



City of Richmond
Urban Development Division

Report to Committee

To: Planning Committee
From: Terry Crowe
Manager, Policy Planning

To PLANNING - MARCH 19, 2002
Date: March 7, 2002
CP 01-196661

File : 8060-20-7333

**Re: APPLICATION BY THE BEEDIE GROUP DEVELOPMENTS LTD. TO AMEND
THE ENVIRONMENTALLY SENSITIVE AREA DESIGNATION FOR 7791, 7871
NELSON ROAD, AND PART OF PLAN WITH FEE 24102E.**

Staff Recommendation

1. That Official Community Plan Amendment Bylaw No. 7333 proposing a map amendment to Attachment 3 to Schedule 1 of Official Community Plan Bylaw No. 7100, regarding Environmentally Sensitive Area Designations, be introduced and given first reading.
2. That Bylaw No. 7333, having been examined in conjunction with the Capital Expenditure Program, the Waste Management Plan, the Economic Strategy Plan, and the 5 Year Financial Plan, is hereby deemed to be consistent with said program and plans, in accordance with Section 882(3) of the Local Government Act.
3. That Bylaw No. 7333, having been examined in accordance with the City Policy No. 5002 on referral of Official Community Plan Amendments, is hereby deemed to have no effect upon an adjoining Municipality nor function or area of the Greater Vancouver Regional District, in accordance with Section 879 of the Local Government Act.
4. That Bylaw No. 7333, having been examined in accordance with the requirement in the Accord between the City and the Vancouver International Airport Authority, is hereby deemed to be outside the areas affected by aeronautical operations.

Terry Crowe
Manager, Policy Planning

TC:dcB
Att. 4

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ROUTED TO:

CONCURRENCE

CONCURRENCE OF GENERAL MANAGER

Parks Y ☒ N ☐

Staff Report

Origin

An application to amend Attachment 3 (the Environmentally Sensitive Area Designations Map) to Schedule 1 of the Official Community Plan (OCP) has been submitted by the Beedie Group Development Ltd. The application includes land parcels at 7791, 7871 Nelson Road, and Part of Plan With Fee 24102E (A location map is shown in **Attachment 1**). The intent of the application is to seek the removal of the Environmentally Sensitive Area (ESA) Designation from the area shown in **Attachment 2**.

Findings of Fact

Item	Existing	Proposed
Owner	7791 Nelson Rd : Kozul Holdings Inc. 7871 Nelson Rd. and Part of Plan with Fee 24102E: Fraser River Port Authority	Same
Applicant	Beedie Group Development Ltd.	N/A
Site Size	7791 Nelson Rd.: Approx. 94,740.27 m ² (23.41 ac) 7871 Nelson Rd.: 243.64 m ² (0.060 ac) Part of Plan with Fee 24102E: 16,814.563 m ² (4.155 ac) of which 5,584.86 m ² (1.38 ac) is under application	Same
Land Uses	Vacant	Industrial and Vacant
OCP Designation	Business and Industrial	Same
Zoning	Industrial District (I1)	Same
ESA Designation	Covers all of the subject parcels.	Amended as per Attachment 2 .

Site Location:

The site is located in section 19-4-4 on the west side of Nelson Road south of Westminster Highway. This site lies south of 7451 Nelson Road which itself was removed from the ESA designation by Council in August, 2001.

Project Proposal

The proposed amendment to the OCP has been made in conjunction with a proposal for subdivision (SD 01-194824) to divide the main property (7791 Nelson Road) and 7871 Nelson Road into smaller lots for industrial development as the initial development. The second stage would be to relocate the southern property boundary southward into property currently held by the Fraser River Port Authority (former CN Rail property) following a land exchange between the Port Authority and the Beedie Group (see **Attachment 3**).

