

Report to Development Permit Panel

To:

Development Permit Panel

Date: June 9, 2022

From:

Wayne Craig

File: DP

DP 21-931059

Re:

Director of Development

Application by Calvin Deng for a Development Permit at 8888 No. 6 Road

Staff Recommendation

That a Development Permit be issued which would permit the construction of a single detached house at 8888 No. 6 Road on a site zoned "Agriculture (AG1)" and designated as an Environmentally Sensitive Area (ESA).

Wayne Craig

Director of Development

WC:bb

Att. 4

Staff Report

Origin

Calvin Deng, the owner of the subject property, has applied to the City of Richmond for permission to develop a single detached house at 8888 No. 6 Road on a site located in the Agricultural Land Reserve (ALR), designated "Agriculture" in the Official Community Plan (OCP), zoned "Agriculture (AG1)" and designated as an Environmentally Sensitive Area (ESA).

The site currently contains two shipping containers in the west portion of the property, currently used to store farm related equipment and supplies. The shipping containers would be removed to accommodate the proposed development. The farm is not currently being actively farmed; however, the property has been categorized by BC Assessment as a developing farm under the 2022 assessment roll.

Development Information

Please refer to attached Development Application Data Sheet (Attachment 1) for a comparison of the proposed development data with the relevant Bylaw requirements.

Background

The subject site and the surrounding area are located within the Agricultural Land Reserve (ALR). Development surrounding the subject site is as follows:

- To the north, a lot zoned "Agriculture (AG1)" with an approximate area of 10 acres (4 ha) and partially designated as an Environmentally Sensitive Area (ESA);
- To the east, Agricultural operation on an approximately 20 acres (8.1 ha) property zoned "Agriculture (AG1)" with a small portion of the site adjacent to the subject property being designated ESA;
- To the south, an unopened road allowance (Francis Road) separating the subject site from the property at 9020 No. 6 Road, which is an agricultural operation with an approximate area of 5.29 acres (2.1 ha) zoned "Agriculture (AG1)" and with a small portion of the site being designated ESA; and
- To the west, one property across No. 6 road zoned "Agriculture (AG1)" with an approximate area of 20 acres (8.1 ha), and partially designated ESA along its western portion.

Previous Activities

The property had been previously treed until 2015. Under a previous owner, the land was cleared of trees between June and August 2015, including trees, shrubs and plants in the ESA and Riparian Management Areas (RMAs). As the then owner had not obtained appropriate permission to clear the land, they were ordered by the City to restore the RMA on both private and City lands through the submission of a Riparian Assessment Plan. The City also required a farm plan to be submitted by the previous owner to confirm their proposed agricultural use on the site. The farm plan submitted in 2016 noted a proposal to farm the site by cultivating blueberries and was accepted by staff. The farm plan did not reflect construction of a dwelling. A Riparian Assessment Plan was prepared by a Qualified Environmental Professional (QEP) and accepted by the City in 2017.

Staff Comments

The property is subject to ESA and RMA land use designations. These designations identify the site's ecological significance and potential. Agricultural activities are exempt from the ESA and RMA requirements, however, residential development is subject to these environmental designations. The owner is proposing to farm the property by planting various types of vegetables and blueberry and to build a single detached house. The purpose of this Development Permit is to allow the construction of the proposed single detached house within the proposed farm home plate as well as to take account of the associated ESA compensation for the disturbance of the site due to the location of the farm home plate within the ESA.

The proposed scheme attached to this report has satisfactorily addressed the staff comments identified as part of the review of the subject ESA Development Permit application. In addition, it complies with the intent of the applicable sections of the OCP and is in compliance with the "Agriculture (AG1)" zone.

Environmentally Sensitive Area and Riparian Management Area

The property is designated Environmentally Sensitive Area (ESA), specifically "Freshwater Wetland (FRWT)", which typically includes areas with vegetation and soils influenced by the presence of freshwater in the rooting zone for plants; includes open, forested, and shrub bogs, swamps, marshes, wet meadows, seasonally flooded fields, and shallow ponds and ditches. The property also includes a 15 m wide Riparian Management Area (RMA) along the west and south property lines associated with a drainage canal along No. 6 Road and running along the south property line (Attachment 2). No development is proposed within the RMA and the owner has agreed to erect fencing to protect the RMA along No. 6 Rd, the RMA along the south property line adjacent to the farm home plate and the enhanced 5 m wide area of the RMA along the remainder of the south property line.

