



CITY OF RICHMOND
URBAN DEVELOPMENT DIVISION

REPORT TO COMMITTEE

TO: Planning Committee

TO PLANNING - July 17, 2001
DATE: June 14, 2001


FROM: Terry Crowe
Manager, Policy Planning

FILE: 8060 - 20 - 7258

RE: APPLICATION BY THE CITY OF RICHMOND TO REPEAL THE ENVIRONMENTALLY SENSITIVE AREA DESIGNATION FOR 7451 NELSON ROAD.

STAFF RECOMMENDATION

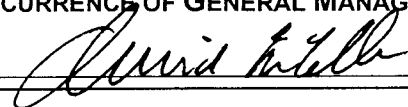
1. That Official Community Plan Amendment Bylaw No. 7258 to repeal the Environmentally Sensitive Area designation for 7451 Nelson Road in Attachment 3 to Schedule 1 of the Official Community Plan Bylaw No. 7100, be introduced and given first reading.
2. That Bylaw No. 7258, having been examined in conjunction 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. 7258, 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. 7258, 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. 3

FOR ORIGINATING DIVISION USE ONLY

CONCURRENCE OF GENERAL MANAGER



STAFF REPORT

ORIGIN

The site at 7451 Nelson Road (refer to **Attachment 1**) is currently being prepared for redevelopment to support industrial uses. An application has been submitted to the City by Matson Peck Topliss proposing to subdivide 7271 and 7451 Nelson Road into 8 industrial lots (File: SD 01-116623). As approximately the southern half of the 7451 Nelson Road property was designated as an Environmentally Sensitive Area (ESA) in December, 1991, (refer to **Attachment 1**), staff began a review to consider whether a development permit would also be required as per section 920(1a) of the Local Government Act. A summary of staff's findings based upon the review of information provided by the owner's representatives and the City's own records staff is presented below.

FINDINGS OF FACT

ITEM	EXISTING	PROPOSED
Owner	Bontebok Holdings Ltd.	Same
Applicant	OCP Amendment: City of Richmond	Same
Site Size	7451 Nelson Road 18.604 ha (45.972 ac)	Same
Land Uses	Vacant – Preloaded For Development	Industrial
OCP Designation	Business and Industry	Same
Zoning	Industrial District (I1)	Same
ESA Designation	Approximately the southern half of 7451 Nelson Road	None (area to be removed is shown on Attachment 1)

Site Location:

The site is located in section 18-4-4 on the west side of Nelson Road south of Westminster Highway.

Summary of Staff's Review:

In late June, 2001 staff conducted a review of the background rationale for the original ESA designation and the features found on the property. Key points are noted as follows:

- 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 southern half of the subject site and the properties to the south 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 (see **Attachment 2**) 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. The actual extent of the area cleared is not defined precisely enough in the memo to assure that the cleared area did not also include a portion of the subject property at 7451 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.
- Presently, the site contains no significant natural stands, having been completely graded and various amounts of fill placed over virtually the entire property.
- The developer's agents have provided a series of aerial photos dating from 1938 to 1994 (see **Attachment 3**) which suggest that, prior to the filling of the site, the property had been primarily used for farming purposes. A remnant woodlot stand appears to have existed in the south-west corner of the property based upon 1979/1984/Sept. 1991, aerials but the City does not have aerial photos from December 1991 or early 1992 to show whether the woodlot was in fact present at the time that the ESA bylaw was adopted.

ANALYSIS AND RECOMMENDATIONS

Without specific evidence that a woodlot was in fact present on 7451 Nelson Road when the ESA Bylaw came into effect, and with the suggestion of the September 11, 1991 internal memo to Council that the area may have been cleared, proving that significant vegetation within the designated ESA area was damaged by the fill activity is almost impossible. If it is assumed, based upon the above information, that the site had indeed been cleared prior to December 19, 1991, then the currently proposed development would be exempted according to the following clause from Section 9.1.2 of the Official Community Plan:

New construction on sites with designated ESA's which will not result in damage to the sensitive features within the ESA, e.g. trees, shrubs, wetlands, marshes or fish habitat;

Because of the apparent lack of supporting evidence that significant vegetation did indeed exist on the subject property at the time that the ESA was officially adopted, **staff are recommending that the ESA designation for 7451 Nelson Road be removed from the Official Community Plan.**

It is noted that although a portion of 7791 Nelson Road may also have been cleared prior to the adoption of the ESA bylaw, staff are not recommending removal of the ESA designation from that property until such time as a more detailed review has been made of the extent of the existing vegetation evident along the southern edge of the property has been conducted.

FINANCIAL IMPACT

None.

CONCLUSION

Based upon a review of information about the habitat features evident on the 7451 Nelson Road property and internal records regarding the enactment of the ESA Bylaw No 5746, staff are recommending the removal of the Environmentally Sensitive Area designation from 7451 Nelson Road.

A handwritten signature in black ink, appearing to read "David Brownlee", with a stylized flourish at the end.