Although most of 7791 and 7871 Nelson Road is clear of vegetation - the site having been filled in 1993 - the proposed property line relocation and subsequent industrial development would impact a narrow band of vegetation along the existing southern property line (see **Attachment 4**). As mitigation/compensation for the removal of the ESA Designation and the removal of the vegetated area shown in **Attachment 4**, the proponent, in consultation with City staff, has agreed to grant to the City the following two areas:

- a) A six metre wide strip of property with an area of approximately 0.1945 hectares (0.4806 acres) parallel to Dyke Road from the west property line of Lot 25 (7991 Nelson Road) to six metres past the west end of the drainage ditch; and
- b) The south waterfront portion, except for the westerly 125 metres, of Remainder Parcel "One", with an area of approximately 1.3927 hectares (3.4413 acres), upon the approval of the new survey of the high water mark and return of the submerged lands to the Province.

The 6 metre wide strip and the Remainder Parcel "One" will be consolidated into the existing Lot 25 (7991 Nelson Road) to create a new City owned parcel of approximately 1.603 ha (3.961 ac).

The proponent has also agreed to the installation of a fence between the remaining ESA and the proposed industrial development. As negotiated, the City would not require any additional setbacks from the remaining ESA stand.

Related Policies & Studies

Biologist's Report

Prior to establishing the above proposal, a Habitat Biologist's Report was prepared by Pottinger Gaherty to review the impact of the proposed vegetation removal outlined in **Attachment 4**. The biologist's conclusions were as follows:

"The wildlife habitat in the area to be cleared is locally widely available at present and easily and quickly established. Clearing of the Site and reversion to non habitat uses would result in a small loss of this habitat type. However, this loss would not be critical to either the habitat type or the fauna typically associated with it. Species displaced from the cleared area have abundant habitat of similar composition available immediately adjacent. Furthermore, the proposed clearing would not result in a loss of any significant plant communities."

Staff Review

In June, 2001, staff prepared a staff report for an OCP amendment application by the owners of 7451 Nelson Road – the property immediately to the north of the subject site. Several of the findings in that report regarding the background rationale for the original ESA designation in this area, similarly apply to this site. Specifically:

- The 1984 Environment and Natural Resources study by A.I.M. Ecological Consultants did not include any properties along the Nelson Road area in their listing of sensitive areas. The A.I.M. report formed one of the bases for the ESA areas eventually designated by the City.
- The subject property and the southern half of the site to the north (7451 Nelson Road) were designated Environmentally Sensitive Areas during the development of the ESA Bylaw No. 5746 in 1991. It is noted that, although **first reading of the ESA bylaw occurred in July 1991, the ESA bylaw (Bylaw No. 5746) was not officially adopted until December 1991.**
- A September 11, 1991 memo to Mayor and Council from the Director of Planning advised Council that in **August 1991**, a birch and pine woodlot, approximately 20 acres in size was cleared at 7791 Nelson Road. Subsequent Planning Department field studies conducted in 1993 showed the site as containing primarily grasses with a variety of smaller shrubs and brush species. No significant tree stands were identified.

The key difference, between the subject site and the review for 7451 Nelson Road to the north, is the impact upon the vegetation stand noted in **Attachment 4.**

Staff Comments and Analysis

The proposed transfer to the City of the 6 m wide strip is intended to provide a buffer to the open canal along Dyke Road which serves to drain the area and as habitat and a movement corridor for small animals and birds. The foreshore parcel proposed for transfer to the City contains a significant tree stand which has been red and yellow coded by the Fraser River Estuary Management Program (FREMP) because of its important habitat values and its role in providing leaf litter directly to the Fraser River fishery. The woodlot stand on this parcel contains an actively used bald eagle's nest and is one of the few remaining woodlots outside Lulu Island's dyking system. It is also noted that the eastern end of the foreshore lot has been identified as a possible archaeological site.

The final adoption of the proposed bylaw to remove the ESA designation as shown in **Attachment 2** will occur simultaneously with the transfer of the aforesaid 6 m wide strip and foreshore area to the City (which will require the Province's approval of the resurvey of the high water mark and return of the submerged lands to the Crown).

