subdivision (Rosebank Crescent) from R1 to R2 to permit semi-detached dwellings. Tree buffers were raised as a concern during that process as well. Conditions 2 and 7 below were recommended by PAC. To address landscaping concerns raised by residents, Council imposed conditions 3, 4, 5, 6, and 9 to rezoning by-law 300-7-1 in addition to those recommended by PAC:

- 2. *That a 5 metre buffer be maintained along the rear lot line of the western property boundary including existing vegetation to be retained and cannot be used for development;*
- 3. *That prior to any tree removal on the lot, a surveyor be engaged to delineate and mark the buffer zones referred to in conditions #2 and #9 with flagging tape;*
- 4. *That an arborist be engaged to determine if existing vegetation within the buffer zones is sufficient. If deemed necessary by the arborist, a planting plan will be prepared outlining the supplemental vegetation required. Any additional trees required must be planted prior to receiving a building and development permit;*
- 5. *Upon a one year period of lot clearing, the buffer zones will be reviewed to determine if additional planting is required to replace trees that have fallen and been removed. If a sufficient number of trees are removed, they will be reinstated;*
- 6. *Prior to obtaining a building and development permit, the developer will submit to the Town of Riverview security in the amount \$13,000 (\$500 per lot abutting the buffer zones identified in Schedule B) to ensure compliance with Conditions #3, #4 and #5*

7. *That the site drainage be designed to accommodate the 5 metre buffer referred to in Condition #2; and*
9. *That a treed buffer be maintained between the existing Rosebank Crescent and the extension of Rosebank Crescent as shown on Schedule B.*

While a similar approach could be employed - to require surveyor/arborist involvement, cash security, and inspection and potential replanting a year after tree clearing - there are several considerations that make the Hillsborough Road proposal different than the Rosebank Crescent situation.

#### 1) Neighbourhood fabric

The Fairways development proposed a new public street (Rosebank Crescent) lined with 26 new semi-detached lots, adjacent to a parallel public street (Country Club Road), which was already lined with single unit dwellings. In essence, these were individual back yards mirroring adjacent back yards at approximately a 2:1 ratio.

The Hillsborough Road proposal is for six-unit row houses with the rear yards of six units facing the side yard of the east-west properties, and twelve units with rear yards facing the rear yards of four adjacent properties on Gold Leaf Court. As such, when assessing what constitutes a “sufficient” buffer, the lot composition is not entirely comparable to the Fairways rezoning.

#### 2) Evaluating sufficiency

It is understood that neighbours on abutting properties are concerned about invasion of privacy due to new development. However, determining what is a “sufficient” buffer is an inexact science, and open to interpretation depending on who is being asked. Several questions arise when evaluating what is a reasonable expectation of privacy and/or vegetation.

For instance:

- if there is damage to trees within the 15m / 6m buffer areas, will they need to be replaced at a 1:1 ratio?
- should consideration be given to where the tree is damaged (ie abutting a neighbour’s side yard vs rear yard, if there are accessory buildings such as garages on adjacent properties that also provide screening, etc.)
- will all parties (developer and six neighbours) need to agree on the sufficiency of the buffer, will an arborist hired by the developer determine this, or will this fall on staff to make a judgment?

Any conditions must be measurable to be enforced. If Council wishes to impose additional conditions to ensure a healthy tree buffer is maintained, it will need to be clear how those conditions will be satisfied.

#### 3) Cash security amount

In the 2019 rezoning, a cash security was required for one tree per lot (26 lots total) at a rate of \$500, for a total of \$13,000. This amounted to roughly one tree per 15m of lot width. The perimeter of the Hillsborough Road property is approximately 355m, which would require a security for 24 trees. The Town’s Street Tree By-law now charges a rate of \$600 per tree, which would result in a security of \$14,400. Street Trees, paid for by the developer and planted/maintained by the Town, will also be required along the road frontage per the Street Tree By-law.

## CONCLUSION

Landscaping buffers imposed via development standards are intended to provide some screening and ensure a healthy tree canopy throughout the Town. However, it can not be expected that landscaping can provide total year-round privacy to neighbouring properties. Determining the sufficiency of a buffer is highly subjective and depends on many factors.

Disruption of landscape buffers often occurs during site clearing due to lack of communication among the various trades involved in site preparation and construction. Planning staff is of the opinion that the condition to engage a surveyor to flag the tree buffer as shown on the site plan is sufficient to clearly delineate the buffer area as proposed on the site plan. While some trees may fall within the buffer area due to soil or root disruption, some trees already being dead or

unhealthy, etc., there should still be a vegetative buffer along all property lines, and the 6m/15m buffer areas would still be classified as no build zones.

If Council wishes to impose additional conditions to ensure the site is developed accordingly, it will need to be clear in its direction to staff when drafting those conditions.

## 2) Responses to points raised at public hearing

### ISSUE

During the March 25 public hearing, several comments were made with respect to the current housing crisis, the improvement in local vacancy rates for rental housing, and the demand for single-unit housing. Staff would like to provide additional context to these statements.

### DISCUSSION

#### Housing Crisis in Canada

- Federal Government has launched a national housing strategy, including the housing accelerator fund, to help increase the supply of housing units in the country to address the current shortfall in supply in all housing forms.
- The Province of NB has launched its own Housing Strategy to increase the supply in NB to address the current supply gap and to improve housing affordability.
- The Town's own housing needs assessment highlighted that since 2011 the annual supply of new housing units in our municipality has been below the annual increase in our population, which is compounding our own municipal housing supply shortage.
- Our own housing needs assessment survey results also showed:
  - 52% of the respondents considered the need for affordable housing is critical; and
  - 62% of the respondents believe the need for rental housing is critical or high.

#### Vacancy rate:

- CMHC has indicated that optimal rental vacancy rate is at least 3% - indicates a balance in the market. Canada's 2024 national vacancy rate of 1.5% (Riverview's is 0.7%) is a reflection of a supply/demand imbalance that is compound rental rate increases in the country.
- CMHC – Chief Economist – Again in 2023, strong rental demand continued to outpace supply in communities across the country, making it very difficult for renters to find housing they can afford,” said Kevin Hughes, CMHC’s Deputy Chief Economist. “The vacancy rates and rent increases we are observing are further evidence the current level of rental supply in Canada is vastly insufficient and the need to increase this supply is urgent”.
- Other analysis on vacancy rates say that a health rental vacancy rate is above 5%. “A vacancy rate below 5% suggests that the demand for properties exceeds the available supply, which can drive up rental prices and make it difficult for potential tenants to find suitable housing.” – Azibo Property Management

#### Different trends in Housing Preferences:

- *RBC - Proof Point: Is Canada becoming a nation of renters?*
  - The ranks of Canadian renters is growing fast. Though two-thirds of Canadian households owned their home in 2021, renters have increased at three times the rate of homeowners in the past decade.
  - The affordability pressures, demographic forces, and behavioral preferences currently driving this change will continue to fuel it in the years ahead.
  - The bottom line: **The rapid growth in renters isn't about to slow down.** Concerted efforts among policymakers, developers and builders are required to ensure, expand, and diversify Canada's stock of suitable, affordable, and stable rental housing.