David Brownlee
Special Projects Planner

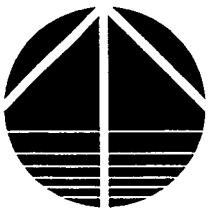
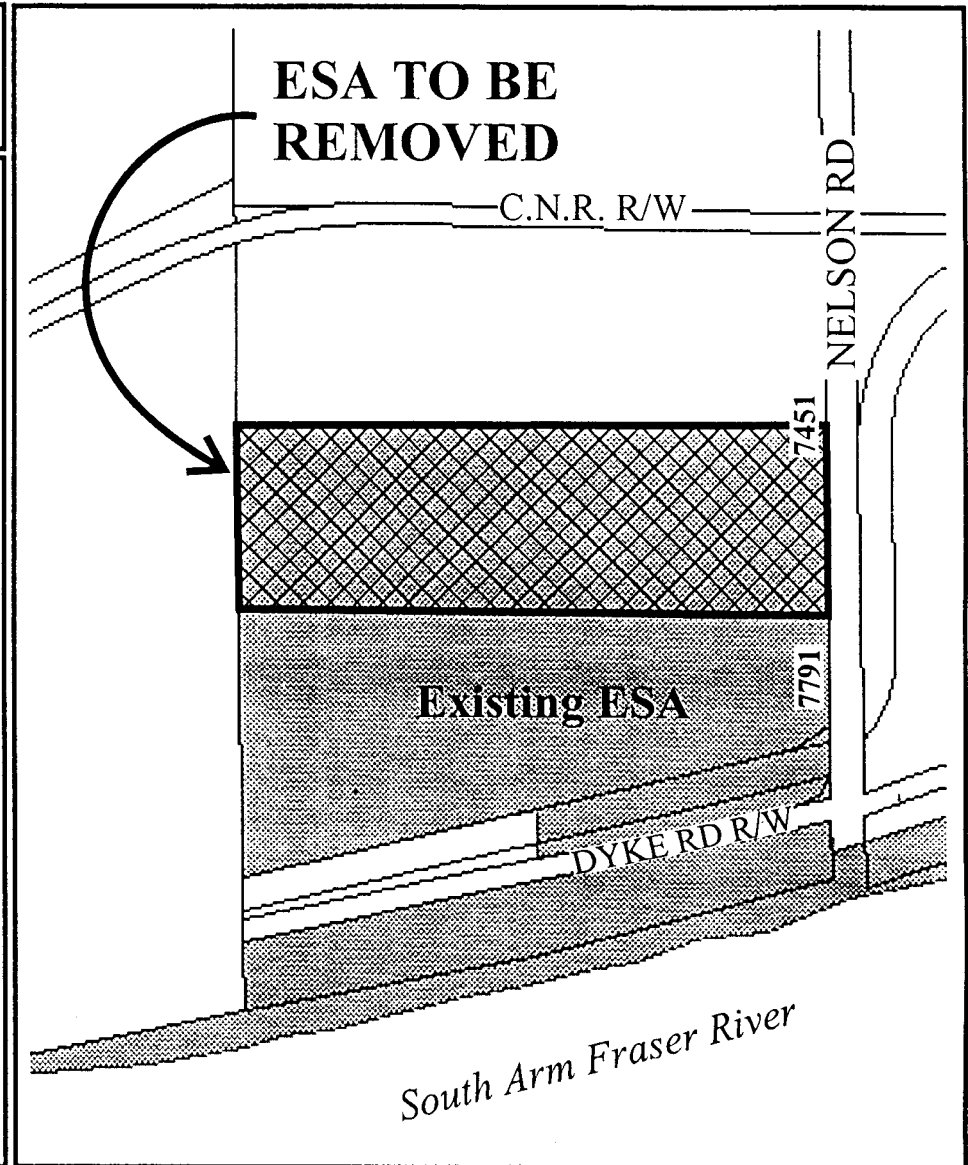
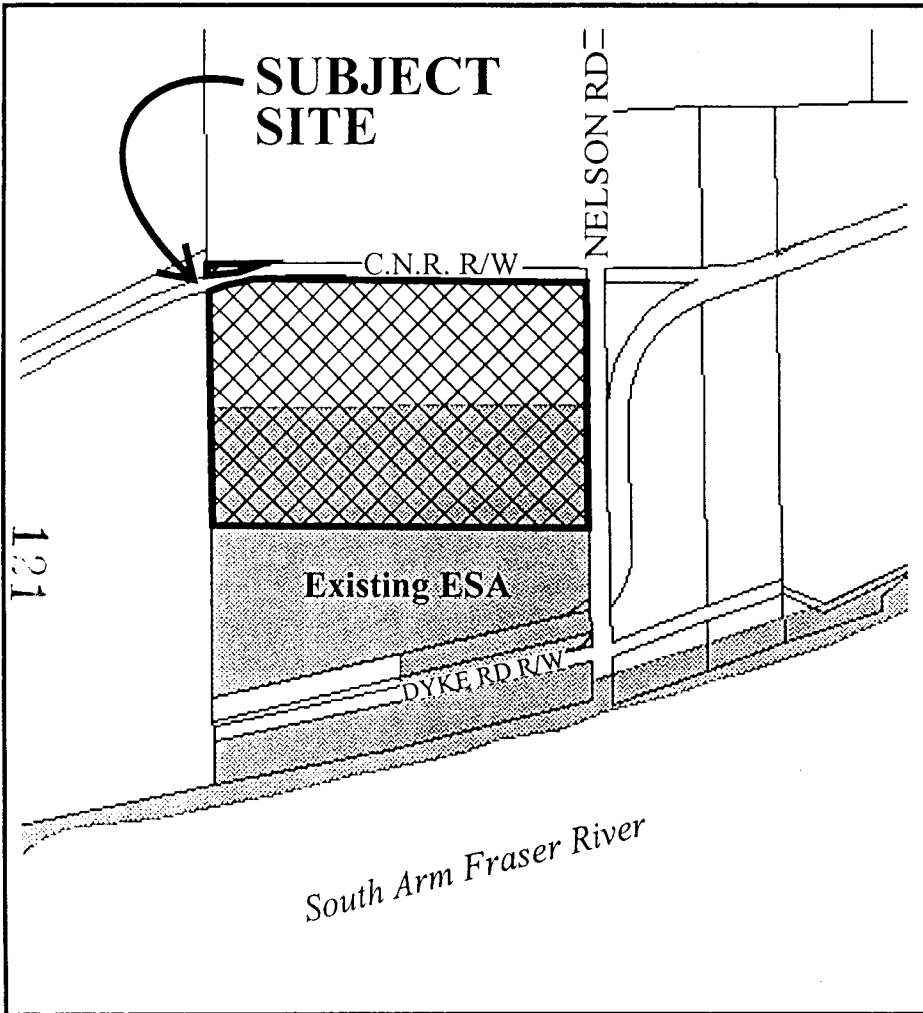
DCB:cas