Analysis

Site Planning

- The proposed single-family dwelling complies with the maximum floor area of 400 m² (4,306 ft²) in the "Agriculture (AG1)" zone and is proposed to be located in the southwest portion of the property.
- The proposed single-family dwelling will contain a secondary suite, intended for farm workers. Prior to Council's issuance of the Development Permit, a legal agreement on Title is required to ensure that no final Building Permit inspection is granted until a minimum one-bedroom secondary suite is constructed on the property, to the satisfaction of the City in accordance with the BC Building Code and the City's Zoning Bylaw.
- Vehicular access would be provided via an existing driveway from No. 6 Road, which also serves as a farm access road to the subject property and the associated agricultural operation on site.

Farm Home Plate

• The subject site is designated ESA and includes a 15 m wide RMA along the west and south property lines (Attachment 2), as noted earlier.

- The required farm home plate for the single-family dwelling is located within an area designated ESA.
- The farm home plate is required to be contiguous and rectangular in shape, comprising of one side being on the front property line or the delineation of a Riparian Management Area (RMA) and on one side property line or the delineation of a RMA. The proposal includes an alternative location for the farm home plate in response to the two RMAs and a farm access road that is provided immediately adjacent to the RMA along the No. 6 Rd frontage.
- The proposed location of the farm home plate would accommodate farm access via the farm road and it would allow preservation and enhancement of the RMA along the western and southern portion of the site.
- The alternative farm home plate location was presented to the Food and Agricultural Advisory Committee (FSAAC) on March 24, 2022 and received support with one Committee member abstaining from voting (Attachment 3).

Farm Buildings

- The applicant has also submitted a building permit application for a proposed farm building north of the proposed farm home plate and the single-family dwelling therein.
- That building permit application is being reviewed separately and is not part of this development permit.
- The owner has included conceptual details for the farm building in the site plan, farm plan and environmental assessment report for the development permit application under consideration for information only.
- The FSAAC had expressed concern about the proposed size of the farm building during the March 24 meeting. The owner has since confirmed and revised plans to ensure that the future farm building will meet all zoning bylaw requirements.
- Full zoning bylaw compliance for the farm building will be conducted through the review of the building permit application.

Environmentally Sensitive Area Assessment

- An Environmental Impact Assessment (the "Report") was submitted by Madrone Environmental Services Ltd. The Report characterized the site as primarily undeveloped and unmanaged blueberry field with no permanent structures.
- As noted earlier, the property was cleared in 2015 under previous ownership, and there are patches of low growing vegetation, including three invasive species (Canada thistle, Himalayan blackberry, and Scotch broom).
- No sensitive habitats, mammals, birds, amphibians/reptiles or invertebrates were observed during field assessment. A single large raptor nest was observed off-site further north of the property at 8451 No. 6 Road.
- The area proposed to be developed for the single-family dwelling is in the ESA and will not encroach into the RMA.
- The total area of the ESA designation on the property is approximately 6.7 acres (2.7 ha) or 75% of the entire property area. As per the ESA Development Permit exemption criteria specified in the OCP, agricultural activities are not subject to the ESA Development Permit requirements.

- The owner is a new farmer and is preparing to farm the site, intending to produce blueberry as well as vegetables such as Sui choy, Bok choy, Gail an and Gai choy in smaller plots behind the proposed farm home plate.
- The RMA along the south portion of the property will not be disturbed for farming. The farm plan confirms that no farming activity is proposed to occur within the 15 m RMA buffer and the owner has agreed to install a fence within the southern RMA to protect the ESA compensation area within the southern RMA (Attachment 2).
- The property is assessed as a developing farm as per BC Assessment's 2022 Assessment Roll.
- For the portion of the property proposed to be developed for residential uses (single-family dwelling with a secondary suite, parking and septic system), comprising a total area of 1,000 m2 (10,764 ft2), an ESA Development Permit is required to be issued prior to construction.

Compensation

To compensate for removal of 1,000 m² (10,764 ft²) of ESA to develop the proposed residential uses, the owner proposes to compensate 2,780 m² (29,924 ft²) of landscaping on-site within the entire RMA-designated lands on-site, comprising of the entire 15m width of the western RMA designated along No. 6 Road as well as including a 5 m strip of RMA along the southern section of the site, and complete landscape restoration as follows:

- Removal of invasive species (namely the Himalayan blackberry) from the total RMA.
- Fencing being installed to prevent encroachment into the RMA enhancement area.
- Replanting of native species in the entire compensation area (2,780 m² (29,924 ft²)), including:
 - o 171 native trees (14 Bigleaf Maple, 17 Bitter Cherry, 80 Alder and 35 Douglas Fir):
 - 1,617 shrubs, including 162 Coastal Serviceberry, 156 Indian Plum, 240 Baldhip Rose, 404 Salmonberry, 180 Snowberry, 150 June Plum, 125 Nootka Rose, and 200 Red Osier Dogwood;
 - o 334 perennial plants, including 167 Yarrow and 167 Douglas Aster;
 - o 13 cedar trees and 2 maple trees within the proposed farm home plate and 19 cedar trees along the southern and eastern edges of the farm home plate with an approximate area of 137 m² (1,475 ft²) in addition to the 2,780 m² (29,924 ft²) compensation area elsewhere on the property.

