



City of Richmond

Report to Committee

To: Community Safety Committee

Date: July 7, 2006

From: Wayne G. Mercer
Manager, Community Bylaws

File:

Re: Soil Removal and Fill Deposit Regulation Bylaw

Staff Recommendation

1. THAT the Soil Removal and Fill Deposit Regulation Bylaw No. 8094 be introduced and given first, second and third readings; and
2. THAT Council endorse public education initiatives and the 'Soil Watch' signage program to be developed in consultation with the City's Agricultural Advisory Committee.

Wayne G. Mercer
Manager, Community Bylaws
(4601)

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ROUTED TO:	CONCURRENCE	<i>Acting</i> CONCURRENCE OF GENERAL MANAGER 	
Emergency and Environmental Programs	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Engineering	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Roads & Dykes	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Law	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Policy Planning	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Transportation.....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
REVIEWED BY TAG	YES <input type="checkbox"/>	NO <input type="checkbox"/>	REVIEWED BY CAO YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

Staff Report

Origin

It was resolved at the open Council Meeting of March 29, 2005,

1. That the development of a threshold-based Soil Bylaw be endorsed to address soil activity within the Agricultural Land Reserve.
2. That staff consult with the Richmond Agricultural Advisory Committee in developing the above-proposed Soil Bylaw.

Background

Potential Issues Pertaining to Placement of Fill and Removal of Soil in ALR Lands

There are a number of potential issues pertaining to the placement of fill and removal of soil and other materials on properties within the jurisdiction of the Agricultural Land Reserve (ALR). Of utmost importance is the protection of agricultural viability and assurance of responsible soil practices which support farming. Representatives from the Province's Agricultural Land Commission (ALC) indicate that there is strong economic incentive for accepting large quantities of fill from construction sites all over the Lower Mainland regardless of whether or not this material supports farming activities. There is no direct regulatory oversight on the transfer and disposal of excavation material within Richmond.

Potential concerns include:

- depositing of fill or removal of soil which does not support long-term agricultural viability with respect to the quality and/or quantity of the material
- ensuring adequate protection of City built infrastructure and environmental sensitive areas
- neighbourhood impacts (e.g., drainage impacts, hours of operation, odour, noise, etc.)

Legislative Changes Pertaining to Soil Management in the ALR

Prior to 2002, the Soil Conservation Act (SCA) regulated soil management within the Provincial ALR lands. Unless otherwise exempted by regulation, the SCA prohibited the removal of soil or placement of fill on land within the ALR without prior approval by the ALC and the issuance of a permit by local government. Applications for non-exempted soil activities were received by the local government and referred to the ALC for approval. Upon ALC approval, local governments would determine whether or not to issue the required permit and establish specific conditions, if desired. Local governments were also responsible for enforcing any permit and/or ALC approval provisions. Under the SCA, the City of Richmond had the authority to appoint a Soil Conservation Officer with responsibility for overseeing activities relating to the movement of soil on ALC. Personnel in the Community Bylaws Department conducted this function.

Under present legislation, the removal of soil or placement of fill on ALR lands is still considered to be a non-farm use unless otherwise exempted under regulations in the *Agricultural Land Commission Act*. Local governments must still approve non-exempted soil activities through Council resolution, which are then forwarded to the Agricultural Land Commission.

However, key legislative changes include:

- expanded list of exempted activities which do not require Provincial or local government approval; and,
- the loss of local government authority to establish Soil Conservation Officers and thereby, a loss of local government responsibility for issuing permits or enforcing non-compliance.

Action Taken by Municipalities

The majority of municipalities in the GVRD regulate soil movement throughout their jurisdictions in accordance with municipal soil bylaws. These bylaws typically require municipal approval via permits regulating the removal of soil or the deposit of fill. Permit requirements by municipalities, are quite varied. Some notable requirements include certification from a registered professional that the soil is not contaminated and will not adversely impact drainage or result in erosion, and a communication plan for informing neighbouring properties.

A very successful program in Surrey also includes a “Soil Watch’ signage program which allows residents to call a City department to report any fill activity within the City’s ALR lands. The signs are strategically placed in the areas within the ALR lands and, in speaking with the enforcement staff in Surrey, have had a dramatic effect on the frequency of unauthorized fill activities.

A number of municipalities including Surrey and Langley have designated locations within the municipality to allow for the legal dumping of fill material from development sites.

Most bylaws incorporate exemptions, which exclude activities of less than a certain volume, removal/deposit within the same property, municipal works and/or exemptions due to other legislation. Fees usually cover the cost of City staff proposal review and basic site inspections.

Analysis

Jurisdictional Issues

Legal opinion received from contracted Counsel during the preparation of this proposed bylaw outlined the following:

- the *Agricultural Land Commission Act* (ALC Act) and regulations govern the use of lands within the ALC in Richmond
- a soil removal or a fill deposit on lands within the ALC may constitute either a designated “farm use” or “non-farm use”
- on these same lands, a local government bylaw may only regulate a “farm use” and not prohibit it
- the same local government bylaw may prohibit a “non-farm use” within the same ALR lands
- the removal of soil or the deposit of fill necessary for a permitted use is expressly permitted by the ALC Act provided it does not damage adjacent lands or waterways
- if an owner is granted the right to carry out a “non-farm use”, the owner must comply with all bylaws of the municipality

- an owner is able and should be required to comply with both the ALC Act and regulations and the City's bylaw
- as a pre-condition to obtaining a soil removal or fill deposit permit, the owner should first obtain the approval of the ALC

Operational Issues

At the present time, City staff does not have the ability to enforce any standards regarding the quantity or quality of fill material that may find its way into Richmond. When an alleged fill activity is observed by a resident and reported to the City, we attempt to contact ALC staff to ascertain whether this is an approved fill activity or not. While we have always had a good working relationship with the staff at the ALC, attempts over the past year or so to ascertain whether or not the owner has obtained their approval – in many cases, the owner advises that they have approval for their actions from the ALC – have been very difficult due to staffing issues within the ALC. We have had discussions with the Director of Regional Operations in an attempt to understand their situation and to facilitate our inquiries in an efficient manner. In some cases, the property is the subject of a 'stop work order' from the ALC and the City has not been advised.

The implementation of a municipal bylaw will enable our enforcement team to deal more effectively with those owners who have not received any approval from the ALC or are continuing with their fill operations under the cloud of a 'stop work order' from the ALC.