LIST OF ATTACHMENTS

Attachment 1	Location Map
Attachment 2	Memo Dated September 11, 1991 to Mayor and Council from the Director of Planning
Attachment 3	Aerial Photos for Nelson Road



City of Richmond



Official Community Plan Amendment

Original Date: 06/14/01

Revision Date:

Note: Dimensions are in METRES

CITY OF RICHMOND
PLANNING DEPARTMENTMEMO

DATE: September 11, 1991
 TO: Mayor and Council
 FROM: Ron Mann
 Director of Planning
 RE: ENVIRONMENTALLY SENSITIVE AREAS - BYLAW 5746 - MONITORING OF
 DEVELOPMENT ACTIVITY
 FILE: 1601

Council, at their meeting of July 22, 1991, requested that staff ... "report on and monitor any development activity areas identified on "Schedule A" to Bylaw No. 5746".

In August, 1991, three Environmentally Sensitive Areas (E.S.A.'s) were cleared.

FINDING OF FACT

The areas cleared are shown on the attached maps:

1. South-west of No. 2 Road and Granville Avenue; (Section 15-4-6); Zoned Agricultural District (AG1); Owner: Eco-Waste Industries Ltd.

Approximately 60 acres were cleared, but ± 15 m around the perimeter were apparently not cleared. The area was mainly low lying bog with second growth of bog birch.

2. 7791 Nelson Road (south foot of Nelson Road); (Section 18-4-4); Zoned Industrial District (I1); Owner: Rivtow Straights.

The area was mainly birch and pine. About 20 acres were cleared.

3. 4740 No. 5 Road; (Section 31-5-5); North-west corner of Gilley Road; Zoned Agricultural District (AG1); Owner: S-237 Holdings Ltd; O.C.P. Designation: RESIDENTIAL RESERVE. This area is subject of O.C.P. and rezoning applications.

... 2

ANALYSIS

The reasons for the clearings are not known. Eco-Waste has submitted an application for non-farm use in the Agricultural Land Reserve, in order to further expand their demolition landfill and treatment facility. The application is still being processed.

The No. 5 Road area was apparently cleared to make way for a noise buffer/berm and roadway for trucks bringing fill.

The extent of permanent damage to the E.S.A. is not known. Presumably the trees and plants would regenerate in a number of years. Since the basic land structure and soil are still intact, the proposed Official Plan E.S.A. Designation should not be changed for these sites.

CONCLUSIONS

Staff report that two E.S.A. sites were cleared in August, 1991 (see attached). Because the extent of permanent damage to the E.S.A. is not known, it is suggested that no change be made to the proposed Official Community Plan Designation for these particular E.S.A.'s.