Proposed tree species to be planted in the enhancement area were recommended by a registered Landscape Architect and are vetted by the recommendations of the Qualified Environmental Professional (QEP) as well as consistent with the "Freshwater Wetland (FRWT)" ESA designation and the "Suitable Trees for Replanting in the City of Richmond" list.

Table 1: Balance Sheet

ESA Existing (Subject to a Development Permit)	ESA Loss	RMA Enhancement in Lieu of ESA Loss
1,000 m ² (10,764 ft ²)	1,000 m ² (10,764 ft ²)	2,780 m ² (29,924 ft ²)

The proposal represents a ~2.8:1 ratio in habitat area, with a net gain in function by enhancing a relatively low quality habitat in an area designated as RMA (including a significant amount of invasive species) and replacing with a new densely planted natural area to be protected. Enhancement will support the utilization by a variety of terrestrial and aquatic species, including small mammals, birds and invertebrates.

To ensure that the proposed enhancements have the best chance of survival and that invasive species are controlled, monitoring and annual reporting by a Qualified Environmental Professional (QEP) will occur for 5 years.

Development Permit considerations include bonding for the landscape costs, a contract between the owner and a QEP to provide monitoring and reporting for a period of 5 years and registration of legal agreements to ensure protection and retention of the area denoted for ESA compensation in the RMA.

Flood Plain Designation and Protection Bylaw

The proposed development must meet the requirements of the Flood Plain Designation and Protection Bylaw 8204. Registration of a floodplain covenant on title identifying a maximum habitable elevation of 3.0 m GSC is required prior to Development Permit issuance.

Existing Legal Encumbrances

The property has a charge (Registration number F31307) registered against title. This charge is a utility easement agreement for a private water service for the benefit of the adjacent lot to the east. The owner's solicitor has provided confirmation that the easement and the rights granted thereunder would not be affected by the proposed development.

Site Servicing

A Servicing Agreement will not be required for this development. Utility connections and any frontage improvements will be addressed at Building Permit stage via Work Order. These improvements are detailed in the Development Permit Considerations.

Financial Impact

This development application results in an insignificant Operational Budget Impact (OBI) for the off-site City infrastructure (such as roadworks, waterworks, storm sewers, sanitary sewers, street lights, street lights and traffic lights).

Conclusions

As the proposed development would meet applicable policies and Development Permit Guidelines, staff recommend that the Development Permit be endorsed, and issuance by Council be recommended.

The list of Development Permit Considerations is included in Attachment 4, which has been agreed to by the owner (signed concurrence on file).

Babak Behnia

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Planner 2

BB:cas

Attachment 1: Development Application Data Sheet

Attachment 2: Map of the Environmentally Sensitive Area (ESA) and Riparian Management

Area (RMA) in the Property

Attachment 3: Excerpt from the Meeting minutes of the FSAAC (March 24, 2022)

Attachment 4: Development Permit Considerations



Development Application Data Sheet

Development Applications Department

DP DP 21-931059 Attachment 1

Address: 8888 No. 6 Road

Applicant: Calvin Deng Owner: Calvin Deng

Planning Area(s): East Richmond

	Existing	Proposed	
Site Area:	35,934 m²	No change	
Land Uses:	Single-family residential and agriculture	No change	
OCP Designation:	Agriculture (AGR)	No change	
Zoning:	Agriculture 1 (AG1)	No change	
Number of Units:	Vacant	No change	

	Bylaw Requirement	Proposed	Variance
Floor Area Ratio:	Max. 400 m ² (4,306 ft ²)	400 m2 (4,306 ft2)	None permitted
Farm Home Plate Area:	Max. 1,000 m ² (10,764 ft ²)	1,000 m ² (10,764 ft ²)	None
Farm House Footprint:	Max. 60%	60%	None
Setback – to rear of Farm Home Plate:	Max. 75 m	53.4 m	None
Setback –Single Detached Housing Building	Max. 50 m	49.4 m	None
Setback – Front Yard:	Min. 6.0 m	Complies	None
Setback – Side Yard:	Min. 1.2 m	Complies	None
Setback – side Yard:	Min. 6.0 m	Complies	None
Setback – Rear Yard:	Min. 10.0 m	Complies	None
Height (m):	Max. 9.0 m (2 storeys)	Complies	None

