

ITEM 9  
MANAGER'S REPORT NO. 58  
COUNCIL MEETING Sept. 15/75

Re: CHEVRON CANADA LIMITED - PROJECT IMPLEMENTATION  
(a) REZONING REFERENCE #50/74  
(b) LAND EXCHANGE AGREEMENT

Following is a report from the Director of Planning regarding Rezoning Reference #50/74.

RECOMMENDATION:

1. THAT the Bylaw be advanced for reconsideration and final adoption.

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PLANNING DEPARTMENT  
SEPTEMBER 11, 1975

TO: MUNICIPAL MANAGER  
FROM: DIRECTOR OF PLANNING  
SUBJECT: CHEVRON CANADA LIMITED - PROJECT IMPLEMENTATION  
(a) REZONING REFERENCE #50/74  
(b) LAND EXCHANGE AGREEMENT

(a) REZONING REFERENCE #50/74

On August 5, 1975, Council gave Third Reading to a rezoning bylaw amending the zoning of properties at 4148/52/58/66/78/88/98 Edinburgh, 4167/71 Yale, and 4203 Trinity from Residential District Five (R5) and Park and Public Use District (P3) to Light Industrial District (M5). Although this reading was passed with a majority, the vote lacked the 2/3 majority of all members of the Council necessary for Final Adoption. In view of this circumstance, the Planning Department was asked to provide a report outlining the ramifications in the event that the Bylaw is not passed.

Background:

Following a Public Hearing on this subject held December 17, 1974, the subject bylaw received Two Readings on January 13, 1975. At this time the Council also adopted the recommendation of Item 25 (Supplementary), Manager's Report #86, which proposed the use of a covenant registered under Section 24A of the Land Registry Act to ensure that there would be no extensions of industrial use within the area affected by the rezoning, in order to overcome concerns that had been expressed at the Public Hearing relating to potential further industrial expansion into the area near Yale and Carlton. The creation of such a covenant has been applied as one of the prerequisite conditions to rezoning.

Council will recall that the necessity of this zoning change in order to effect the development shown on the submitted Master Plan in Chevron's proposal was spelled out in the initial report to Council on the proposal, on November 26, 1973. In this connection, the following statements were included in the text of the report:

developing westward from the existing field, rather than encouraging creation of tanks in isolation some distance further to the west, incurring immediately a major westward extension of clearing and dyking. Moreover, the oil company would prefer the orderly growth pattern from a construction and operations point of view, and would clearly prefer to avoid the additional design and construction costs and delays that would be incurred by changing plans at this point. Finally, the concerns of area residents have been most pronounced in connection with the westerly extreme of the proposed expansion, nearest Montrose Park, and relatively less concern has been expressed over those tanks nearer the existing tank farm.

Clearly then, this alternative appears to be inferior to the pattern of expansion that had been proposed, but nonetheless it is one that does exist.

A further possibility that might be considered would be to utilize one of the 'future' tank locations approved for the area below Penzance Drive. This arrangement however, would involve massive changes in engineering and plant design, increases in cost for the company, additional equipment requirements, and delays in the program in the order of six months to one year. Moreover, it would provide only an interim solution, as the Company foresees the need for the tankage in Block 34 as well in the future.

A combination of terrain, soil conditions, fire regulations, and firewall/catchment basin requirements prevent the proposed Block 34 tanks from simply being shifted downhill to the north in order to avoid the 200-foot setback.

Discussions with officials of the oil company indicate that the ramifications of a possible rejection of the Bylaw are a major concern. Engineering design and construction plans have been prepared on the basis of the initially-proposed tank, and the Company has been most anxious to commence and complete the excavation and site work prior to the fall rains, in order to maintain their construction timetable. A delay in this regard would mean not only additional construction expense, but also delays in completion of the project.

However, it is evident that it would not be equitable to insist on the actual registration of the restrictive covenant over the lands involved in the rezoning application prior to Final Adoption in view of the likelihood that the zoning may not be amended from the present R5 and P3 designations. For this reason, we have agreed to recommend that the Bylaw be advanced for reconsideration and Final Adoption subject to the Restrictive Covenant and all necessary related documents, fully executed by Chevron, being delivered to the Municipality to be held "in trust" by our Solicitor, capable of being registered immediately by the Corporation in the event that the Bylaw passes. Should the Bylaw fail to pass, the covenant would be redundant and would be returned.

With respect to prerequisite conditions, the Planning Department is therefore able to report as follows:

1. Submission of a suitable detailed plan of landscape development for the area to be rezoned.

- A suitable plan has been submitted.

