



CITY OF RICHMOND
URBAN DEVELOPMENT DIVISION

REPORT TO DEVELOPMENT PERMIT PANEL

To: Development Permit Panel
From: Joe Erceg
Manager, Development Applications
Date: May 26, 2003
File: DP 00-175893
Re: **Application by EBN Grainco Ltd. for a Development Permit at
15900 River Road**

Manager's Recommendation

That a Development Permit be issued for a property at 15900 River Road that would allow the expansion of a grain-handling facility in a manner which minimizes the effects on the Environmentally Sensitive Area (ESA) and provides compensation for loss of vegetation.


Joe Erceg
Manager, Development Applications

AJ:blg
Att.

STAFF REPORT

Origin

EBN Grainco Ltd. has applied for a Development Permit in order to expand their grain handling facilities at the north-west corner of River Road and No. 7 Road. The Permit is required because the southern portion of the site is identified in the Official Community Plan (OCP) as an Environmentally Sensitive Area (ESA).

The Development Permit Panel recommended approval of the project in August, 2001, but the applicants did not submit the required Letter of Credit until May, 2003. The applicants have also asked for a change to the plans to permit a driveway access to River Road. Staff have revised the staff report accordingly. This Permit should be re-advertised and reconsidered by the Development Permit Panel.

A copy of the Development Application filed with the Urban Development Division is appended to this report.

Findings of Fact

Criteria and policies for the issuance of Development Permits appear in Schedule 1, Section 9 of Bylaw 7100, the Official Community Plan. For details, see the Analysis below.

Staff Comments

The following are staff comments, with the applicant's response, in ***bold italics***:

1. The plans submitted are difficult to evaluate. We request dimensioned plans and a survey. We are concerned with the legal status of the rail spur which appears to run through your property and the property to the west.
2. The City requires dedication, or a "no-build covenant" for a new east-west road, to align with the existing Knox Way. The road is indicated in the OCP. In addition, staff are not in favour of a new driveway off River Road. The Manager of Transportation has advised that a new driveway off River Road would pose considerable safety problems. The existing access off No. 7 Road should be adequate. **Note: the Manager of Transportation has received additional information, and is now willing to reconsider the access onto River Road. This access should be deleted when Knox Way is extended through the site in the future.**
3. The truck loading area off No. 7 Road should have one access, not two. Your plan are somewhat ambiguous in that regard. In addition, we require that you specify the size of vehicle and demonstrate the turning radius required (on the site plan). We note that the Zoning Bylaw specifies that: "Off-street loading spaces may not be arranged so as to require the backing out of vehicles on to a public road." (Section 412.04). We are not willing to support a variance in this regard.
4. We require a landscape plan with native plants to replace the area of ESA lost as a result of this development. Refer to the guidelines in the OCP. For our purposes, "existing vegetation" was defined in 1991 when the Bylaw was adopted.

5. The City will require you to enter in to a Servicing Agreement for frontage works prior to issuing a Building Permit. The applicant must retain a consulting engineer to design the works and to commission an environmental impact statement to assure us that no spills will find their way into the City ditch. You may be required to put the No. 7 Road ditch into a culvert.
6. Construction and loading activities must conform to the City's Noise Bylaw. Assure that noise does not unduly affect residents of Vancouver directly across the river.
7. The BC Minister of Environment requires a Soil Profile, and we must receive at least approval in principle from the Ministry prior to advancing this Development Permit to Council.

1. *The revised plans by Catherine Berris and Associates, are easier to decipher. The railway tracks have been accounted for.*
2. *The applicant has agreed to a "no-build" covenant, provided that temporary buildings and structures can be located there until such time as the City needs the land to build the road. Removal will be at the applicant's expense*
3. *The truck loading and turning has been improved.*
4. *Catherine Berris and Associates have prepared a landscape plan as required.*
5. *Details can be worked out prior to a Building Permit.*
6. *The activities on the site will be required to conform to the Noise Bylaw.*
7. *The Soil Profile has been completed.*

Analysis of the Guidelines for Environmentally Sensitive Areas

The Guidelines for ESA's are reproduced here, along with the applicant's response.