Collaborative Approach

Over the past few months, City staff has worked very closely with members of the City's Agricultural Advisory Committee in the development of this new bylaw. The members represent the forefront of the farming community in Richmond, the Ministry of Agriculture and Lands and the ALC. The attached bylaw is the result of this collaboration and is intended to mirror the ALC Act in a number of significant ways:

- Provincial staff with the Ministry of Agriculture and Lands and the ALC have been working closely with the farming community in Richmond to produce a definitive outline of the activities that may occur on the ALR lands that would be considered 'normal farming practices' based on farming in general or are specific to the successful production of certain crops – this **Standard Farm Practises Involving Fill Factsheet** will be posted on the Ministry' web site for easy reference (a draft copy is attached for reference).
- The requirements within the bylaw provide an efficient and advantageous facility for existing farm operations, as indicated by their property assessment and property tax designation, to keep the City informed of activities involving soil removal and fill deposits that are part of 'normal farm practices' through the use of a one-page **Notice of Soil Removal or Fill Deposit** that would be completed and faxed to the Community Bylaws Division to document the activities and provide background for staff to address any inquiries or complaints from the public.
- For any new farming operations or activities that would be outside of 'normal farm practices', the bylaw outlines a comprehensive permit application process that addresses the jurisdictional issues between the ALC and the City and provides an approach that would address the City's assessment and regulatory concerns regarding activities that are taking place on ALR lands and may not be farming operations.

- As required under Section 9 of the Community Charter, a concurrent submission of the attached Bylaw will be made to the applicable Provincial Ministers for their comment and approval before final adoption by Council.

“Soil Watch” and Educational Initiatives

Supervisory staff in the Community Bylaws Division will be working closely with members of the AAC as well as the City’s Engineering Department to develop the following:

- an educational program for the residents of Richmond using City resources such as our web site, the City pages in newspapers and other opportunities to raise the profile of the farming community, outline operations that are a normal part of a successful and thriving farming community and highlight the contributions that the farming community makes to the quality of life in Richmond
- develop a “Soil Watch” program which uses strategically placed signage within the ALR neighbourhoods within Richmond to draw attention to fill activities and provide a convenient, phone-based system to report these activities to City staff for appropriate action


Financial Impact

Staff estimates the cost of the “Soil Watch” signage and educational initiatives at \$7,500 and that a budget amount be established for this purpose.

Divisional staff would conduct a study following the first six months under the new bylaw and programs to assess whether additional staffing or other resources are necessary.

Conclusion

- Staff feels that the development of the Soil Removal and Fill Deposit Regulation Bylaw was the result of an excellent collaboration with Provincial agencies, Richmond’s farming community and City staff in many areas.
- The adoption of the bylaw will fill the enforcement void that staff presently experiences in attempting to address many of the problem properties that are brought to our attention.
- The development of the “Soil Watch” signage program and educational initiatives will involve the community in activities on ALR lands and enhance the profile of Richmond’s farming community.



Wayne G. Mercer
Manager, Community Bylaws
(4601)

WGM:wgm

Encl: Standard Farm Practices Involving Fill Factsheet

STANDARD FARM PRACTICES INVOLVING FILL DRAFT

This Factsheet describes standard farm practices involving soil and/or woodwaste fill, and the rationale/references for these practices. The Factsheet also includes suggestions to local governments as to the type of notice they may require, in order to balance the needs of a viable agricultural industry with the local governments' ability to take action against property owners who violate a bylaw or Agricultural Land Commission requirements.

Practice	Reference
<p>a) Applying woodwaste* as a soil conditioner at planting (e.g. for new plantings of blueberries or cranberries).</p> <p>Note: This woodwaste may include bark material.</p>	<p>i) <u>Berry Production Guide, BCMAFF, 2005-2006:</u> -Pg. 29: "In blueberries, woodwaste (shavings or sawdust) is used as a soil amendment to improve the tiith of raised planting beds on mineral soils..." -Pg. 73: "Other ways to promote good drainage include: incorporating a small amount of sawdust in the beds before planting..." -Pg. 74: "The optimum pH for blueberries is 4.5 to 5.2...Sawdust, incorporated into the soil when beds are formed, lowers the soil pH slightly and also increases the organic matter content...Plants grown on mineral soil will benefit from the application of sawdust before planting. Before transplanting on mineral soils, apply a 5 to 20 cm (2 to 4 in) layer of sawdust over the planting bed and incorporate into the top 15 to 20 cm (6 to 8 in). Build raised beds after the sawdust is incorporated." ii) <u>Crop Profile for Cranberries in BC, BCMAFF, 2003:</u> -Pg. 4: "Some growers, especially those who do not have ideal peat, may layer sand or sawdust over mineral soils in which to plant the vines. This encourages establishment and has been very successful." -Pg. 6: "In BC cranberries are grown primarily on peat soils...They are also grown on upland mineral soils with higher organic matter and in fields of sand or sawdust. They prefer an acidic pH of about 4.0 to 5.0 in the root zone." iii) <u>EFPP Reference Guide, 2005:</u> -Pg. 2-23: "Apply only to (mineral) soils having a carbon-nitrogen ration (C:N) of 30:1 or lower."</p>

Note: This C:N ratio does not apply to organic soils.

iv) Code of Agricultural Practice for Waste Management (under EMA):

-Part 7, Section 20: "Wood waste may only be used for (a) plant mulch, soil conditioner, ground cover, on-farm access ways, livestock bedding and areas where livestock, poultry or farmed game are confined or exercised, b) berms for cranberry production, or c) fuel for wood fired boilers."

v) ALC Act, ALR Use, Subdivision and Procedure Regulation:

-Part 2 (2)(2)(i): "The following activities are designated as farm use for the purposes of the Act and may be regulated but may not be prohibited by any local government bylaw except a bylaw under section 917 of the *Local Government Act*...:(i) the storage and application of fertilizers, mulches and soil conditioners; (5) The removal of soil or placement of fill as part of a use designated in subsection (2) must be considered to be a designated farm use and does not require notification except under section 4" (does not cause danger or impede waterways).

vi) BC Cranberry Growers' Association: Up to one foot per acre of woodwaste may be used to develop a new field on mineral soils.

Note: The use of soil amendments/composted organics is not part of a fill bylaw.

Typical Amounts Used:

-For blueberries: 10 to 20 units per acre, @ 7.5 cubic yards/unit.

-For cranberries: Up to 1 foot in depth, or 4,000 yards per acre.

Recommended Local Government Notice:

-A simple one page notice, which is similar to the ALC "notice of intent" and could be faxed in to a local government for new plantings. It is not a permit, does not need development variance approval, and does not have a fee associated with it.

j) Berry Production Guide, BCMAFF, 2005 -2006:

-Pg. 29: "Strawberries and blueberries are the two berry crops that most likely benefit from the use of mulches. In blueberries, woodwaste (shavings or sawdust) is used ... as a mulch around established plants for improved weed, and soil moisture and temperature control. In strawberries, straw or wood chips can be used between crop rows to control weeds, reduce moisture loss by evaporation and protect from winter injury (Interior locations). In U-pick strawberry operations, wood chips or sawdust mulch can help in soil management and in keeping picker's feet clean."

-Pg. 73: "Other ways to promote good drainage include: ...covering raised beds with sawdust mulch..."

b) Applying an organic mulch (e.g. woodwaste,* coco fiber, etc.) to crops of blueberries, cranberries or strawberries.