From the developer's standpoint, the proposed property line relocation southward for 7791 Nelson Road serves both to increase their property's frontage onto Nelson Road and squares off the future subdivided lots to make the new lots more useable.

Options for Consideration**Option 1: Remove the Environmentally Sensitive Area Designation For The Area Shown in Attachment 2 (Recommended)**

- This will result in the loss of a limited amount of habitat as outlined in **Attachment 4**.
- No additional ESA development permits will be required for subsequent construction in the area where the ESA designation has been removed.
- With Provincial approval of the proposed subdivision (currently under review), the City will acquire the two land areas shown in **Attachment 2**.

Option 2: Retain the Existing Environmentally Sensitive Area Designation

- The applicant will be required to seek a development permit (ESA) for the development site.
- The applicant may be required to provide compensation planting for any impacted vegetation as well as setbacks from the remaining vegetation stands.
- There will be no transfer of lands to the City.

Staff recognize that a limited area of habitat will be destroyed with the subsequent development of the subdivision. However, the transfer of lands to the City will result in improved long term control and protection of the remaining, and more valuable, habitats. The acquisition of these lands will also afford the City opportunities of enhancement from both a wildlife, and recreational standpoint. From this basis, **staff are recommending Option 1: Removal of the Environmentally Sensitive Area Designation For The Area Shown in Attachment 2.**

Financial Impact

No financial outlay is anticipated, however endorsing the proponent's proposal will result in the City acquiring approximately 1.603 ha (3.961 acres) of land.

Conclusion

Staff have reviewed the proposal for amending the Official Community Plan to remove the Environmentally Sensitive Area Designation (ESA) from the properties shown in **Attachment 2** and believe that, in consideration of the proponent's mitigation/compensation plan, the proposal has merit.