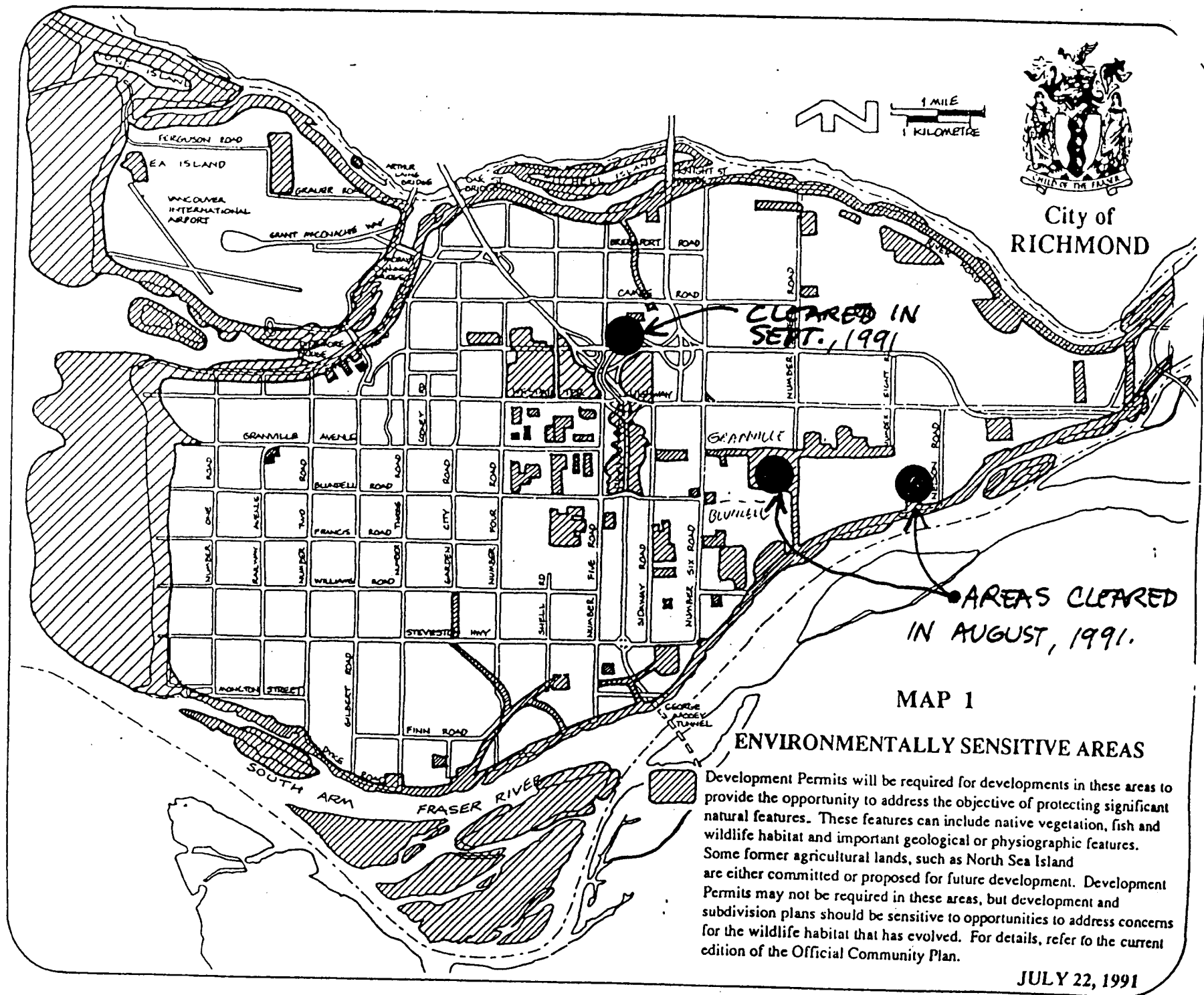


Ron Mann
Director of Planning

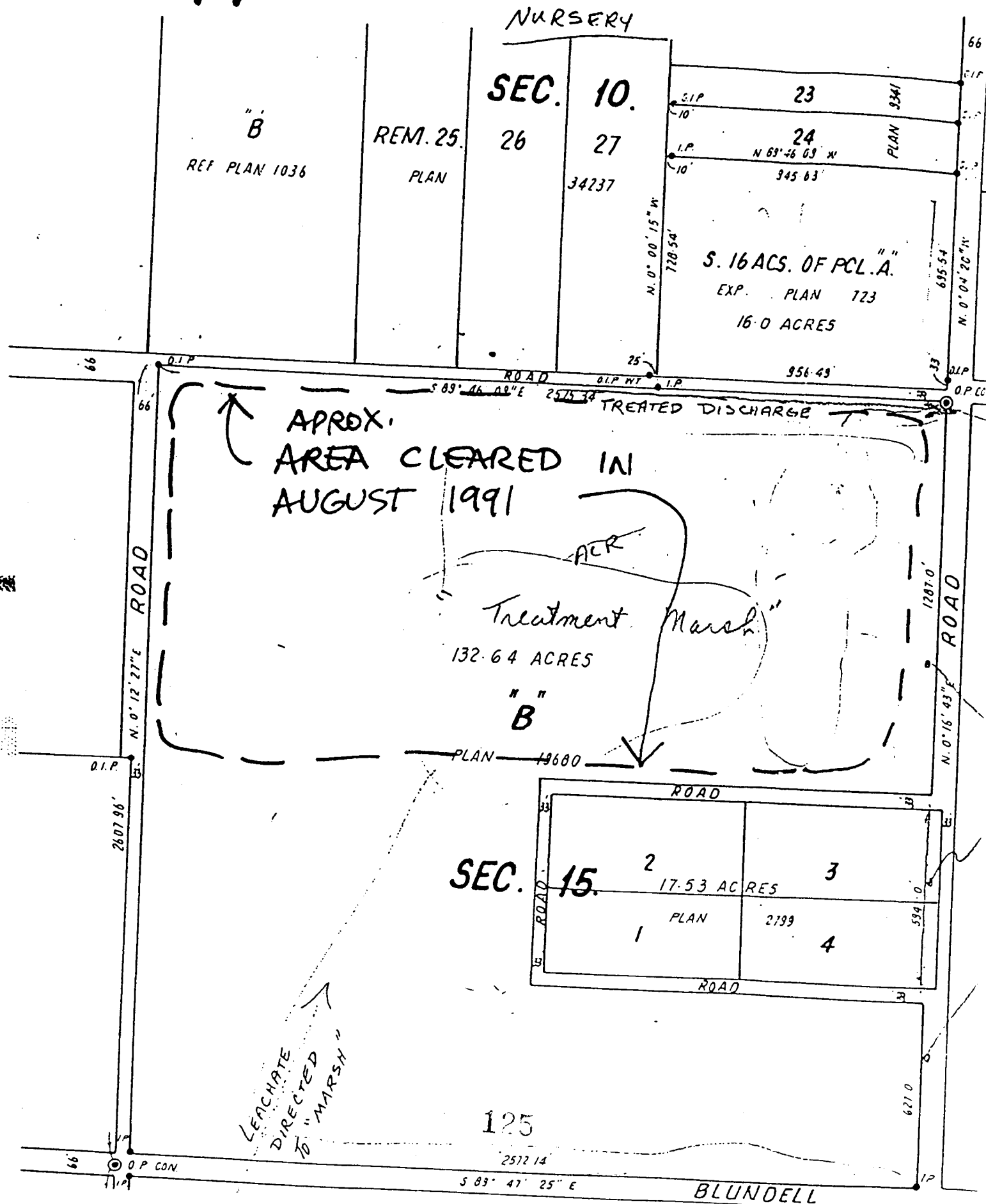
RM/AJ/rn

ATT.