Note: This woodwaste may include bark

<p>material.</p>	<p>-Pg. 76: "Blueberries often grow more vigorously and produce better yields if they are mulched. Apply 5 -10 cm (2 to 4 in) of sawdust to the surface of the bed the first year and every 2 to 3 years to maintain the mulch. The roots tend to grow into the mulch so as it decomposes the plant roots may become exposed if the sawdust layer is not maintained." ii) <u>Code of Agricultural Practice for Waste Management (under EMA)</u>: -Part 7, Section 20: as above in (a). iii) <u>Waste Discharge Regulation</u>: -Section 3(5) (a): "The use of industrial wood residue as plant mulch...is exempt from section 6(2) and 6(3) of the (Environmental Management) Act" (i.e. the prohibition against introducing waste into the environment). iv) <u>EFP Reference Guide, 2005</u>: -Pg. 2-23: "Limit the total outdoor depth of woodwaste areas to 30 cm (suggested)." v) <u>BC Cranberry Growers' Association</u>: Woodwaste may be use to fill low areas in existing fields. Note: The use of soil amendments/composted organics is not part of a fill bylaw. <u>Typical Amounts Used</u>: -For blueberries: 15 to 30 cm deep, 3 to 4 feet wide, per row, row spacing is 10 feet. -For cranberries: Up to 15 cm deep. <u>Recommended Local Government Notice</u>: -A simple one page notice, which is similar to the ALC "notice of intent" and could be faxed in to a local government for new plantings. It is not a permit, does not need development variance approval, and does not have a fee associated with it. -No notice required if re-applying mulch to existing plantings.</p>
<p>c) Applying woodwaste* as a ground cover. Note: This woodwaste may include bark material.</p>	<p>i) <u>Code of Agricultural Practice for Waste Management (EMA)</u>: - Part 7, Section 20: See (a) above. ii) <u>EFP Reference Guide, 2005</u>: -Pg. 2-23: "Limit the total outdoor depth of woodwaste areas to 30 cm (suggested)." <u>Typical Amounts Used</u>: -For landscaped areas around buildings, or weed suppression on berms, up to 15 cm per year. <u>Recommended Local Government Notice</u>: -No notice required if re-applying over existing ground cover. -A simple one page notice of intent, which is similar to the ALC "notice of intent" and could be faxed</p>

<p>d) Using woodwaste*/soil** for berms or roads/on-farm access roads (e.g. on cranberry farms).</p> <p>Note: This woodwaste may include bark material.</p>	<p>in to a local government for new ground covers. It is not a permit, does not need development variance approval, and does not have a fee associated with it.</p> <p><u>i) Berry Production Guide, BCMAFF, 2005 – 2006:</u></p> <p>-Pg. 102: "The use of woodwaste as described by the "Code of Agricultural Practice for Waste Management" is allowed on on-farm access ways and for berms in cranberry production."</p> <p><u>ii) Code of Agricultural Practice for Waste Management (under EMA):</u></p> <p>-Part 7, Section 20: as above in (a).</p> <p><u>iii) Code of Agricultural Practice for Waste Management (under EMA):</u></p> <p>-Part 4, Section 8 (2): "Solid agricultural waste may be stored on a field for more than 2 weeks if the agricultural waste is ... (b) located at least 30 m from any watercourse or any source of water used for domestic purposes." Note: To ensure that field storage of manure is meeting setback requirements from watercourses, farmers may need to build more roads/longer roads.</p> <p><u>iv) Crop Profile for Cranberries in British Columbia, BCMAFF, 2003, Pgs. 4 & 7:</u> "Fields are usually surrounded by roadways, which also act as dikes. The top of the dike should be wide enough to accommodate all equipment, including heavy trucks, and firm enough to support them at least 0.5 m higher than the maximum water level expected the bed for harvest. ... Flood harvesting relies on the natural buoyancy of the fruit. The bed is flooded with 10 to 20 cm of water, depending on the evenness of the bed, vine growth, and method of harvest. ... Booms are used to trap the floating berries and direct them to a corner of the bed, where they are lifted into trucks by elevators."</p> <p><u>v) BC Cranberry Growers' Association:</u></p> <p>Cranberry fields are long term (50 to 150 year) investments. It takes 7 years after planting for a field to reach the financial break-even point. Cranberry field berms act as dykes and also as roads, and are required for two types of farm traffic: Main roads must bear the weight of a fully loaded semi-trailer truck (e.g. 50,000 to 60,000 lbs of cranberries for a total weight of 95,000 pounds). Secondary berms/roads must be able to bear the weight of a pick-up truck. Sand is too pervious, and woodwaste breaks down over time. A typical berm will have a bottom width of 30 to 35 feet, narrowing to 12 to 16 feet at the top. Some larger berms may be as wide as 25 feet at the top. The berm profile typically consists of a layer of soil/woodwaste/structural fill at the bottom, topped with an optional geotextile fabric, followed by an 18 inch layer of coarse material (e.g. rock or broken concrete), and then topped with a six inch layer of fine material (e.g. crushed rock (e.g. 3/4 inch minus)) or ground asphalt). The use of these materials has been approved by the ALC in the past.</p>
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	<p>The minimum total height is three feet, and there is no maximum height. The overall footprint of the berms is decreasing as the quality of the roads increase and older roads are removed. The same type of material is used to construct irrigation reservoirs.</p> <p><u>Typical Amounts Used:</u></p> <ul style="list-style-type: none"> -There is no typical amount of material per acre for cranberry berms/roads, as their construction is site-dependent. -6 metres wide and up to 60 cm deep would be typically suitable for other types of farm roads. The length and location of the road would vary, depending on the site. <p><u>Recommended Local Government Notice:</u></p> <ul style="list-style-type: none"> -No notice if maintaining an existing road. -A simple one page notice of intent, which is similar to the ALC "notice of intent" and could be faxed in to a local government for new cranberry roads/berms and other types of new farm roads. It is not a permit, does not need development variance approval, and does not have a fee associated with it.
<p>e) Using woodwaste*/soil** as livestock bedding/livestock pens/exercise yards/riding arenas/turnout yard/containment pen/feedlots.</p> <p>Note: This woodwaste may include bark material.</p>	<p>i) <u>Code of Agricultural Practice for Waste Management (under EMA):</u></p> <ul style="list-style-type: none"> -Part 7, Section 20: See (a) above. ii) <u>Waste Discharge Regulation:</u> -Section 3(5) (a): "The use of industrial wood residue as ... foundation material for animal bedding, and in sports areas is exempt from section 6(2) and 6(3) of the Act." iii) <u>EFPP Reference Guide, 2005:</u> -Pg. 2-23: "Limit the total outdoor depth of woodwaste areas to 30 cm (suggested)." iv) <u>Horses in the Community...A Yea or a Neigh?, BCMAL Factsheet, 2005:</u> -Pg 2: "A common problem to horse holdings in the wetter areas of BC is excess water and mud. This often results in damp stalls, hoof disease, wet feed, wet bedding and poor drainage in pastures, turn out paddocks, and exercise areas." -Pg. 6: "To maintain an outdoor riding arena or track, that has clean, safe footing, is fairly easily maintained, that holds up in all kinds of weather and does not cause pollution requires planning and hard work....Riding arenas located on high dry land have proven to be the most trouble free and maintainable. Earth moving equipment may be required to level the site and create diversion ditches...Leveling the site beforehand eliminates the practice of leveling with woodwaste as a landfill and creating a potential source of contaminated runoff...Woodwaste use must not exceed a total depth of 45 cm (18 inches) and the maximum application rate must not exceed 15 cm (6 inches).

