



City of Richmond
Urban Development Division

**Report to
Development Permit Panel**

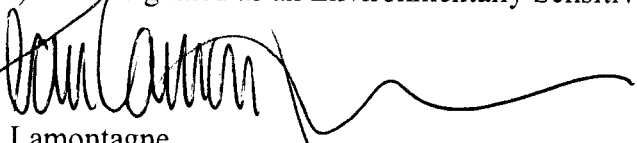
To: Development Permit Panel
From: Jean Lamontagne
Director of Development

Date: August 3, 2006
File: DP 05-311765

Re: Application by Alan Clark for a Development Permit at 10351 Palmberg Road

Staff Recommendation

That a Development Permit be issued which would permit the construction of a single-family dwelling and accessory buildings at 10351 Palmberg Road on a site zoned Agricultural District (AG1) and designated as an Environmentally Sensitive Area.



Jean Lamontagne
Director of Development

JL:dcbb
Att. 3

Staff Report

Origin

Alan Clark has applied to the City of Richmond for permission to develop a single-family dwelling and accessory buildings at 10351 Palmberg Road on a site zoned Agricultural District (AG1) and is designated as an Environmentally Sensitive Area (ESA). The overall site is approximately 4.8 acres in size. The primary reason for the Development Permit application is due to the fact that the proposed development occurs within the treed portion of the ESA area and will have an impact upon the habitat at this location.

Findings of Fact

The site currently contains no structures. Approximately the rear two-thirds of the site is actively farmed, while the front third (roughly 1.6 acres) of the site contains a tree stand and associated understorey. The site is a remnant of what was once a larger forested area which, over time, has been reduced in support of farming activity. The entire parcel is currently designated as an Environmentally Sensitive Area.

There is no request, nor requirement, for rezoning of the subject property and therefore no Public Hearing has been held for this application.

Development Information

The Development Application Data Sheet in **Attachment 1** provides the relevant Bylaw requirements development specifications and the development's relevant Bylaw requirements specifications. Of note is that no variances are being sought for this application.

Surrounding Development

Most of the surrounding area between Sidaway Road and No. 6 Road, and between Steveston Hwy. and Williams Road Development is entirely zoned as Agricultural District (AG1). The sole exceptions are three (3) parcels zoned for Athletics and Entertainment District (AE) near the intersection of Steveston Hwy and No. 6 Road. The subject site is the only designated ESA within the immediate area.

Staff Comments

Staff comments are provided in **Attachment 2**.

Analysis

Siting of Buildings on the Property

City policies related to environmental protection and farming activities sometimes conflict since it can be difficult for both activities to exist in the same location. This application is a case in point. The development proposal is ostensibly for a country estate as opposed to a farming related single-family dwelling. From an ESA perspective, the preference would be to have the structures placed outside the treed area - save for an access road to the development.

Such a placement would require the granting of a variance to the section of the City's Zoning Bylaw which establishes a maximum setback for dwellings of 50 m since the forested area in the front third of the lot is about 60 to 70 m deep. More critically, however, placing the dwellings beyond the treed area would locate them within the actively farmed rear portion of the property.

The owner has indicated in writing that he intends to support the continued use of the rear two thirds of the lot for farming.

Where the choice has been between farming activity and habitat retention, Council has routinely decided in favour of farming activity and directed staff accordingly. Following this approach, the next alternative is to accept the encroachment into the remnant treed portion of the site and seek compensation planting.

Riparian Area Regulation / Fisheries and Oceans Review

The ditch between the subject property and Palmberg Road has been identified by the Department of Fisheries and Oceans (DFO) as being of Fisheries interest and has subsequently been identified as a Riparian Area Regulation (RAR) watercourse with a 5 m setback. DFO has reviewed the site plan for this development and the applicant has advised that DFO has provided their approval for the two driveway crossings to the site. No additional requirements have been identified by DFO and the proposed planting selections are generally consistent with the RAR.

Development Impacts and Proposed Compensation Within the Treed Area of the Site

As proposed, the development will result in the removal of 45 healthy trees and the associated understorey vegetation. The trees range in size from 1 cm to 10 cm diameter at breast height (dbh). All but two (2) of the trees are deciduous birch trees. The remaining two (2) trees are coniferous cedar trees. The placement of the dwelling, supporting garage structures, septic field, driveway and tennis court will result in an overall loss of habitat area on the site and in this regard, the development runs counter to the Official Community Plan (OCP) policy of achieving "No Net Loss".