Attachment 2



Excerpt from the Meeting Minutes of the

Food Security and Agricultural Advisory Committee (FSAAC)

Thursday, March 24, 2022 – 7:00 p.m. Webex

Alternative Farm Home Plate Location - 8888 No. 6 Road

Babak Behnia, Planner 2, Policy Planning, introduced the alternative farm home plate location associated with the Environmentally Sensitive Area (ESA) Development Permit application at 8888 No. 6 Road and provided the following comments:

- The purpose of the application is to allow the construction of a single-family dwelling within an Environmentally Sensitive Area (ESA);
- The application is being presented to the Committee due to the request for an alternative farm home plate location; and
- The proposal includes an alternative location for the farm home plate area along an existing farm access road and the riparian management area boundary.

The Property Owner provided the following additional comments:

- The previous property owner planted blueberries but was unsuccessful;
- The current property owner has invested in agricultural equipment, including a tractor and excavator; and
- The farm plan includes planting blueberries, Asian vegetables, garlic and watermelon.

The Committee expressed concerns regarding the previous unauthorized fill on the subject property and requested staff to provide further information regarding enforcement.

In response to questions from the Committee, the Property Owner and Project Agrologist provided the following additional comments:

- Efforts have been made to remediate the subject site using machinery to break down the existing material;
- Testing of the soil was not conducted as there was no evidence of commercial or industrial waste and no other compelling evidence to initiate testing for contamination; and
- The irrigation pond on the farm plan is an approximate location and size, which will be revised as per the Property Owner's needs.

The Committee expressed concerns regarding the proposed amount of concrete associated with the proposed agricultural building and recommended alternatives. Staff noted that the proposed agricultural building is not finalized and any proposal which exceeds the Zoning Bylaw requirements would require review by the Committee and approval by Council.

In response to questions from the Committee, Policy Planning staff noted that an overall review of Environmentally Sensitive Area (ESA) designations will be part of the targeted Official Community Plan update.

Discussion ensued regarding the alternative farm home plate location, previous unauthorized fill and contents of the farm plan.

The Committee passed the following motions:

That the Food Security and Agricultural Advisory Committee request staff to provide a summary of the Agricultural Land Commission (ALC) involvement and action on the previous property owner in regards to unauthorized fill, to be brought back to the Committee by the next meeting.

Carried Unanimously

That the Food Security and Agricultural Advisory Committee support the proposed Alternative Farm Home Plate at 8888 No. 6 Road (DP 21-931059) along an existing farm access road and the riparian management area boundary.

Carried with Miles Smart abstained



Development Permit Considerations

Development Applications Department 6911 No. 3 Road, Richmond, BC V6Y 2C1

Address: 8888 No. 6 Road File No.: DP 21-931059

Prior to approval of the Development Permit, the developer is required to complete the following:

- 1. Receipt of a Letter of Credit for landscaping and monitoring of the Environmentally Sensitive Area (ESA) over a 5 year period in the amount of \$47,665. The Letter of Credit may be reduced annually, up to maximum of 20% of the original value, upon receipt of monitoring reports from the Qualified Environmental Professional (QEP) to the satisfaction of the City's Director, Development.
- 2. Submission of a Contract entered into between the owner and a Qualified Environmental Professional (QEP) to monitor and provide annual reporting to the City on the ESA for 5 years following City approval of substantial completion.
- 3. Registration of a legal agreement on title to identify RMA Enhancement area in lieu of proposed development in the ESA and to ensure that landscaping is planted and retained as identified in the submitted Environmental Impact Assessment (EIA) report prepared by Madrone Environmental Services Ltd. dated June 2, 2022, and will not be abandoned or removed. The legal agreement will also include language to allow City access to the property in case the enhancement works identified in the submitted EIA are not completed, maintained or monitored as proposed.
- 4. Registration of a flood plain covenant on title identifying a minimum habitable elevation of 3.0 m GSC (not Area A).
- 5. Registration of a legal agreement on Title to ensure that no final Building Permit inspection is granted until a secondary suite is constructed in the proposed single-family dwelling.