	<p>The best time to top-up woodwaste is in April or May. Look at alternate footing materials to replace woodwaste where wet land is a problem. Sand, combinations of sand and woodwaste, ground up rubber from tires and a host of products are intended to improve the riding arena footing.”</p> <p><u>v) Building and Environmentally Sound Outdoor Riding Ring, BCMAFF Factsheet, 2005:</u></p> <p>Pg. 1: “The average size ring is approximately 21 m x 42 m (70’ x 140’). The minimum recommended size is 20 m x 36 m (65’ x 120’).”</p> <p>Pg.1-2: Describes in detail the types of materials that may be used, including a geotextile membrane, aggregate, sand, woodwaste, or organic materials.</p> <p>Pg. 2: “Summary: Select a convenient well-drained site. Remove all vegetation and topsoil. Crown the ring with a 2% slope from centre and form a swale around the outside. Compact the sub-base. Add a base of uniform dense graded aggregate; dampen and compact to 100 mm to 150 mm (4” to 6”). Add a 62 mm to 75 mm (2 ½ “ to 3”) cushion of sand, sawdust or a combination of sand and organic material.”</p> <p>-Note: Sawdust and shavings are also used in livestock barns (e.g. poultry, dairy) for bedding, and for trucks/trailers transporting livestock.</p> <p><u>Typical Amounts Used:</u></p> <p>-400 m² for three horses is a typical paddock area required, and a typical maximum depth is 30 cm.</p> <p>-A typical riding ring size is listed above.</p> <p>-Amounts and materials of fill used will be site dependent.</p> <p><u>Recommended Local Government Notice:</u></p> <p>-No notice should be required for in-barn or transport use of bedding.</p> <p>-A simple one page notice, which is similar to the ALC “notice of intent” and could be faxed in to a local government for new livestock pens/yards/riding arenas. It is not a permit, does not need development variance approval, and does not have a fee associated with it.</p>
<p>f) Using woodwaste* as fuel for wood fired boilers.</p> <p>Note: This woodwaste may include bark material.</p>	<p>i) <u>The Code of Agricultural Practice for Waste Management (under EMA):</u></p> <p>-Part 7, Section 20: See (a) above. Storage for this use is also described in the Code.</p> <p><u>Typical Amounts Used:</u></p> <p>-Amounts vary, depending on the size of the storage facility and boiler requirements.</p> <p><u>Recommended Local Government Notice:</u></p> <p>-No notice required if a boiler is installed.</p>

<p>g) Bringing in soil** (and possibly woodwaste*) for the building of berms for horizontal light abatement for greenhouses, for aesthetics, or as an urban/rural buffer</p> <p>Note: This woodwaste may include bark material.</p>	<p><u>i) BCGGA and UFG Good Neighbour Guidelines for Lighting Greenhouses:</u></p> <p>-1. "Greenhouses should have sidewall light abatement measures (for example curtains/screens, berms, trees etc) for all walls that expose houses and streets to light emissions."</p> <p>-Note: Greenhouses may be able to use soil previously excavated for buildings on the property.</p> <p>-Note: Hedges may also be planted on top of berms, and mulched with woodwaste or spent growing media. Berms for light abatement would typically be at least 10 feet high.</p> <p><u>ii) BC Cranberry Growers' Association:</u></p> <p>-Berms may be built along the edge of property lines to contain sprinkler drift, spray drift, liquid fertilizer drift, to reduce visibility and protect equipment from theft. The profile would be similar to profile described in d) above. Hog fuel or gravel would be added on the top if the berm was also intended to be used as a road. Otherwise, cedar hedges may be planted on top.</p> <p><u>iii) Listing of Commission Decisions, 2005, Application #36010-0:</u> The ALC allowed (with conditions) a Langley applicant to construct a berm for privacy (4.6 meters deep) on a 16.2 ha. property, using approximately 18,300 cubic meters of excavation material.</p> <p>Note: The use of soil amendments/composted organics is not part of a fill bylaw.</p> <p><u>Typical Amounts Used:</u></p> <p>-The amount of material varies as the footprint and size of the berms vary.</p> <p><u>Recommended Local Government Notice:</u></p> <p>-A simple one page notice, which is similar to the ALC "notice of intent" and could be faxed in to a local government for new berms (built with soil from off the property). It is not a permit, does not need development variance approval, and does not have a fee associated with it.</p> <p><u>i) Nursery and Landscape Pest Management & Production Guide, 2002:</u></p> <p>Pg. 17: "Land suitable for nursery stock production should be devoid of low frost pockets..."</p> <p>Pg. 18: "Conifers and broadleaf evergreens are dug, and balled and burlapped, which means that a quantity of soil is left around the roots and secured with burlap and twine....In order to conserve topsoil on the site, efforts should be made to replace soil removed in the root ball by the addition of amendments such as compost....On the Coast it is possible to overwinter some (bareroot) material in a (2 to 3 foot) deep bed of sawdust.. Heeling in sawdust ... will prevent desiccation."</p>
<p>h) Using woodwaste*/soil/gravel/sand for container nursery bed production or ball and burlap production</p> <p>Note: This woodwaste may include bark material.</p>	

Pg. 20: "Managing soil organic matter is integral to sound soil management and is a key to long-term productive field operations, particularly where significant quantities of topsoil are removed over time....As an example, straw and woodwaste can be beneficial to soil, however, when added directly to the soil, nitrogen can be 'tied-up'. In order to avoid this, urea or an ammonium salt should be added at the same timeWoodwaste should only be applied in the top 10 cm of soil."

Pg. 56: "When used for a container bed, woodwaste should be less than 30 cm deep and should be placed back from any waterway including a drainage ditch."

ii) EFP Reference Guide, 2005:

-Pg. 2-24: "For preparation of nursery beds, geotextile fabrics either alone or in combination with sand and gravel are recommended as alternatives to woodwaste."

iii) Environmental Guidelines for the Nursery and Turf Industry in BC, 1994:

-Pg. 36-37: Recommends leveling soil on the site, placing a geotextile barrier, placing and leveling a minimum of 10 cm of sand on top of the geotextile, and if desired placing and leveling gravel on top of the sand.

iv) Nursery and Turf – Commodity Description, BCMAFF, January, 2003: "For container

production, mulch is required to create a stable working and growing area...Nursery growers use a considerable amount of woodwaste for on-farm and access roads, soilless media and container beds."

v) BC Landscape and Nursery Association: For ball and burlap production, growers may create a temporary bed of woodwaste that may be 5 feet deep. After selling the plants they will spread the material to add organic matter to the field. Nurseries may also store piles of sawdust mixes/soilless media.