9.1.1 ALL NATURAL AREAS

- a) "As far as is practicable, there should be no net loss of natural areas as development occurs. Buildings and structures should be located on portions of the site that are not environmentally sensitive to development;"

The applicants response follows, in ***bold italics***:

The present application has minimal impact on remaining wildlife habitat. Unfortunately, it is believed that a former owner of the site, CN Rail, cleared most of the site sometime between 1991 and the time when EBN Grainco Ltd. became the owners of the site. CN Rail felt that they were exempt from City bylaws and did not apply for permits. The consultant estimates that the original ESA (circa 1991) was about 33,000 ft², but had been reduced to about 8,800 ft². by 2000.

- b) "Wherever possible, large tracts of wildlife habitat or long continuous corridors should be preserved in order to facilitate movement of wildlife from place to place. Such areas may also serve as trails or drainage canals;

A tract of about 7,600 ft². will be preserved in the southern portion of the site. This is contiguous with a linear wildlife corridor parallel to "National Avenue".

- c) Potentially polluting activities should be set back and buffered from natural areas. Soil should be protected from pollution or spills, including runoff from pavement;

Materials handled are grains and are therefore non-toxic.

- d) Development should not unduly increase storm water runoff and should not alter the natural drainage pattern of adjacent properties. Design and construction practices should minimize erosion and sedimentation in storm water runoff;

The project complies.

- e) Where it is not practicable to preserve all natural features of a site as development occurs, the developer may compensate by replanting or dedicating and restoring a similar area nearby;

The applicant's consultant, Catherine Berris, reports that about 1,200 ft² of habitat, consisting mainly of hardhack and blackberries, will be removed for the truck loading area. Compensation will consist of:

- ☐ ***removal of blackberry thickets;***
 - ☐ ***erection of protective fencing around two (2) large cottonwoods;***
 - ☐ ***sheet mulching to prevent blackberry re-growth; and***
 - ☐ ***planting of native plants in an area of about 3,000 ft² (see plan).***
- f) Wherever possible, landscape plans should enhance, expand or create wildlife habitat such as ponds, wetlands, native aquatic and terrestrial plants, and hedgerows. Traditional Richmond peat bog plants are recommended. Refer to *Caring For Wildlife at Home* by Naturescape BC (1995), and the City of Richmond's "Criteria for the Protection of Environmentally Sensitive Areas".

The project complies.

- g) "The application should also include:
- One or more photographs showing as much of the ESA as possible. The photographs should be notated on the plan showing the viewpoint and direction of view;
 - A grading plan or cross section showing finished grade and appropriate drainage within 1.5 times the drip-line of the tree;
 - If necessary, a landscaping plan showing the location, size, and species of trees and shrubs to be planted as compensation for those anticipated for removal. At least 50% of the replacement species should be selected from the City's listing of recommended plantings for natural areas and should be compatible with natural vegetation growing in the area. All planting is required to conform to BCSLA/BCNTA planting standards."

The project complies.

Conclusions

EBN Grainco Ltd. has applied for a Permit to expand their grain handling facility in an area which is identified as an ESA. The plan calls for compensation by removing blackberries and replanting with native plants, and protection of existing vegetation including two (2) large Cottonwoods. The applicants have also agreed to a no-build covenant to allow for future extension of Knox Way through the site.



Alex Jamieson,
Planner 2 - Urban Design

AJ:blg

There are conditions to be met:

1. Prior to submitting this plan to Council, the applicants must:
 - submit a Letter of Credit for landscaping, *(done)* and
 - prepare a no-build covenant for a portion of the site *(done)*.
2. Prior to a Building Permit being issued, the applicant will be required to enter into a Servicing Agreement.



Development Applications Department

6911 No. 3 Road
Richmond, BC V6Y 2C1

City of Richmond

Main (604) 276-4000 Fax (604) 276-4177

DEVELOPMENT APPLICATION

Please submit this completed form to the Zoning, Land Use Planning and Development Applications Centre for each application (ie. rezoning; subdivision; development permit, etc.). All materials submitted to the City for a development application become public property, and therefore, available for public inquiry.