cc: Alex Jamieson, Urban Design/Environment Planner
Marga Betz, Manager - Policy Planning



1. SEC. 15-4-5



GED1023-02 FRIDAY AUGUST 15, 1997

3:22 PM

FWS)

<< PARCEL >>

Address: 7791 NELSON RD
Owner: RIVINGTON STRAITS LTD
2:

QUADANT PARCEL
KEY: 000000000251
ROLL: 007-313-420
PID: 003-958-451

Lot: E Section: 13-4-4 Plan: 4699

SE 27252

DEP SCH IS IN SEWER AREA: FRAS

BER-C: 0.9m

BER-P: 3.5m

zoning: 11

Legal: PCL E REF PL 4699 OF PCL D SEC 18219 BLK4N RG4H
SEC PL 27252

High Actual Use: 401

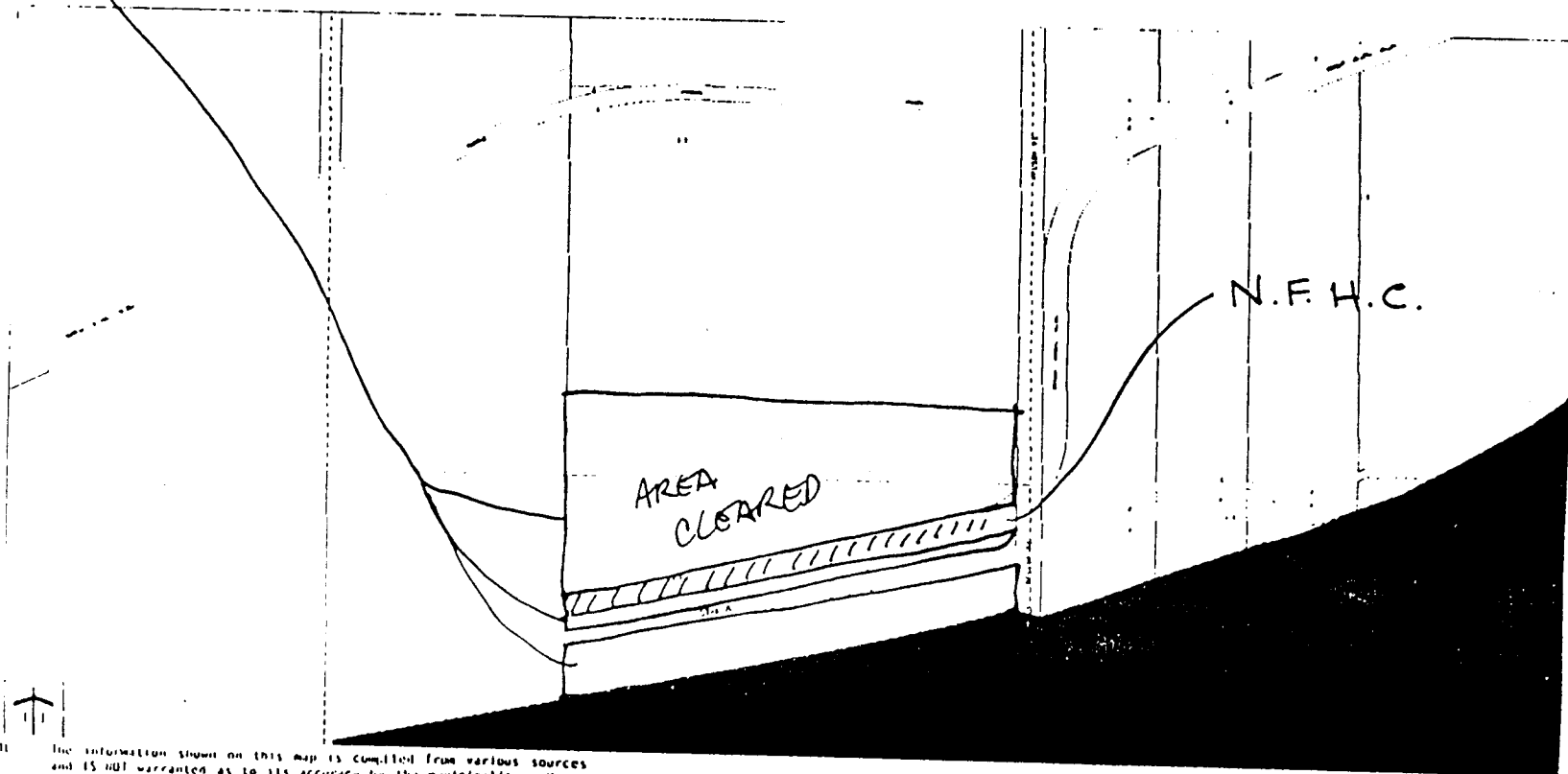
R/W Plan: 29755

Lot Area: 25.617 ac, 9.557 ha, 95576.823 Sq.m

PF1=Owners, PF2=Addr, PF3=Notes, PF4=Stratas, PF5=Assmnt

PF6=FWS, PF7=HWS, PF8=Adj, Owner, PF9=Labels, PF15=Print, PF16=Exit

2. sec. 18-4-4.



The information shown on this map is compiled from various sources and is not warranted as to its accuracy by the municipality. Users are reminded that ownership, lot sizes and legal description must be confirmed at the Land Title Office in New Westminster.