Prior to Building Permit Issuance, the developer must complete the following requirements:

- 1. At the Owner's cost via City Work Order*, design and construct/install utility connections and frontage improvements, works include, but not be limited to water works and storm sewer works.
- 2. No connection to the City's sanitary sewer system is permitted to properties within the Agricultural Land Reserve (ALR). An On-site Sanitary Disposal System is required as per the City of Richmond Policy 7401, to be designed by a Professional Engineer at the owner's cost.
- 3. The owner is required to review street lighting levels along all road frontages and upgrade as required.
- 4. Submission of a Construction Parking and Traffic Management Plan to the Transportation Department. Management Plan shall include location for parking for services, deliveries, workers, loading, application for any lane closures, and proper construction traffic controls as per Traffic Control Manual for works on Roadways (by Ministry of Transportation) and MMCD Traffic Regulation Section 01570.
- 5. Obtain a Building Permit (BP) for any construction hoarding. If construction hoarding is required to temporarily occupy a public street, the air space above a public street, or any part thereof, additional City approvals and associated fees may be required as part of the Building Permit. For additional information, contact the Building Approvals Department at 604-276-4285.
- 6. Installation of appropriate Environmentally Sensitive Area (ESA) and Riparian Management Area (RMA) protection fencing, according to a Construction Environmental Management Plan approved by staff and as per the recommendations of and specifications listed by the Qualified Environmental Professional (QEP).
- 7. The single-family dwelling would need to be built to either:
 - Step 3 of the Energy Step Code, OR
 - **Step 2** of the Energy Step Code if a Low Carbon Energy System (LCES) is installed such that GHG emissions from the residence are less than 6 kg/m2 of conditioned floor space.

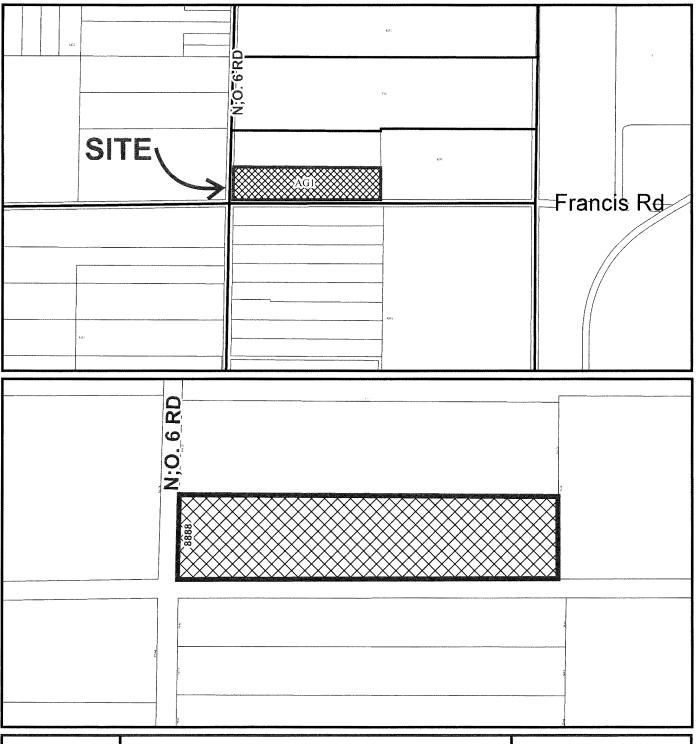
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Note: Attachment 4

- * This requires a separate application.
- Where the Director of Development deems appropriate, the preceding agreements are to be drawn not only as personal covenants of the property owner but also as covenants pursuant to Section 219 of the Land Title Act.
 - All agreements to be registered in the Land Title Office shall have priority over all such liens, charges and encumbrances as is considered advisable by the Director of Development. All agreements to be registered in the Land Title Office shall, unless the Director of Development determines otherwise, be fully registered in the Land Title Office prior to enactment of the appropriate bylaw.
 - The preceding agreements shall provide security to the City including indemnities, warranties, equitable/rent charges, letters of credit and withholding permits, as deemed necessary or advisable by the Director of Development. All agreements shall be in a form and content satisfactory to the Director of Development.
- Additional legal agreements, as determined via the subject development's Servicing Agreement(s) and/or Development Permit(s), and/or Building Permit(s) to the satisfaction of the Director of Engineering may be required including, but not limited to, site investigation, testing, monitoring, site preparation, de-watering, drilling, underpinning, anchoring, shoring, piling, pre-loading, ground densification or other activities that may result in settlement, displacement, subsidence, damage or nuisance to City and private utility infrastructure.
- Applicants for all City Permits are required to comply at all times with the conditions of the Provincial *Wildlife Act* and Federal *Migratory Birds Convention Act*, which contains prohibitions on the removal or disturbance of both birds and their nests. Issuance of Municipal permits does not give an individual authority to contravene these legislations. The City of Richmond recommends that where significant trees or vegetation exists on site, the services of a Qualified Environmental Professional (QEP) be secured to perform a survey and ensure that development activities are in compliance with all relevant legislation.