Please refer to the attached forms for details on application attachments and fees.

Type of Application: DEVELOPMENT PERMIT APPLICATION

Property Address(es): 15900 RIVER ROAD, RICHMOND, B.C. V6V 1L5

Legal Description(s): PID 017-214-572, LOT D, SECTION 15 BLOCK 5, NORTH RANGE 5 WEST
NEW WESTMINSTER DISTRICT PLAN NWP 88375, EXCEPT STATUTORY RIGHT OF WAY PLANS 4721 and 5172

Applicant: ebn GRAINCO LTD.

Correspondence/Calls to be directed to:

Name: ERIK NIELSEN

Address: 15900 RIVER ROAD RICHMOND, B.C. V6V 1L5

Tel. No.: 244-0200

Business

278-5078

Residence

Postal Code

244-0201

Fax

Property Owner(s) Signature(s): _____

or

Authorized Agent's Signature: _____

Attach Letter of Authorization

Please print name

ERIK B. NIELSEN
Please print name

FOR OFFICE USE

Date Received: June 27/00

File No.: 00-175893

Only assign if application is complete

Application Fee: \$525.00

Receipt No.: 04-0064886



CITY OF RICHMOND

DEVELOPMENT PERMIT

NO. DP 00-175893

TO THE HOLDER: EBN GRAINCO LTD.
PROPERTY ADDRESS: 15900 RIVER ROAD
ADDRESS: C/O MR. ERIK NEILSEN
15900 RIVER ROAD
RICHMOND, BC V6V 1L5

1. This Development Permit is issued subject to compliance with all of the Bylaws of the City applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit applies to and only to those lands shown cross-hatched on the attached Schedule "A" and any and all buildings, structures and other development thereon.
3. The "Richmond Zoning and Development Bylaw No. 5300" is hereby varied or supplemented as follows:
 - a) The dimension and siting of buildings and structures on the land shall be generally in accordance with Plan #1 attached hereto.
 - b) The siting and design of off-street parking and loading facilities shall be generally in accordance with Plan #1 attached hereto.
 - c) Landscaping and screening shall be provided around the different uses generally in accordance with the standards shown on Plan #1 attached hereto.
 - d) Roads and parking areas shall be paved in accordance with the standards shown on Plan #1 attached hereto.
 - e) Sanitary sewers, water, drainage, highways, street lighting, underground wiring, fences and sidewalks, shall be provided as required.
4. As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Holder if the security is returned. The condition of the posting of the security is that should the Holder fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the City may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Holder, or should the Holder carry out the development permitted by this permit within the time set out herein, the security shall be returned to the Holder. The City may retain the security for up to one year after inspection of the completed landscaping in order to ensure that plant material has survived, and may retain up to 50% of the security for up to five years to assure that invasive plants such as Blackberries do not re-grow on the site.

There is filed accordingly:

An Irrevocable Letter of Credit in the amount of \$13,000.

DEVELOPMENT PERMIT

NO. DP 00-175893

TO THE HOLDER: EBN GRAINCO LTD.
PROPERTY ADDRESS: 15900 RIVER ROAD
ADDRESS: C/O MR. ERIK NEILSEN
15900 RIVER ROAD
RICHMOND, BC V6V 1L5

5. The land described herein shall be developed generally in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof.
6. If the Holder does not commence the construction permitted by this Permit within 24 months of the date of this Permit, this Permit shall lapse and the security shall be returned in full.

This Permit is not a Building Permit.