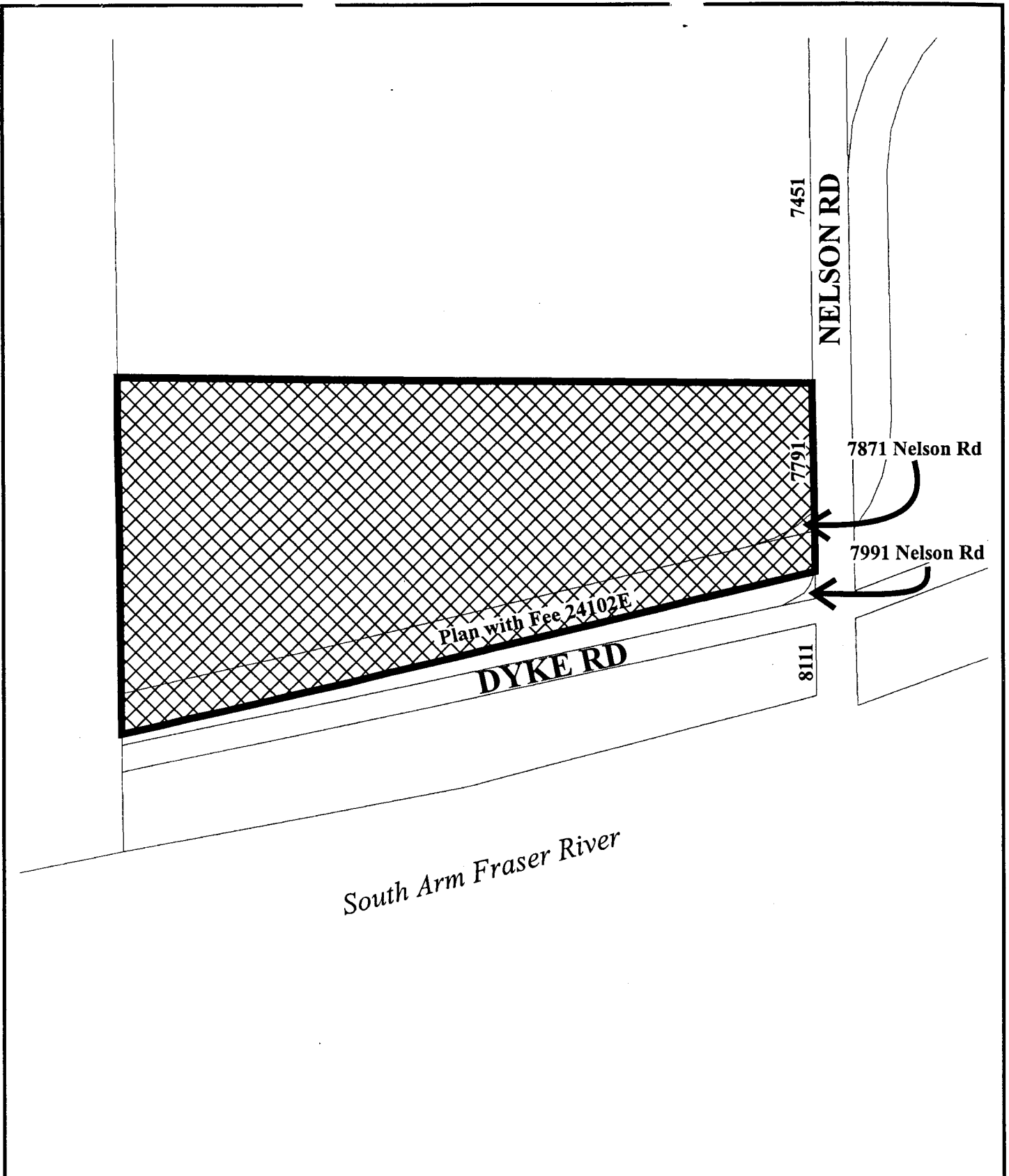
David Brownlee
Planner 2

DCB:cas

There are requirements to be dealt with prior to final adoption:
Legal requirement, specifically, that the applicant enter into an undertaking with the City to transfer the parcels of land shown in **Attachment 3** and described in this report to the City immediately following the adoption of Bylaw No. 7333.

List of Attachments

Attachment 1	Location Map
Attachment 2	Current Environmentally Sensitive Area Designation Map and Proposed Area of Designation to be Removed.
Attachment 3	Proposed Land Transfers and Conceptual Subdivision Plan
Attachment 4	Vegetation Area Proposed For Removal