[Signed copy on file]	
	-
Signed	Date







DP 21-931059 Schedule 'A'

Original Date: 06/04/21

Revision Date:

Note: Dimensions are in METRES



Development Permit

No. DP 21-931059

To the Holder:

Ming Hui Deng

Property Address:

8888 No. 6 Road

Address:

2921 East 16th Avenue Vancouver, BC

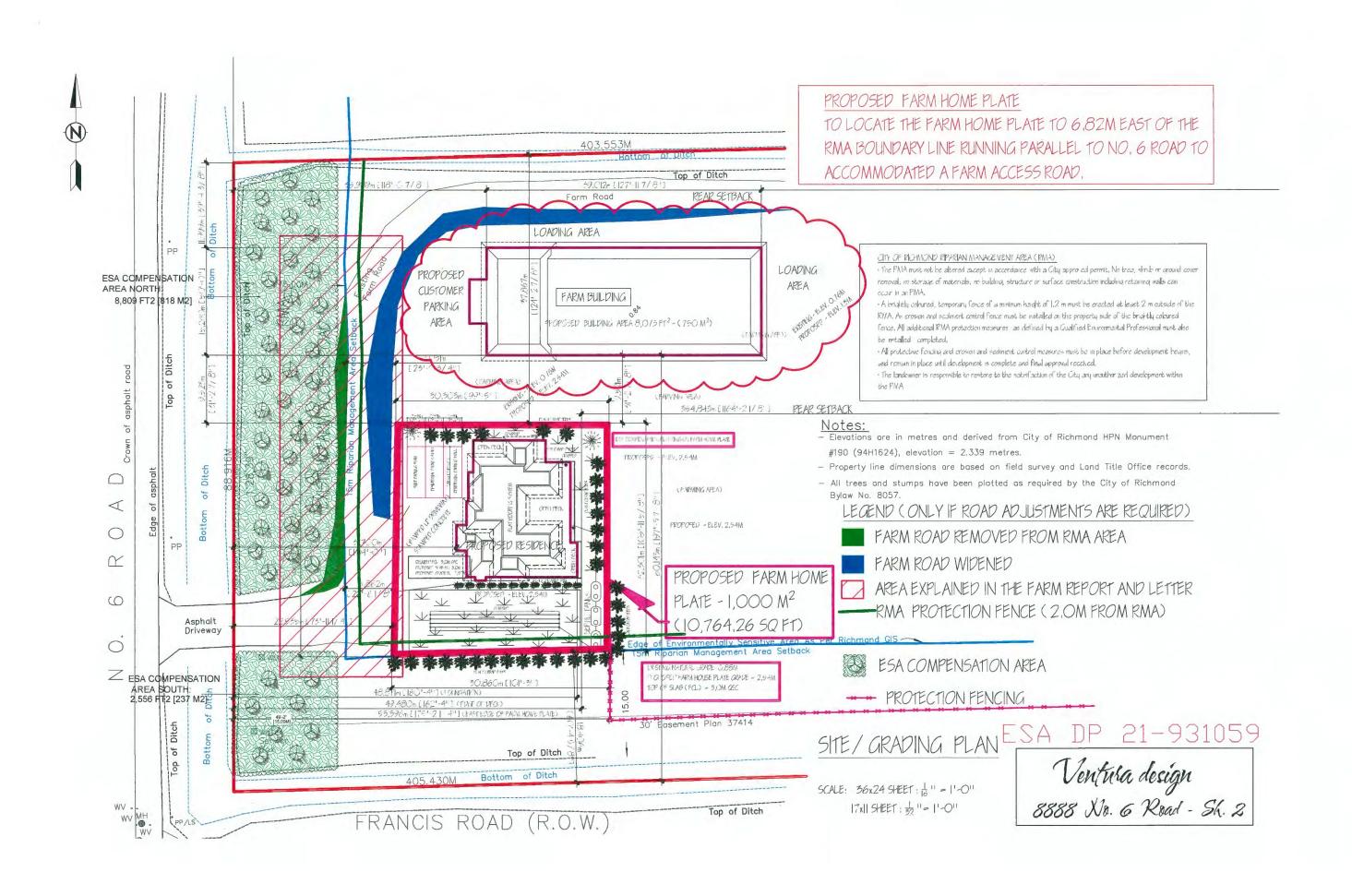
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1. This Development Permit is issued subject to compliance with all of the Bylaws of the City applicable thereto, except as specifically varied or supplemented by this Permit.