The zoning information is included for convenience only and is not warranted as being an accurate interpretation of the Zoning and Development Bylaw or the Official Community Plan and these should be

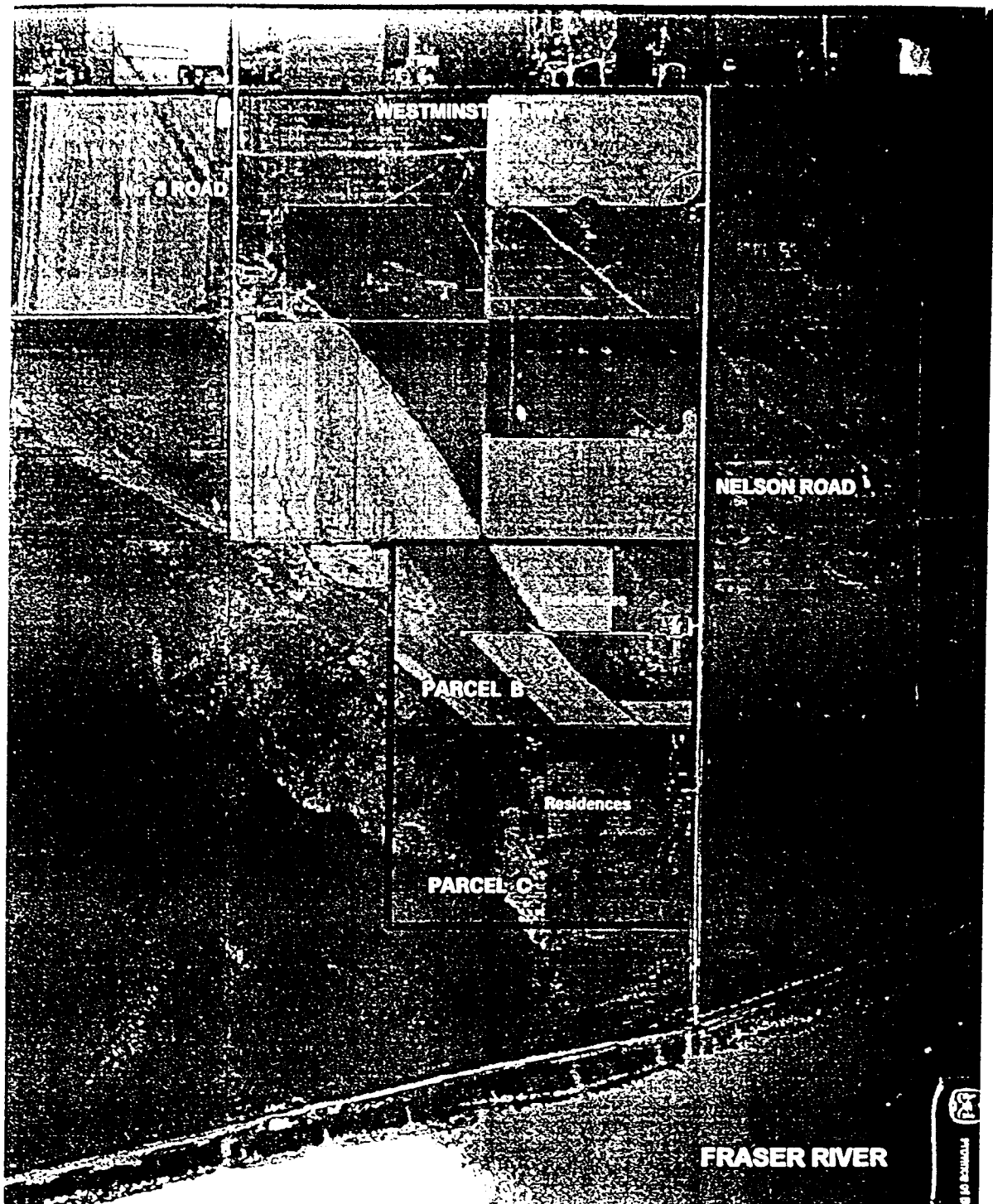
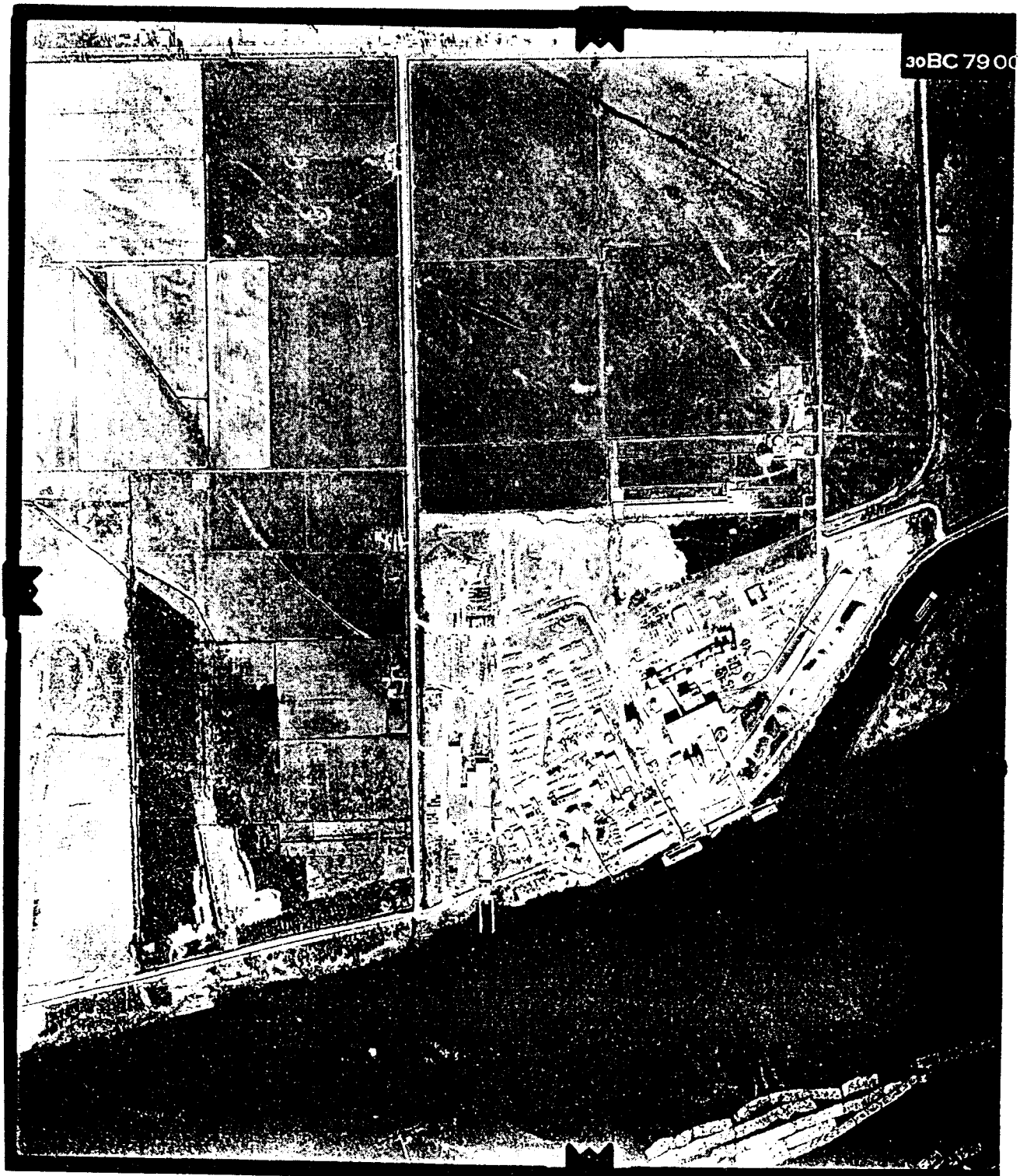