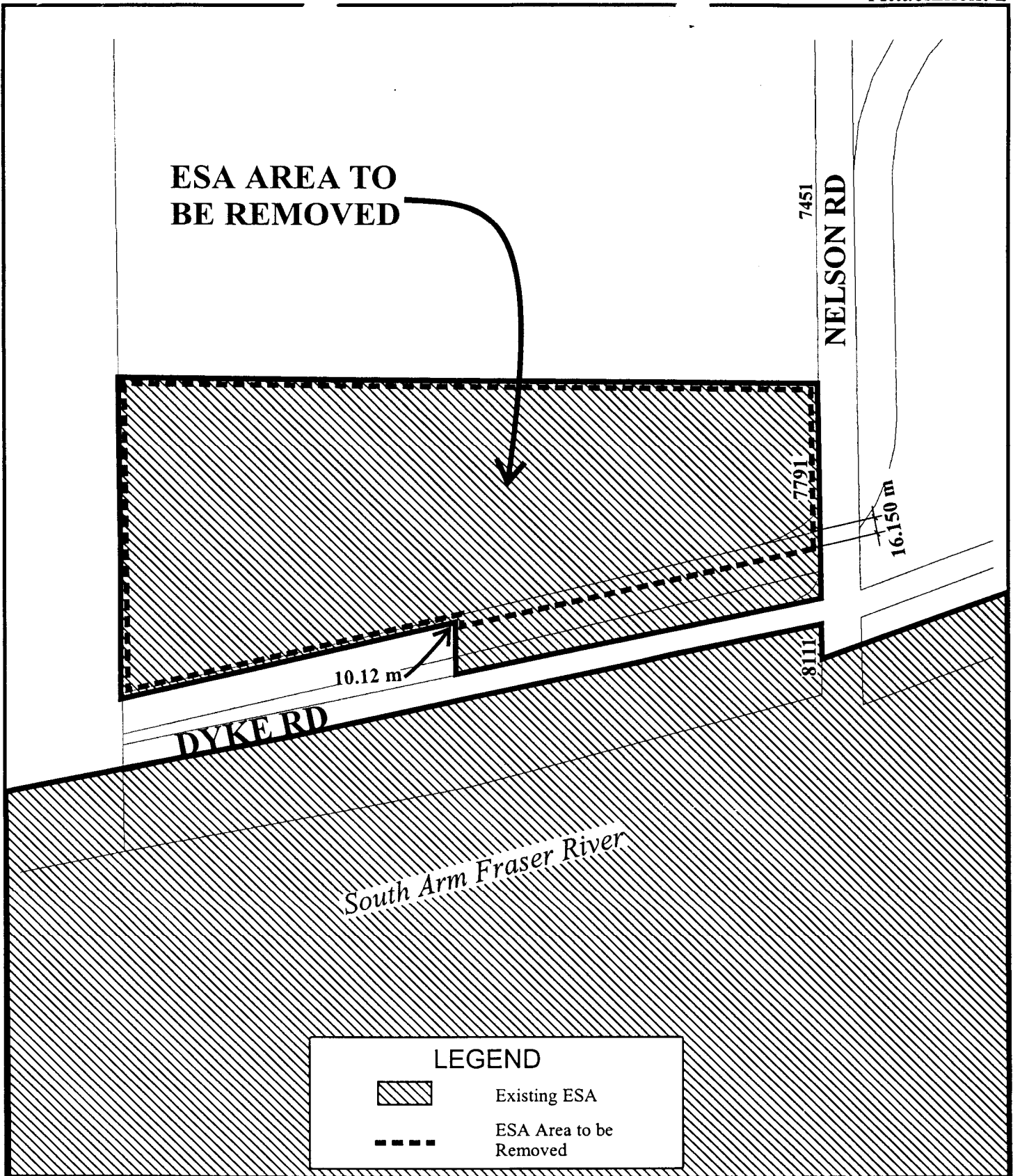


Nelson Road/Dyke Road Location Map

Original Date: 02/26/02

Revision Date:

Note: Dimensions are in METRES

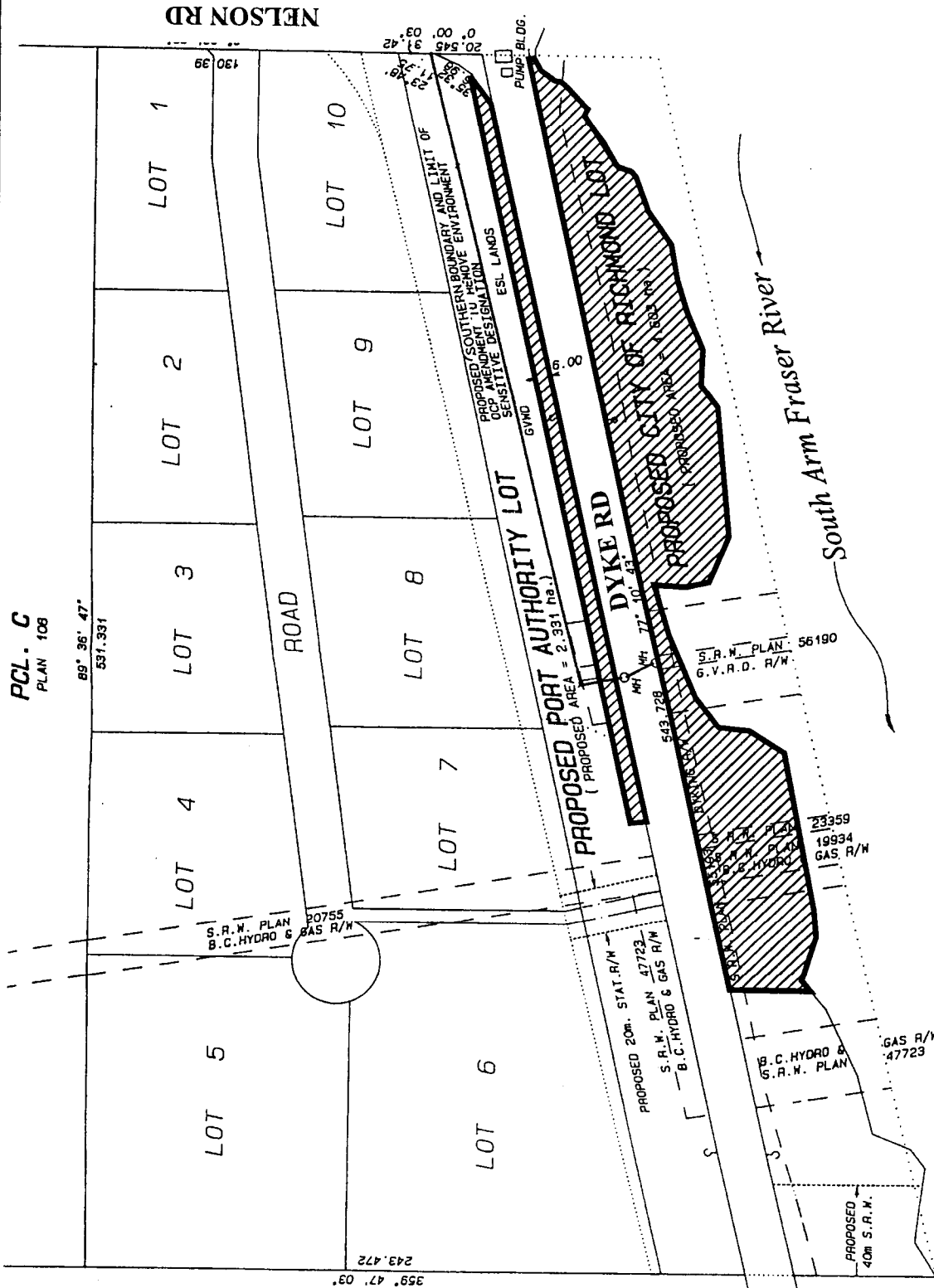


Current ESA Designation Map and Area to be Removed

Original Date: 02/26/02

Revision Date:

Note: Dimensions are in METRES

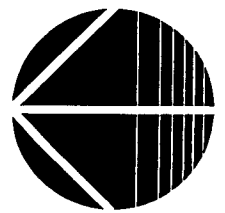


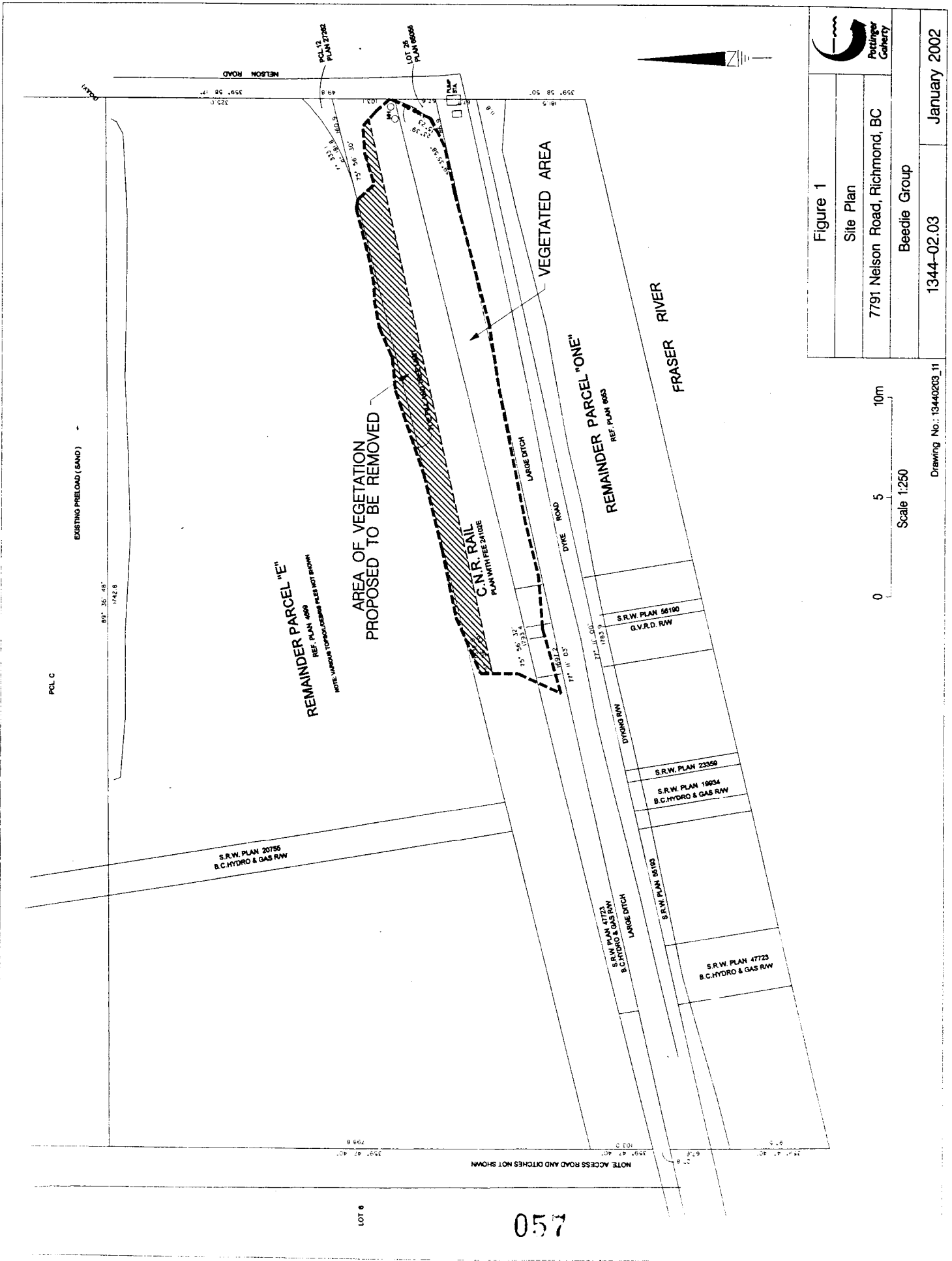
Original Date: 02/27/02

Revision Date:

Note: Dimensions are in METRES

Proposed Land Transfers







City of Richmond

Bylaw 7333

**Richmond Official Community Plan Bylaw 7100
Amendment Bylaw 7333 (CP 01-196661)
7791, 7871 NELSON ROAD, AND PART OF PLAN WITH FEE 24102E**

The Council of the City of Richmond, in open meeting assembled, enacts as follows:

1. Richmond Official Community Plan Bylaw 7100 is amended by amending Attachment 3 (the Environmentally Sensitive Area Map) to Schedule 1 as shown on "Schedule A attached to and forming part of Bylaw No. 7333".
2. This Bylaw may be cited as "**Richmond Official Community Plan Bylaw 7100, Amendment Bylaw 7333**".

FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

OTHER REQUIREMENTS SATISFIED

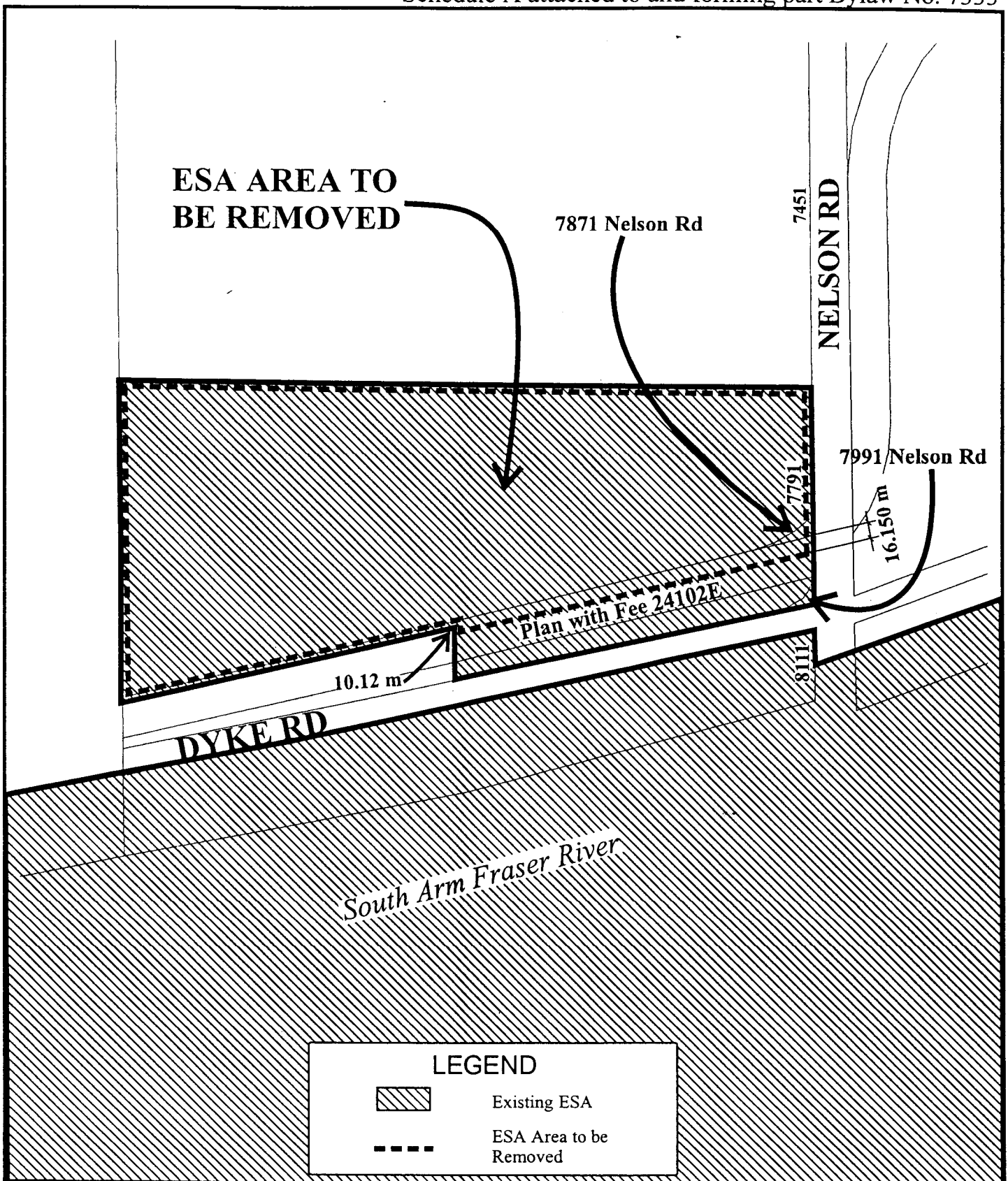
ADOPTED

MAR 25 2002

CITY OF RICHMOND
APPROVED for content by originating dept. <i>HB</i>
APPROVED for legality by Solicitor <i>[Signature]</i>

MAYOR

CITY CLERK



Official Community Plan Amendment

Original Date: 03/06/02

Revision Date:

Note: Dimensions are in METRES