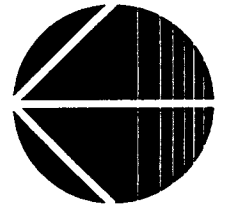
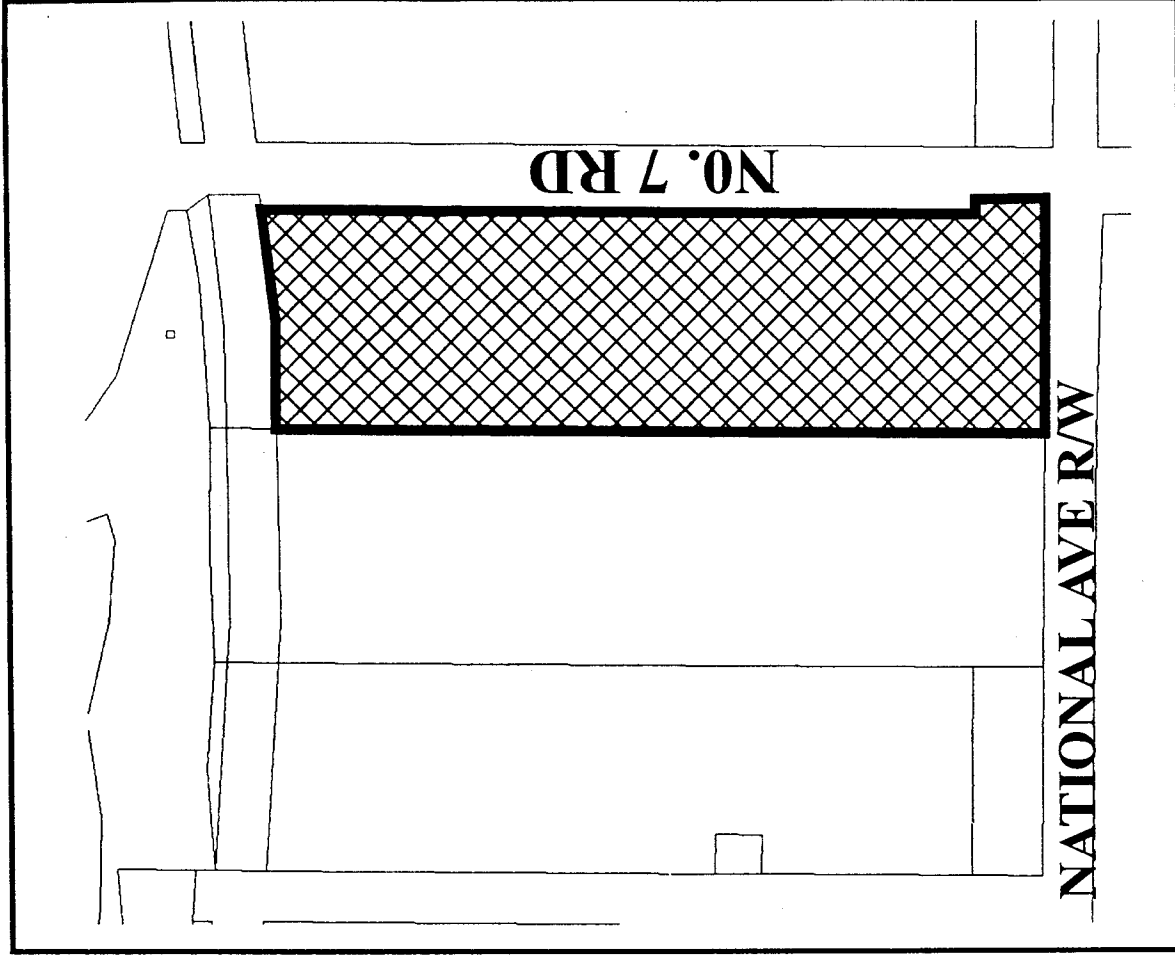