The site planning has attempted, however, to minimize the overall removal of trees. In total, 80 trees are proposed for retention on or in front of the site with substantive stands kept along the Palmberg Road frontage, the northern property line and the rear of the treed area.

As compensation, the 78 trees are being added to the site along with more than 1640 shrubs and ground cover plants used, primarily, to create and enhance wide vegetation strips along both the north and south property lines and to augment vegetation areas along both the eastern and western perimeters of the site. A significant number of the proposed plant selections conform to the City's listing of recommended native species and a conscious attempt has been made to select species which would provide food and other habitat functions for wildlife. Significant stands of invasive blackberry brush are being removed from the site as part of the overall development and enhancement.

The applicant has submitted a Raptor-Heron Nest and Endangered Species Survey of the site prepared by a registered Biologist. The Biologist has advised that no raptor or heron nests were observed in the treed area and that there is a very low likelihood that the lot is being used by species listed under the Species at Risk Act (SARA), B.C. Conservation Data Centre (CDC) listed vertebrates, or those species protected by the B.C. Wildlife Act.

The applicant has also incorporated a number of design features intended to reduce the overall impact of the development on the site. For example;

- permeable interlocking pavers have been used for the all of the driveway areas, exterior parking stalls, and patio areas rather than paving or concrete;
- crushed granite walkways are also used instead of concrete or paving; and,

- parking garage structures and accessory buildings have been located to retain existing large trees in the centre of the site.

The site plan also incorporates a crushed granite driveway for farm vehicle access to the rear two thirds of the property.

In light of the on-site enhancements, no off-site ESA upgrades are required. Plant selections proposed for the site generally conform to the City's listing of preferred species selections for ESAs.

The cost of the landscaping and design improvements has been estimated at more than \$135,000 including hard and soft landscaping improvements.

As a condition of the Development Permit issuance, the applicant will be providing \$47,565 to ensure that landscaping is installed. The \$47,565 reflects the cost of plant material only.

ESA Review

A City-wide review of Environmentally Sensitive Areas is anticipated for later this year at which time consideration will be given to reducing the ESA to include only the treed portion of the site.

Conclusions

Staff have reviewed the proposal for the construction of a single-family dwelling and accessory buildings at 10351 Palmberg Road. It is acknowledged that the proposed development will result in a net loss of habitat but that the City's preference in this instance is to preserve active farmland and that the applicant has proposed reasonable measures to mitigate and compensate for the habitat impacts. On this basis, staff are recommending approval of the development permit application.



David Brownlee
Planner 2

DCB:rg

Attachment 1: Development Application Data Sheet

Attachment 2: Staff Comments

Attachment 3: Conditional Development Permit Requirements

The following conditions are required to be met prior to forwarding this application to Council for approval:

- A Letter of Credit in the amount of \$47,565 to bond for the proposed landscaping.
- Registration of a floodplain covenant.


City of Richmond

6911 No. 3 Road
Richmond, BC V6Y 2C1
(604) 276-4000

**Development Application
Data Sheet**
Development Applications Department

DP 05-311765
Attachment 1

Address: 10351 Palmberg Road

Applicant: Alan Clark

Owner: Balwinder Bains and Sulinder Bains

Planning Area(s): East Richmond

	Existing	Proposed
Site Area:	19,563.53 m ²	Same
Land Uses:	Agricultural / Partially treed lot	Agricultural / Residential
OCP Designation:	Agriculture	Same
Zoning:	Agricultural District (AG1)	Same
Number of Units:	0	1

	Bylaw Requirement	Proposed	Variance
Floor Area Ratio:	0.60	Satisfies Requirements	none permitted
Lot Coverage:	NA	NA	None
Setback – Front Yard:	Min. 6 m	Satisfies Requirements	None
Setback – Side Yard:	Min. 1.2 m on one side and 6 m on the other side	Satisfies Requirements	None
Setback – Rear Yard:	Min. 6 m	Satisfies Requirements	None
Setback – Maximum:	Max. 50 m	Satisfies Requirements	None
Height (m):	Max. 2.5 storeys but in no case exceeding 10.5 m	Satisfies Requirements	None
Lot Size:	Min. 828 m ²	19,563.53 m ² (4.83ac)	None
Off-street Parking Spaces:	Min. 2 stalls	Satisfies Requirements	None