2. Submission of an undertaking to remove all existing structures within six months of the rezoning being effected, but in any event not prior to Third Reading of the Bylaw.
  - The requisite undertaking has been submitted.
3. Employment of a covenant to ensure that the subject lands shall be used for landscape development and open space/buffer area only.
  - A Covenant capable of being registered under Section 24A of the Land Registry Act against the title to the lands corresponding to the area to be rezoned has been prepared and executed in full by Chevron, and is deposited with the Municipal Solicitor for registration if the Bylaw is passed. Should the Bylaw not be passed, the Covenant is redundant and will be returned.

As the prerequisite conditions have thus been fulfilled by the applicant, it would be appropriate to return the Bylaw for Reconsideration and Final Adoption.

(b) LAND EXCHANGE AGREEMENT

On April 28, 1975 the Council adopted the recommendations of Item 15, Manager's Report #31, 1975, relative to the Highway Exchange/Land Exchange with Chevron Canada Limited and the establishment of a green belt buffer area between the refinery tank farm area and the adjacent residential neighbourhood, subject to conditions.

The Highway Exchange Bylaw was passed and has been filed in the Land Registry Office, and the legal documentation related to survey plans, easements, and the like has been proceeding. At this time all the requisite documents on this exchange package have been prepared and executed by Chevron and its associated companies for all the Chevron lands involved, and the documents are in the possession of the Municipal Solicitor 'in trust'. Upon execution of the remaining documents by the Municipality, our Solicitors will arrange for registration and this stage of the exchange will be complete.

Attached are two letters from Chevron expressing that company's agreement to the stipulated conditions pertaining to the principle of acquisition of properties as they become available on an "open market" basis, to landscaping of the sites rather than maintaining rental properties, and to the transfer of title to the Municipality for properties within the green belt. Working details on the foregoing are presently being resolved; a master landscape plan for the properties is being prepared by the landscape architectural firm engaged by Chevron, for review by Parks and Planning Department staff within the next two weeks, and an arrangement has been made for the vacating and removal by Chevron of the few houses within the properties to be conveyed to the Municipality which have been determined by the Building Inspector and the Land Agent to be unsatisfactory for continued occupation. Additionally, arrangements are being made for public access to be afforded in the vicinity of Block 34, over lands controlled by Chevron Canada, in recognition of the requests made by the North Slope Ratepayers' Association.

The foregoing status report on the land exchange is submitted for the information of Council.