-Note: Because of disease issues, e.g. Sudden Oak Death Syndrome, the Canadian Food Inspection Agency may require building deeper nursery beds to prevent the formation of standing water.

Typical Amounts Used:

-Amounts and materials used will be site dependent.

Recommended Local Government Notice:

-No notice required if maintaining an existing nursery bed.

-A simple one page notice, which is similar to the ALC "notice of intent" and could be faxed in to

	<p>a local government for new nursery operations. It is not a permit, does not need development variance approval, and does not have a fee associated with it.</p>
<p>i) Applying sand or sawdust to cranberries</p>	<p>j) "Cranberries," <u>April-May 2005, Pg. 11</u>: "... (A) process called "sanding" (may) take place. Sanding applies a fresh layer of sand into the (fields) where the cranberry vines are located. The sand will then sink to the bottom of the vines – to provide a new rooting zone along the cranberry stems, as well as aid in disease control by burying old plant residues... It covers up the old woody growth of the cranberry vines and forces the plant to produce what is referred to as "upright" – the young stems with the fruit buds. This makes for a much healthier plant."</p> <p>ii) <u>Crop Profile for Cranberries in Washington, 2000, Pg. 2</u>: "Beds have been drained, cleared, leveled and covered with a one to two inch layer of sand before the field is planted to select vines. ... A thin layer of sand spread over the bed stimulates new root and vine growth, improves aeration and drainage of surface water, and levels out low spots to make dry harvesting easier."</p> <p>iii) <u>Crop Profile for Cranberries in British Columbia, 2003</u>:</p> <p>-Pg. 4: "Some growers, especially those who do not have ideal peat, may layer sand or sawdust over mineral soils in which to plant the vines. This encourages establishment and has been very successful."</p> <p>-Page 5: "Sanding cranberry vines is a method of stimulating the production of new uprights and roots, and is a cultural method of pest control."</p> <p>-Pg. 6: "In BC cranberries are grown primarily on peat soils... They are also grown on upland mineral soils with higher organic matter and in fields of sand or sawdust. They prefer an acidic pH of about 4.0 to 5.0 in the root zone."</p> <p><u>Typical Amounts Used</u>:</p> <p>-The initial application is 6 to 8 inches deep (when planting). Topdressing every few years would be 1 to 2 inches deep. Filling of holes in established fields would be 6 to 8 inches deep.</p> <p><u>Recommended Local Government Notice</u>:</p> <p>-No notice required for existing fields.</p> <p>-A simple one page notice, which is similar to the ALC "notice of intent" and could be faxed in to a local government for new fields. It is not a permit, does not need development variance approval, and does not have a fee associated with it.</p>
<p>j) Soil** or woodwaste*</p>	<p>i) <u>Nursery and Turf – Commodity Description, BCMAFF, January, 2003</u>: "Mineral and/or organic</p>

<p>amendments for turfgrass production</p>	<p>material, such as sand, sawdust, compost or manure, is sometimes placed on the field to replace the soil that was removed in previous harvests.”</p> <p>-Note: The use of soil amendments/composted organics is not part of a fill bylaw.</p> <p><u>Typical Amounts Used:</u></p> <p>-1 to 1.5 inches per crop; 1 crop harvested every 15 months.</p> <p><u>Recommended Local Government Notice:</u></p> <p>-No notice for existing turf fields using up to 1.5 inches of material per crop.</p> <p>-A simple one page notice, which is similar to the ALC “notice of intent” and could be faxed in to a local government for new turf operations. It is not a permit, does not need development variance approval, and does not have a fee associated with it.</p>
<p>k) The building of structures that take up less than 2% of the property</p>	<p>i) <u>ALC Policy: Placement of Fill or Removal of Soil: Construction of Farm Buildings:</u></p> <p>-“Where it has been determined through the building approval process that placement of fill or removal of soil is necessary for the construction of a farm building, of which the building area is less than 2% of the parcel, the acceptable volume of fill or soil removal is that needed to undertake the construction of the building. The over-riding principle is that the volume is reasonable and the quality of material is not deleterious to the agricultural quality of the land or the environment and all activity must be done in accordance with good agricultural practice.”</p> <p>ii) <u>ALR Use, Subdivision and Procedure Regulation:</u></p> <p>- Section 2: “The following activities are designated as farm use for the purposes of the Act and may be regulated but must not be prohibited by any local government bylaw except a bylaw under section 917 of the Local Government Act: (o) the construction, maintenance and operation of farm buildings, including, but not limited to any of the following: (i) a greenhouse; (ii) a farm building or structure for use in an intensive livestock operation or for mushroom production; (iii) an aquaculture facility.”</p> <p>iii) <u>ALC Policy:</u> The ALC allows fill for buildings of up to 0.2 ha, subject to the local government approval process, typically through a building permit.</p> <p><u>Typical Amounts Used:</u></p> <p>-The amount of materials will vary.</p> <p><u>Recommended Local Government Notice:</u></p> <p>-A simple one page notice, which is similar to the ALC “notice of intent” and could be faxed in to a local government for new buildings/existing building additions. It is not a permit, does not</p>

	<p>need development variance approval, and does not have a fee associated with it.</p> <ul style="list-style-type: none"> -Some local governments require a geotech report before the building permit is issued. The report includes the amount, quality and location of where the fill will be deposited. -Other enforcement options might be fines, restrictive covenants, or the cost of removing/remediating improperly placed fill falls on the landowner before land can be sold.
<p>l) The building of structures that take up more than 2% of the property</p>	<p><u>i) Section 4, Agricultural Land Reserve Use, Subdivision and Procedure Regulation:</u></p> <ul style="list-style-type: none"> -For buildings (e.g. greenhouses, farm buildings or structures for an intensive livestock operation or mushroom production) greater than 2% of the parcel area, the owner must submit a notice of intent to the ALC and the applicable local government of the intention to remove soil or place fill at least 60 days beforehand. The commission's CEO may request additional information within 30 days or receipt of the notice, and may order restrictions on the use or the terms and conditions for the conduct of that use. <p><u>Typical Amounts Used:</u></p> <ul style="list-style-type: none"> -The amounts used will vary. <p><u>Recommended Local Government Notice:</u></p> <ul style="list-style-type: none"> -The ALC "notice of intent" should be faxed to both the ALC and the local government for new buildings/existing building additions. -Some local governments require a geotech report before the building permit is issued. The report includes the amount, quality and location of where the fill will be deposited, and others may want to consider this approach. -Other enforcement options might be fines, restrictive covenants, or the cost of removing/remediating improperly placed fill falls on the landowner before land can be sold.
<p>m) Fill for parking lots, loading areas, turnaround areas, etc.</p>	<p><u>i) ALR Use, Subdivision and Procedure Regulation:</u></p> <ul style="list-style-type: none"> - Section 2: "The following activities are designated as farm use for the purposes of the Act and may be regulated but must not be prohibited by any local government bylaw except a bylaw under section 917 of the <i>Local Government Act</i> ...: (3) Any activity designated as farm use includes the construction, maintenance and operation of a building, structure, driveway, ancillary service or utility necessary for that farm use." <p><u>ii) Guide for Bylaw Development in Farming Areas:</u></p> <ul style="list-style-type: none"> -Page C-30: "Off-street parking spaces should be required for all commodities that undertake direct farm marketing. Produce stands/Nurseries: 1 parking space per 20 m² of direct farm