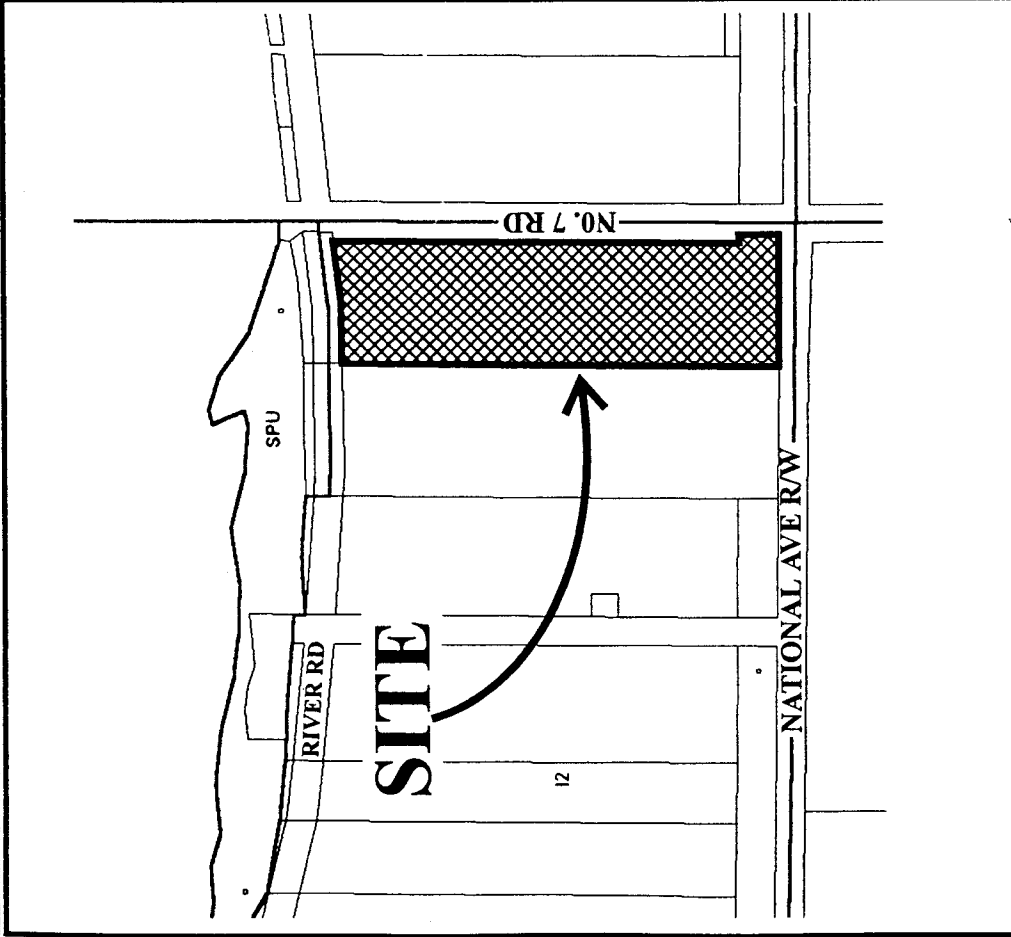
AUTHORIZING RESOLUTION NO. ISSUED BY THE COUNCIL THE DAY
OF