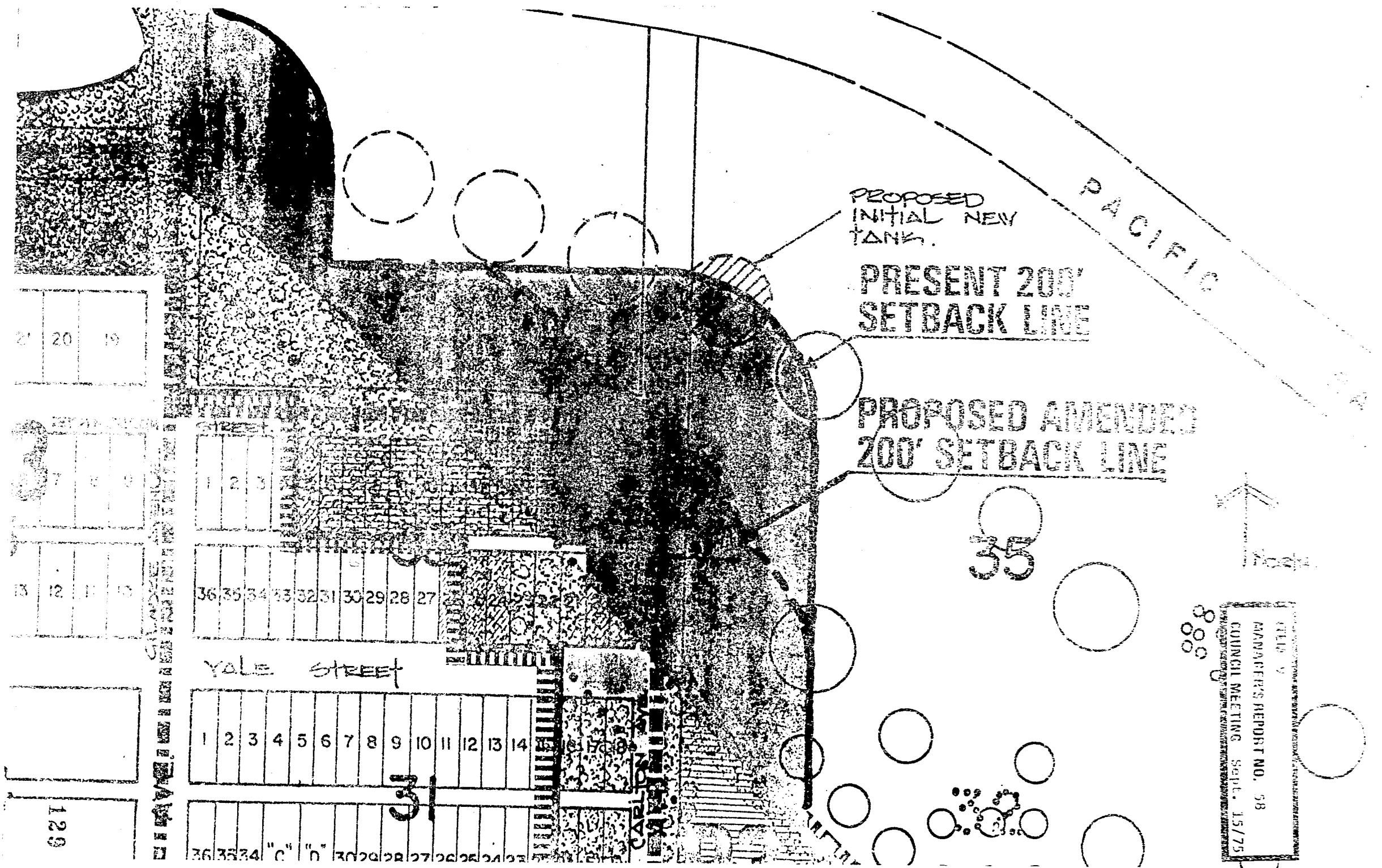
RECOMMENDATION

As the prerequisite conditions to Rezoning Reference #56/74 have now been satisfied as noted above, it is recommended that the Bylaw be advanced for Reconsideration and Final Adoption.

*AD*

DGS:cm  
Attach.

*[Signature]*  
A. L. REEF,  
DIRECTOR OF PLANNING.



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**Chevron Canada Ltd.**

Head Office: 1500 - 1050 West Pender Street, Vancouver, B.C. V6E 3T4.  
Refinery: 355 North Willingdon Avenue, Burnaby, B.C. V5C 1X4

T. S. Bremner  
Vice-President & Refinery Manager

July 24, 1975

Burnaby Modernization  
and Expansion Project  
Project Implementation  
File: 300.200

The Corporation of the  
District of Burnaby,  
Planning Department,  
4949 Canada Way,  
Burnaby, B. C.  
V5G 1M2

Attention: Mr. A. L. Parr

Dear Sir:

This will acknowledge receipt of your letter dated June 5, 1975 wherein the recommendations of the Manager's Report No. 31 pertaining to Chevron Canada Ltd. Project Implementation as adopted by Council are set out. Subject to the qualifying statements below, as discussed in our meeting of July 16, 1975, we are prepared to accept the recommendations as adopted by the Municipal Council on April 28, 1975.

It must be emphasized that the timetable for a program of purchasing residential properties will be within the constraints of our Company's budget limitations and dependent upon the availability of properties for sale on the open market at fair market value. Consequently, as we have no power of expropriation, it is envisaged that out of necessity, this will be a program spanning a long period of time. The first priority will be to purchase properties along the scenic drive alignment.

Properties acquired from time to time by Chevron Canada Ltd. will be developed in accordance with a statement of concept for landscaping that is mutually satisfactory to Chevron and the Municipality. The existing character, retention of the existing plant material and ground cover and consideration of the probable extensive passing of time are important to the layout of the scheme.

Chevron agrees to work with the Planning and Parks Departments toward a scheme that will provide for the further exchange of properties with the Municipality as has been contemplated and further, the transfer of additional properties within the defined Buffer area. The scheme must include the provision that Chevron shall have the right to transfer the properties at a time suitable to the Company including transfer at the time of its acquisition. Based on our discussions, the practicalities of implementing such a scheme will be subject to future review as necessary.

We are prepared to work toward providing suitable public access along the common alignment boundary of Block 34.

With this letter, we sincerely request immediate action to finalize the requirements necessary to allow issuance of the PPA for construction of the tank at the north foot of Carleton Avenue at the earliest possible moment.

Yours very truly,

T. S. BREMNER