STAFF COMMENTS

Engineering Works Design / Review

Development Applications – Engineering supports the Development Permit application. The application is not being forwarded to Engineering for capacity analysis as there is no sanitary in the area and the storm is via open ditch. No further comment or concerns – no Development Applications “issues”.

Transportation Review

No Transportation concerns.

Environmental Programs Review

It is the recommendation of Environmental Programs that the single family dwelling proposed at 10351 Palmberg Road be located on the western portion of this property, outside of the City designated Environmentally Sensitive Area (ESA), which comprises approximately 1.6 acres at the eastern boundary of the lot, adjacent to Palmberg Road.

This recommendation is based on the following considerations:

- a large, estate style home is proposed for this site and will likely constitute the primary land use for this property;
- relatively low likelihood that farming will be the dominant focus of the land use (there is a commitment on behalf of the owner to “make available” western parcel of the property for farming), and;
- the ESA parcel provides important ecological benefits to the Richmond community today;
- Locating the dwelling in the ESA results in a definite net loss of ecological function to the City, while locating the dwelling in the agricultural land at the rear of the property results in a “potential” loss of farming opportunities.

Should it not be possible to avoid impact to the ESA, Environmental Program recommends that the City should mitigate for impacts to the ESA (reducing footprint, pervious surfaces, tree retention/replacement) and ensure conformance to its policy of “no net loss” through adequate compensation (off-site or monetary). The compensation should result in an area that maintains the ecological value of the ESA (trees, under-story shrubs, bird and animal habitat, storm water retention etc.) such that it achieves replacement with similar functioning ecological area.

Alternatively monetary compensation that takes into consideration the ecological functioning of this parcel could also be considered. It is the opinion of Environmental Programs that a tree replacement strategy does not adequately compensate for the suite of community benefits that ecological areas provide.

[Addendum: Through verbal discussions Environmental Programs staff have noted that although the above comments still stand as a departmental preference, significant progress has been made in the final plan submission for this application. In the anticipated review of ESA’s later this year, discussions will include a review of how to more adequately address similar sites. - DCB]

Conditional Development Permit Requirements
10351 Palmberg Road DP 05-311765

Prior to final adoption of the Development Permit 10351 Palmberg Road, the developer is required to complete the following requirements:

1. Submission of a Letter of Credit in the amount of \$47,565* as security for the landscaping proposed for the site (** based upon the first four items in the landscaping estimate provided by Fred Liu & Associates Inc. memo dated July 24, 2006*).
2. Registration of a floodplain covenant.

[Signed Copy on File]

Signed

Date



City of Richmond
Urban Development Division

Development Permit

No. DP 05-311765

To the Holder: ALAN CLARK
Property Address: 10351 PALMBERG ROAD
Address: 4-11391 – 7TH AVE, RICHMOND, B.C.

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. Subject to Section 692 of the Local Government Act, R.S.B.C.: buildings and structures; off-street parking and loading facilities; roads and parking areas; and landscaping and screening shall be constructed generally in accordance with Plans #1 to #2 attached hereto.
4. Sanitary sewers, water, drainage, highways, street lighting, underground wiring, and sidewalks, shall be provided as required.
5. As a condition of the issuance of this Permit, the City is holding the security in the amount of \$47,565.00 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. 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.
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.

Development Permit

No. DP 05-311765

To the Holder: ALAN CLARK

Property Address: 10351 PALMBERG ROAD

Address: 4-11391 – 7TH AVE, RICHMOND, B.C.

7. 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.