	<p>marketing area; Greenhouses: 1 parking space per 15 m² of direct farm marketing area.”</p> <p>iii) <u>BC Cranberry Growers' Association</u>: Parking for semi-trailers is their biggest need. They also require areas to store/compost vine cuttings/trimmings. Parking is required for workers during the harvest season. About 15 workers are required per 100 acres.</p> <p>iv) <u>BC Greenhouse Growers' Association</u>: About 400 m²/ha of tomato greenhouse under production is needed for staff parking, plus another 10% is needed for loading areas, turnaround areas, etc.</p> <p><u>Typical Amounts Used</u>:</p> <p>-Amounts will vary, depending on the commodity. For cranberries and greenhouses see the estimates listed above. For all other commodities, a suggested maximum is 10% lot coverage for this use.</p> <p><u>Recommended Local Government Notice</u>:</p> <p>-A simple one page notice, which is similar to the ALC “notice of intent” and could be faxed in to a local government for new parking lots, etc. It is not a permit, does not need development variance approval, and does not have a fee associated with it.</p>
<p>n) Using woodwaste* and sand for cranberry field drainage trenches</p>	<p>i) <u>Crop Profile for Cranberries on British Columbia, BCMAFF, 2003, Pg. 4</u>: “Reservoirs and ditches are constructed to contain and move water for frost protection, irrigation and harvest, and to store water recovered from these operations. ... Some new fields are being constructed with perimeter drains which eliminate the need for a ditch around the fields inside the dike and allows for a greater usable crop area.”</p> <p>ii) <u>BC Cranberry Growers' Association feedback</u>: Drains are installed by digging a 2 foot deep trench (that is 4 to 6 inches wide), putting in 3 to 4 inch “Big O” drainage pipe, then filling with approximately 20 inches of woodwaste (usually aged cedar chips, not hog fuel), adding a geotextile cloth, and then topped with up to 6 inches of sand. The trenches would be placed approximately every 10 to 12 feet throughout the field, in both new and existing fields.</p> <p><u>Typical Amounts Used</u>:</p> <p>-As described above.</p> <p><u>Recommended Local Government Notice</u>:</p> <p>-No notice for existing fields.</p> <p>-A simple one page notice, which is similar to the ALC “notice of intent” and could be faxed in to a local government for new fields. It is not a permit, does not need development variance</p>

approval, and does not have a fee associated with it.

*Berry Production Guide, 2005 – 2006, pg. 30: “Woodwaste (as defined under the “Code of Agricultural Practice for Waste Management”) includes hog fuel, mill ends, wood chips, bark and sawdust, but does not include demolition waste, construction waste, tree stumps, branches, logs or log ends.” Under the Code woodwaste can be used for plant mulch, soil conditioner, ground cover, on-farm access ways and berms for cranberry beds as long as the storage or use of the woodwaste does not cause pollution.” Note: While “woodwaste” is the term used in the regulations, it is actually a wood byproduct and not a waste material.

*Woodwaste – Farm Practices Description, BCMAFF, January 2004: “Woodwaste deposits must not exceed a total depth of 30 cm, which should be achieved by applying layers that do not exceed 15 cm per year. The volume and manner in which woodwastes are applied must follow good agronomic practices for the soil type, climatic area and crop to be grown.” Note: Woodwaste storage would obviously exceed the 30 cm depth.

**Soil – The definition in the *Agricultural Land Commission Act* is “includes the entire mantle of unconsolidated material above bedrock other than minerals as defined in the *Mineral Tenure Act*.” Note: This should probably be narrowed down in a bylaw to only include clay, silt, sand, gravel, cobbles or peat.

List of Acronyms:

ALC – Agricultural Land Commission
BCGGA – BC Greenhouse Growers’ Association
BCMAFF – BC Ministry of Agriculture, Food and Fisheries
EFP – Environmental Farm Plan
EMA – Environmental Management Act
UFG – United Flower Growers



Soil Removal and Fill Deposit Regulation Bylaw No. 8094

The Council of the City of Richmond enacts as follows:

1. Soil Removal and Fill Deposit Regulation Bylaw No. 8094;
2. This Bylaw is cited as **“Soil Removal And Fill Deposit Regulation Bylaw No. 8094”**.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dep.

APPROVED for legality by Solicitor


MAYOR

CORPORATE OFFICER

Soil Removal and Fill Deposit Regulation Bylaw No. 8094

The Council of the City of Richmond, in open meeting assembled,
ENACTS AS FOLLOWS:

PART I – APPLICATION

1. Application

- 1.1 This bylaw applies only to lands located within an **agricultural land reserve**, as defined in this bylaw.
- 1.2 Nothing in this bylaw precludes or relieves a person from complying with the provisions of the *Agricultural Land Commission Act* and regulations or any other applicable local, provincial or federal enactment or regulation.

PART II – INTERPRETATION

2. Interpretation

2.1 In this bylaw:

“agricultural land reserve” means the area of land within the City of Richmond designated as protected agricultural land under the *Agricultural Land Commission Act*, as amended, and shown in the hatched areas outlined in bold in Schedule “A”, which is attached and forms part of this bylaw;

“BC Land Surveyor” means a person who is listed as a practicing member under Section 34(1) of the *Land Surveyors Act*, as amended;

“City” means the City of Richmond;

“Commission” means the Provincial Agricultural Land Commission established under the *Agricultural Land Commission Act*, as amended;

“Council” means the municipal council of the City of Richmond;

“deposit” means to place, store, pile, spill or release, directly or indirectly, fill on a parcel or contiguous **parcels** of land where that fill did not exist or stand previously and includes a **stockpile**;

“existing farm” means a **parcel** that has been previously operated as a **farm** in compliance with the *Agricultural Land Commission Act* and a **parcel** designated as a **farm** operation through property assessment and property tax designation;

“farm” means a **parcel** for farming purposes, such as farming of plants and animals, and includes a **farm** business or **farm** operation as specified in the *Farm Practices Protection (Right to Farm) Act*;

“highway” includes a street, road, lane, bridge, viaduct and any other way open to public use, other than a private right-of-way on private property or any other public right-of-way as defined in Part 1 of the *Transportation Act*;

“fill” means soil free from **prohibited material**;

“Manager” means Manager, Community Bylaws and any person designated by the Manager to act in Manager’s place;