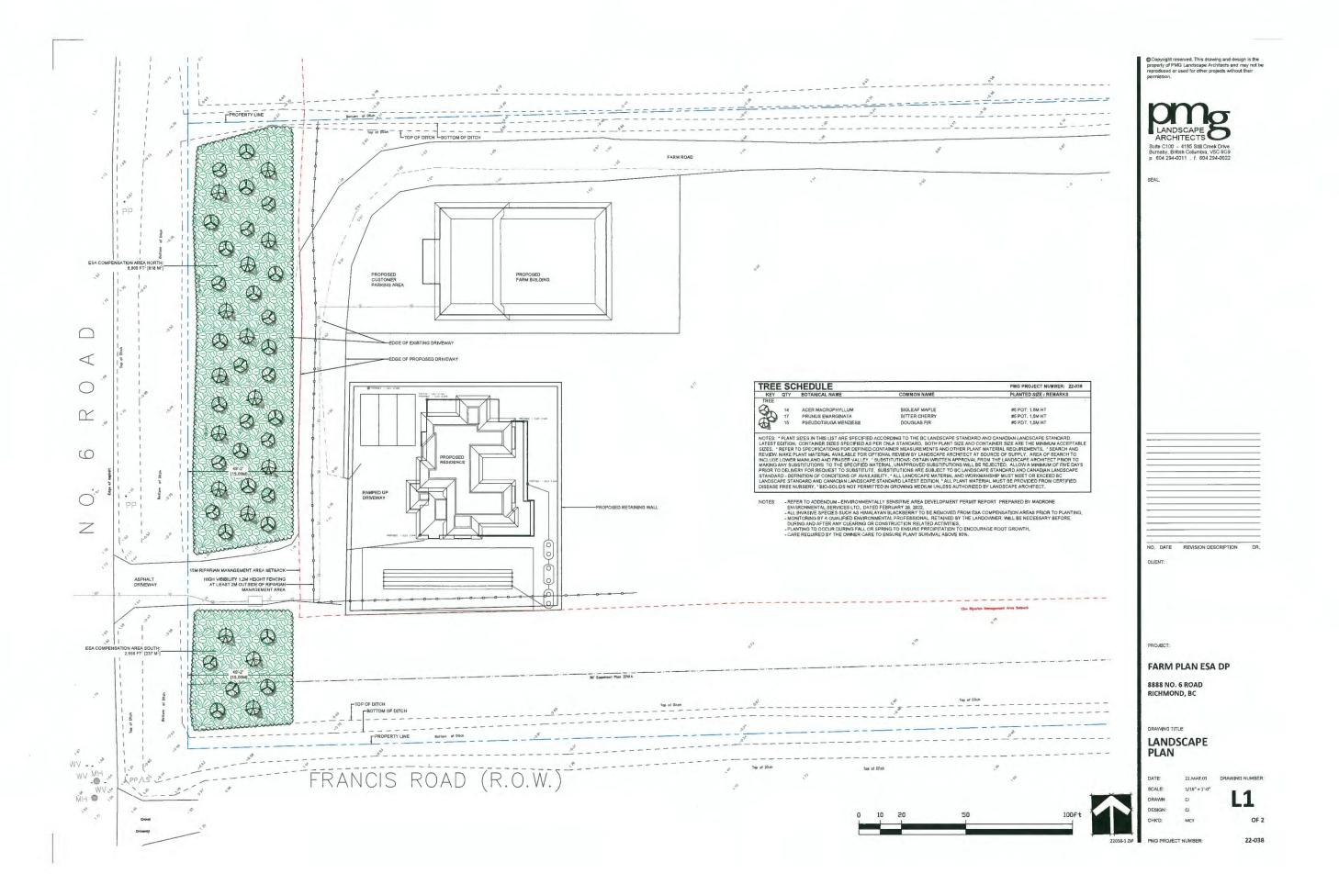
- 2. This Development Permit applies to and only to those lands shown cross-hatched on the attached Schedule "A" and any and all buildings, structures and other development thereon.
- 3. Sanitary systems, water, drainage, highways, street lighting, underground wiring, and sidewalks, shall be provided as required.
- 4. As a condition of the issuance of this Permit, the City is holding the security in the amount of \$47,665.00 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.
- 5. 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.