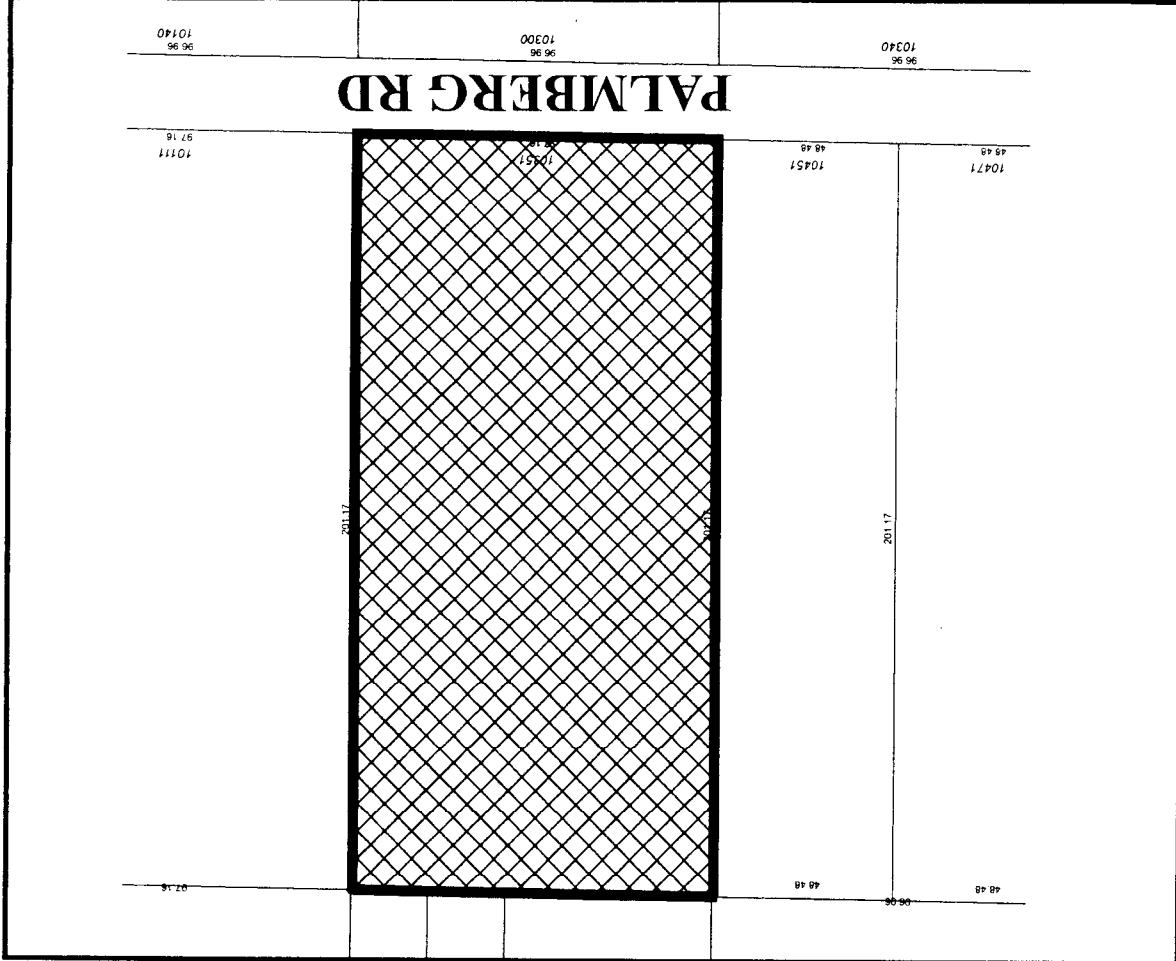
This Permit is not a Building Permit.

AUTHORIZING RESOLUTION NO. _____
DAY OF _____, _____.

ISSUED BY THE COUNCIL THE

DELIVERED THIS DAY OF ,

MAYOR



Note: Dimensions are in METRES



11

660.35 LOT LENGTH

89° 20' 46"

REMOVE TREES IN BLDG ENVELOPE AREA

REMOVE TREES IN DR / YARD

REMOVE TREES IN SEPTIC FIELD AREA

660.36

660.38 LOT LENGTH

191° 13'

TOP OF BANK

CENTERLINE OF DITCH

EDGE OF PARKING

40 45 50 55 60 65 70 75 80 85 90 95 100

[illegible]

FEDERAL ASSOCIATES INC.
ECLA CCA ASA
605-785-6000 BC 902

R.

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