“parcel” means any lot, block or other area in which land is held or into which land is subdivided but does not include a **highway**;

“permit” means an authorization to remove **soil** or deposit **fill** issued under this bylaw;

“Professional Agrologist” means a person who is a member in good standing under Section 15 of the *Agrologist Act*, as amended;

“Professional Engineer” means a person who is a certified member under Section 20 of the *Engineers and Geoscientists Act*, as amended;

“prohibited material” includes:

- (a) any material that is not listed in the *Standard Farm Practices Involving Fill Factsheet*, or is not being used as specified per the *Standard Farm Practices Involving Fill Factsheet*, and
- (b) any material not specified in (a) that is not certified in writing, as a standard farm practice, by a **Professional Agrologist** in a form acceptable to the **Manager**;

“removal” means to remove **soil** from a **parcel** or contiguous parcels of land on which it exists or has been deposited;

“soil” means topsoil, sand, gravel, rock, silt, clay, peat or any other substance of which land is composed, or any combination thereof; which must conform with the *Standard Farm Practices Involving Fill Factsheet*;

“Standard Farm Practices Involving Fill Factsheet” means the document published by the *Ministry of Agriculture and Lands*, which outlines standard practices of agricultural **fill**, as amended;

“stockpile” means a man-made accumulation of **soil** held in reserve for future use, **deposit** or **removal**;

“woodwaste” means a wood by-product as defined under the *Code of Agricultural Practice for Waste Management* and includes hog fuel, mill ends, wood chips, bark and sawdust but does not include demolition waste, construction waste, tree stumps, branches, logs or log ends.

PART III – RESTRICTIONS AND EXEMPTIONS

3. Restrictions

- 3.1 No person shall deposit, or cause, suffer or permit the deposit of, **prohibited material** or any “waste”, as defined in the *Environmental Management Act*, on any land within the **agricultural land reserve**.
- 3.2 Except as otherwise provided in this bylaw, no person shall carry out, cause, suffer or permit the **removal** of **soil** from, or the **deposit** of **fill** on, any land located within the **agricultural land reserve** without first making application for and obtaining a **permit** under this bylaw, and every such **deposit** or **removal** shall conform in all respects to the regulations and requirements of this bylaw and the terms and conditions of the **permit**.

4. Exemptions

- 4.1 Despite Section 3.2, a **permit** is not required where the **deposit** or **removal**:
- (a) (i) is related to, or carried out in connection with, an existing “**farm use**” as defined in the *Agricultural Land Commission Act*; and
 - (ii) is for an approved **farm** practice as defined in the *Standard Farm Practices Involving Fill Factsheet* on an **existing farm** operation; and
 - (iii) is outlined in a “Soil Removal or Fill Deposit Notice”, identified in Schedule “B”, which is attached and forms part of this bylaw, and is submitted to the **City** for an **existing farm** operation, as indicated by their property assessment and property tax designation, a minimum of five (5) business days prior to scheduled **soil removal** or **fill deposit**;
 - (b) will not:
 - (i) exceed One Hundred (100) cubic metres in volume on or from a single **parcel** over one calendar year; and
 - (ii) exceed one (1) metre in depth at any point; and
 - (iii) be carried out for more than One (1) month in duration;
 - (c) is by a floriculturalist or horticulturist on lands owned by that person or business and in connection with such trade or business;
 - (d) is required for the erection of a building or structure under a valid building permit or development permit issued by the **City**, where the **deposit** or **removal** is in accordance with the approved drawings submitted as part of the application for the building permit;
 - (e) is related to the construction of works and services for a subdivision where the **deposit** or **removal** is in accordance with the approved drawings submitted as part of the application for subdivision;

- (f) is required to create, maintain or repair a private road, driveway, paved parking area, dyke or any **highway** or statutory right-of-way necessary to accommodate a permitted use on the property;
- (g) is required for the construction, maintenance or repair of utility works within a **highway** or municipal works, by or on behalf of the **City**;
- (h) involves the movement of existing **soil** within the boundaries of a single **parcel** or contiguous parcels of land;
- (i) is required for the construction or maintenance of a private sewage disposal system or septic field for which a permit has been granted; or
- (j) involves the open storage or stockpiling of **soil** or **woodwaste** intended to be processed and removed in connection with a lawful use of the land on which they are stored.

PART IV – PERMIT APPLICATION PROCESS

5. Application Requirements

5.1 Every application for a **permit** shall be made in writing to the **Manager** using the “Application for Soil Removal / Fill Deposit” provided for that purpose by the **City**, identified in Schedule “C”, which is attached and forms part of this bylaw and shall include:

- (a) a non-refundable application fee of Six Hundred Dollars (\$600.00);
- (b) a security deposit in accordance with the requirements of Section 7.1;
- (c) the following documents, plans and information relating to the proposed **removal** or **deposit** operation:
 - (i) evidence, satisfactory to the **Manager**, that an applicable application for **soil removal** or **fill deposit** has been made under the *Agricultural Land Commission Act*, as amended, and approved by the Commission;
 - (ii) a description of the composition and volume of the **soil** to be removed or **fill** to be deposited as prepared by a **Professional Agrologist**;
 - (iii) the street location, legal description and a copy of the title search of the **parcel**;
 - (iv) the consent in writing of the registered owner or owners of the **parcel**;
 - (v) a plan in reasonable detail indicating clearly the location of the proposed **deposit** or **removal** and all pertinent topographic features, including existing buildings, structures, watercourses and tree cover;
 - (vi) the depths and proposed slopes which will be maintained upon completion of a **removal** or **deposit**;
 - (vii) the methods proposed to control the erosion of the banks of a **removal** or **deposit**;

- (viii) the proposed methods of drainage control for the site during and after a **removal** or **deposit**;
- (ix) the proposed methods of access to the **removal** or **deposit** site during the operation including a scale map of the proposed routing and scheduling of truck and vehicular traffic;
- (x) evidence, satisfactory to the **Manager**, that all requirements have been met under the City's *Boulevard and Roadway Protection and Regulation Bylaw No. 6366*, as amended;
- (xi) evidence, satisfactory to the **Manager**, that all requirements have been met under the City's *Tree Protection Bylaw No. 8057* as amended;
- (xii) the location and size of any buffer zones necessary to provide a visual and sound barrier between the **permit** area and adjacent lands, parks, roads, **highways** and other uses;
- (xiii) the proposed methods of noise and dust control during the **removal** or **deposit** operation, in compliance with the City's *Public Health Protection Bylaw No. 6989*, as amended;
- (xiv) the proposed completion dates for all **removal** or **deposit** operations;
- (xv) where requested by the **Manager**, site plans prepared by a **BC Land Surveyor** or **Professional Engineer** which plans may be required to show or include, without limitation, a statement of the volume of **soil** to be removed or **fill** to be deposited along with the calculations, cross-sections and other data and information used in calculating estimated total volume, site contours, particulars as to the present use and occupancy of the **parcel**, proposed slopes, pertinent topographic features, buildings, highways, watercourses and all other structures, utilities and facilities;
- (xvi) an indemnity in favour of the City, in the form prescribed, indemnifying and saving harmless the City, its agents, employees, officers and servants, from and against all claims, demands, losses, costs, damages, actions, suits or proceedings whatsoever by whomsoever brought by reason of, or arising from, the issue by the City of a permit under this bylaw to conduct the proposed deposit or removal operation; and
- (xvii) such further and other information as the **Manager** determines is necessary to adequately describe the nature and extent of the **removal** or **deposit** operation.