FIGURE 4 1955 Aerial Photo

Nelson Road Area 1979



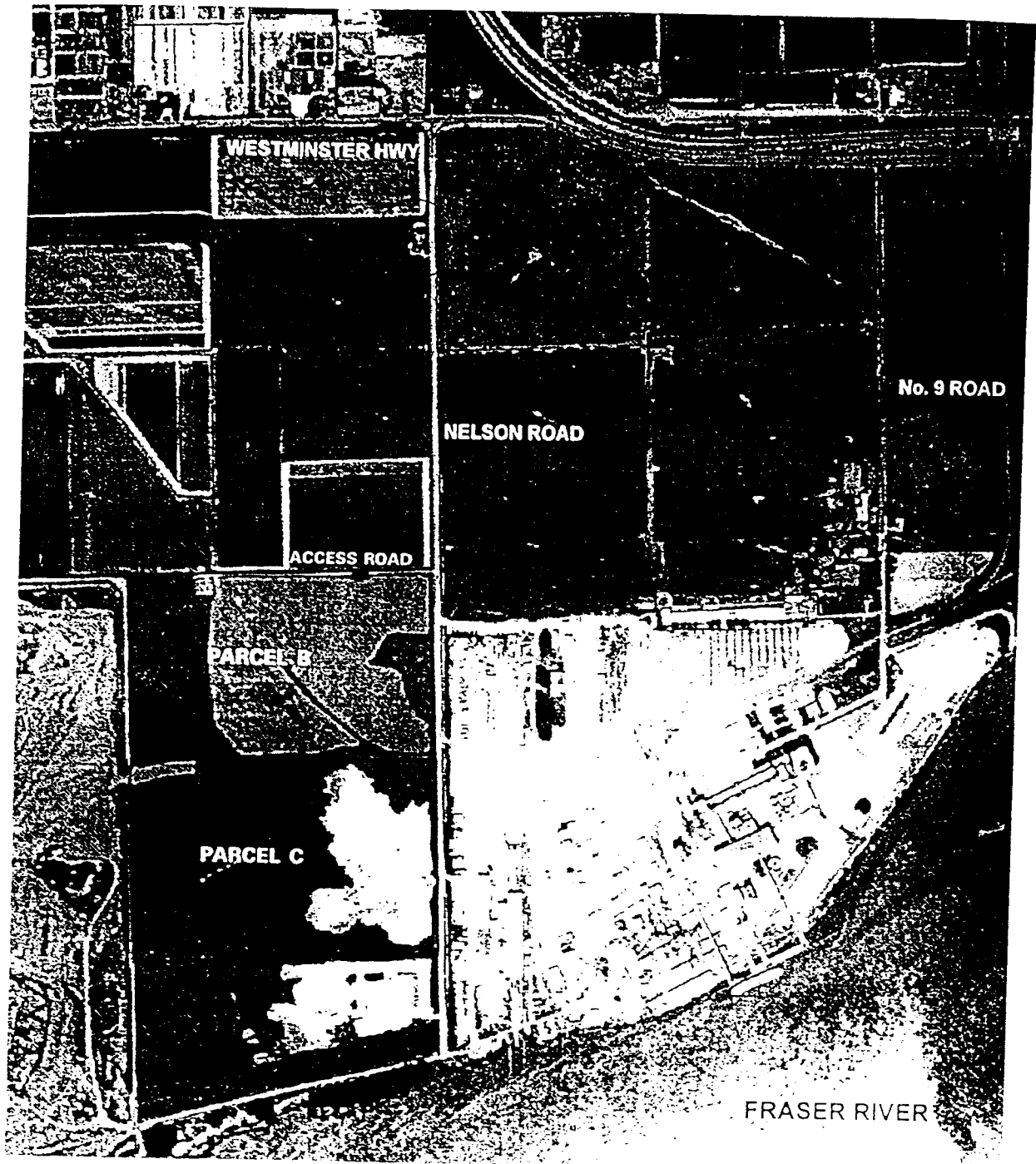
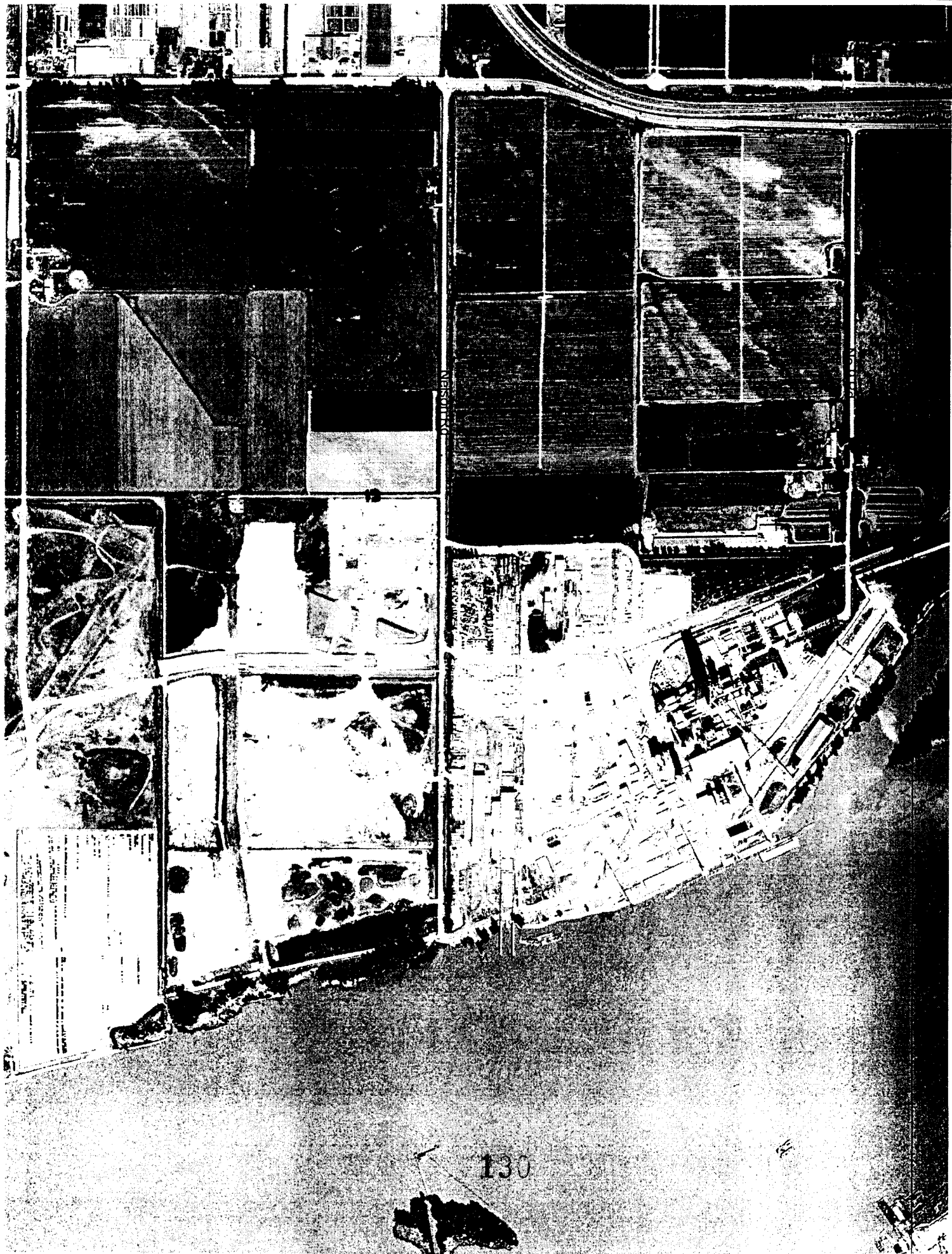


FIGURE 9.1-4 Aerial photo



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01-NOV 1999

CITY OF RICHMOND
BYLAW 7258
RICHMOND OFFICIAL COMMUNITY PLAN BYLAW 7100
AMENDMENT BYLAW 7258
7451 Nelson Road

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

1. Richmond Official Community Plan Bylaw 7100 is amended by repealing the existing Environmentally Sensitive Area designation in Attachment 3 to Schedule 1 thereof of the following area.

P.I.D. 004-276-311

Parcel "C" (Reference Plan 108) Section 18 Block 4 North Range 4 West Except:
Portion shown on Plan 51927 New Westminster District

2. This Bylaw may be cited as **"Richmond Official Community Plan Bylaw 7100, Amendment Bylaw 7258"**.

FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept. <i>TL</i>
APPROVED for legality by Solicitor <i>PD</i>

MAYOR

CITY CLERK