DELIVERED THIS DAY OF , .

MAYOR



City of Richmond



DP 00-175893
SCHEDULE "A"

Original Date: 07/07/00

Revision Date:

Note: Dimensions are in METRES



DEVELOPMENT PERMIT

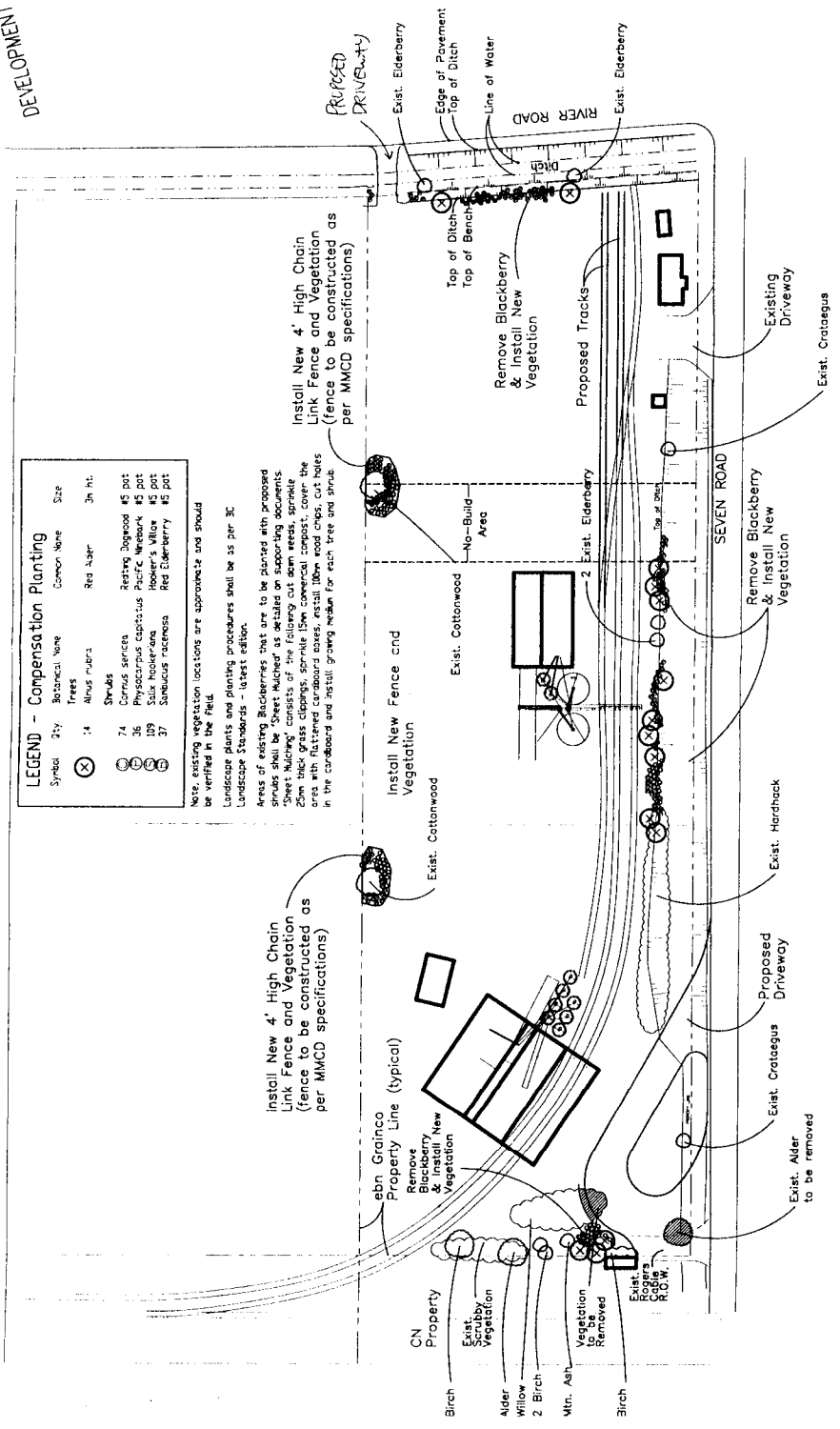
LEGEND - Compensation Planting

Symbol	Qty	Botanical Name	Common Name	Size
(X)	14	Alnus rubra	Red Alder	3in. ht.
(O)	74	Cornus sericea	Spreading Dogwood	45 pot
(O)	36	Physocarpus opulifolius	Diablo Yellow	45 pot
(O)	109	Salix lasiolepis	Hooper's Willow	45 pot
(O)	37	Sambucus racemosa	Red Elderberry	45 pot

Note: existing vegetation locations are approximate and should be verified in the field.

Landscape plants and planting procedures shall be as per 3C.

Areas of existing Blackberry that are to be planted with proposed shrubs shall be "Sheet Mulched". This involves covering the existing Blackberry with a 25mm thick grass clippings, 50mm 15m commercial compost, cover the area with flattened cardboard boxes, install 100mm road chips, cut holes in the cardboard and install growing medium for each tree and shrub.



DP00. 17582

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DP00. 17582

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33	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
34	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
35	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
36	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
37	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
38	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
39	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
40	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
41	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
42	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
43	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
44	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
45	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
46	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
47	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
48	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
49	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
50	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
51	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
52	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
53	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
54	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
55	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
56	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
57	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
58	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
59	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
60	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
61	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
62	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
63	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
64	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
65	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
66	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
67	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
68	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
69	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
70	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
71	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
72	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
73	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
74	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
75	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
76	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
77	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
78	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
79	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
80	AS SHOWN	1/1/00	1/1/00	1/1/00	1/1/00
81	AS SH				