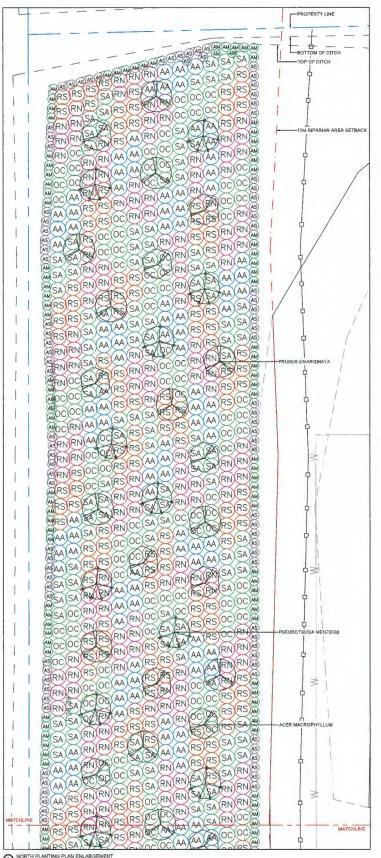
Development Permit No. DP 21-931059

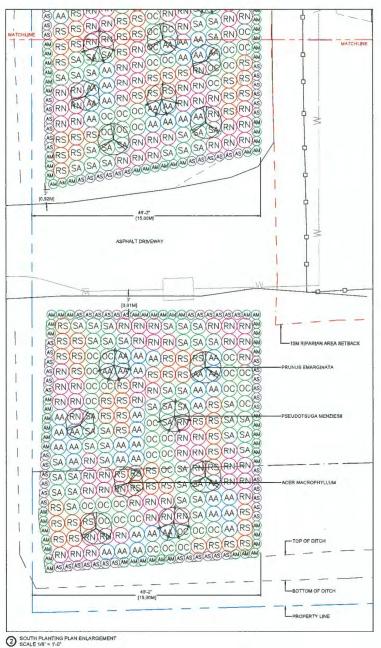
To the Holder:	Ming Hui Deng					
Property Address:	8888 No. 6 Roa	8888 No. 6 Road				
Address:	2921 East 16 th Vancouver, BC V5M 2M2					
	sions of this Permit ar	ped generally in accordance with the terms and any plans and specifications attached to this				
This Permit is not a l	Building Permit.					
AUTHORIZING RESO DAY OF ,	LUTION NO.	ISSUED BY THE COUNCIL THE				
DELIVERED THIS	DAY OF	,				
MAYOR						

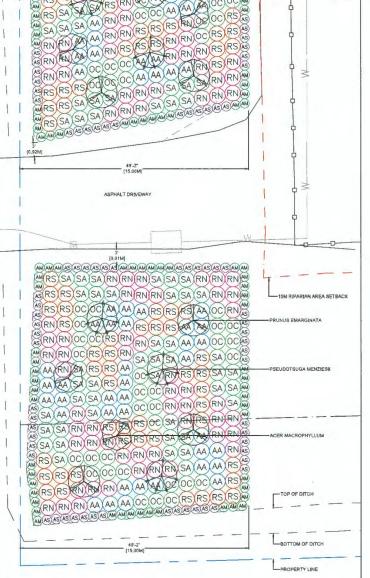


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4	Environmentally Sensitive Area Assessment: 8888 No 6 Rd. ASSESSED BY:	FIELD VISIT:	Richmond, B.C. MAP SCALE:	Calvin Dang MAPPING DATE:	21.0172 DRAWN BY:	WEE
MADRONE environmental services Itd.	Anna Yuill, B.I.T., BC-CESL & Amanda Girard, R.P.F., R.P.Bio	February 26, 2021	1:1,600	June 9, 2022	Jessi, Alyssa & Jeff	S
FIGURE 5: CO	MPENSATION AREAS FOR 8888 NO. 6 ROAD, RICHMOND BC.	and the state of		AND		是是
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	To Table 1 To Table 2	Property Boundary Parcel Boundary Proportion of Pank RMA (15m) PSA Compensation Area Plative Plant Seeding Province Plant Removal RAPR (5m)	 Douglas Fir Big Leaf Ma Red Alder Salmon Ber June Plum Nootka Ros Red Osier D 	ple ; rry lee	Septic Tank Proposed Buildin Proposed Farm F X Y Protection Fencir Asphalt Driveway 8 Existing Farm Ro Farm Road Remo	Home Plate ng & Parking Spaces pad oved from RMA
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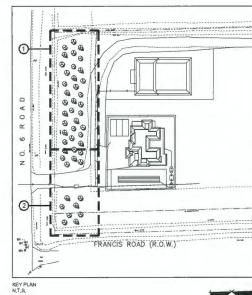


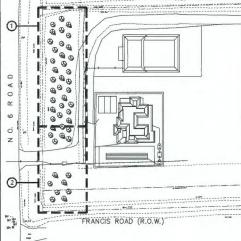




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SEAL.

CLIENT:

PROJECT:

FARM PLAN ESA DP

8888 NO. 6 ROAD RICHMOND, BC

DRAWING TITLE

PLANTING PLAN

DATE	22.MAR.03	DRAWING NUMBER
SCALE:	1/8" = 1'-0"	
DRAWN.	CI	LZ
DESIGN:	CI CI	
CHK'D:	MCY	OF 2

O NORTH PLANTING PLAN ENLARGEMENT SCALE 1/8" = 1'-0"

22038-1.2IP PMG PROJECT NUMBER:

22-038