6. Security

- 6.1 Prior to the issuance of a **permit**, every applicant must deposit with the **City**, security in the form of cash or an unconditional, irrevocable letter of credit drawn on a Canadian financial institution, in a form acceptable to the **Manager**, in an amount equal to Twenty Dollars (\$20.00) per cubic metre of **soil** to be removed or **fill** to be deposited, based on the volume as outlined in the applicable reports submitted under Section 5.1(c)(ii) and Section 5.1(c)(xv), to a maximum of Ten Thousand Dollars (\$10,000.00), to ensure full

and proper compliance with the provisions of this bylaw and all terms and conditions of the **permit**.

- 6.2 That portion of the security deposit not required for the foregoing purposes or to repair damage to **City** property caused by the **removal** or **deposit** operations shall be returned to the applicant upon receipt of a final report, in a form acceptable to the **Manager**, from the **Professional Agrolgist** and the **Professional Engineer** providing applicable documentation under Section 5.1(c)(ii) and Section 5.1(c)(xv) respectively and confirming that all aspects of the original **removal** or **deposit** operation have been fulfilled. Any assessment of damage to **City** property or the costs of necessary repairs will be provided by the General Manager, Engineering & Public Works or designate.

7. **Permit Issuance**

- 7.1 Subject to Section 7.2, where:

- (a) an application for a **permit** complies with the requirements of this bylaw;
- (b) the proposed **removal** or **deposit** complies with this bylaw and all other applicable **City** bylaws and local, provincial or federal enactments or regulations;
- (c) the proposed **removal** or **deposit** has been approved by the Commission; and
- (d) the **Manager**, having regard to the documents, plans and information submitted with the application for a permit, is of the opinion that the deposit or removal operation can be carried out safely, without undue nuisance or interference to adjacent lands or the public, or damage or injury to persons or property;

the **Manager** may issue a **permit**.

- 7.2 The **Manager** must not issue a **permit** where the proposed **removal** or **deposit** could reasonably be expected to:

- (a) reduce, damage or otherwise adversely affect the long-term agricultural viability of the **parcel** which is the subject of the **permit** or any adjacent or nearby **parcel**;
- (b) endanger, damage or otherwise adversely affect any adjacent **parcel**, structure, **highway**, easement, utility works and services or right-of-way;
- (c) foul, obstruct, impede or otherwise adversely affect any stream, creek, waterway, watercourse, groundwater aquifer, waterworks, ditch, drain, sewer or other established drainage facility; or
- (d) endanger or otherwise adversely affect an environmentally sensitive area.

8. **Expiry**

- 8.1 Every **permit** shall expire twelve (12) months from the date of issue or upon such earlier date as may be specified in the **permit**.

9. Renewal, Extension or Modification

9.1 If the **removal** or **deposit** operations authorized by a **permit** are not completed before the **permit** expires, or it becomes necessary to alter or deviate from the particulars of the **permit** application or drawings submitted for a **permit**, the **Manager** may renew, extend or modify the permit upon written request of the **permit** holder, subject to the following:

- (a) a **permit** holder has no vested right to receive an extension, renewal or modification and the **Manager** may require that a new **permit** application be submitted;
- (b) the **permit** holder shall pay a non-refundable fee of One Hundred Dollars (\$100.00);
- (c) the application for a renewal, extension or modification is received no later than thirty (30) days before the expiry date of the existing **permit**;
- (d) the **Manager** may renew or extend a **permit** for an additional period of not more than One (1) year;
- (e) the **Manager** may require that the **permit** holder provide additional information authorized by this bylaw as a pre-condition to considering an application for a **permit** renewal, extension or modification; and
- (f) all terms and conditions set out in the original **permit** shall apply to each renewal, extension or modification of the **permit** except as amended or modified by the renewal, extension or modification.

PART V – REGULATIONS

10. Regulations

10.1 Every **removal** of **soil** or **deposit** of **fill** shall comply with, and every **permit** issued under this bylaw is subject to the observance or fulfilment of, the following requirements, restrictions and regulations, to the satisfaction and approval of the **Manager**:

- (a) no **soil removal** or **fill deposit** activities may be carried out between the hours of 8:00 p.m. and 7:00 am the following morning;
- (b) no **soil removal** or **fill deposit** activities may be carried out on a Sunday or any Statutory Holiday;
- (c) every vehicle used for hauling **soil** or **fill** shall be properly licensed and insured and in compliance with all applicable laws and regulations governing the use and operation of the vehicle on a **highway**;
- (d) every load of **soil** or **fill** shall be fully and properly covered so as to prevent **soil**, **fill** or dust from blowing or falling from the vehicle;
- (e) all damage to drainage facilities, natural watercourses, **highways** or other public or private property shall be promptly and properly repaired to the satisfaction of the **Manager** at the expense of the **permit** holder;

- (f) all streams, creeks, waterways, natural watercourses, groundwater aquifers, waterworks, ditches, drains, sewers or other established drainage facilities shall be kept free of all **soil** or **fill** arising from or caused by the **removal** or **deposit** operations;
- (g) no **removal** or **deposit** greater than One-half (0.5) metres in depth shall be undertaken within Two and One-half (2.5) metres of any utility pole, pipeline, structure or **highway** or below overhead wires without giving prior notice to and receiving written approval from the **City** or other authority having jurisdiction;
- (h) no **removal** or **deposit** shall be undertaken on a **highway**, statutory right-of-way or easement without first obtaining the permission in writing of the **City** or other authority having jurisdiction over such **highway** or statutory right-of-way;
- (i) all structures or excavations erected or made in connection with a **removal** or **deposit** operation shall be temporary in nature and shall be removed forthwith upon completion of the operation;
- (j) all hazards or potential hazards arising from the **removal** or **deposit** operation shall be adequately fenced or otherwise protected for the safety of the public;
- (k) during and upon completion of every **removal** or **deposit** operation, the boundaries of all adjacent **parcels**, **highways**, rights-of-way and easements shall be protected from erosion or collapse and from run-off of water or mud;
- (l) all **stockpiles** of **soil** or **fill** shall be confined to the locations prescribed in the **permit** and shall be maintained so that they do not adversely affect or damage adjacent **parcels** or cause a nuisance to any person;
- (m) all **removal** or **deposit** operations must not encroach upon, undermine, damage or endanger any adjacent **parcels** or any setback area prescribed in the **permit** or a bylaw; and
- (n) all **removal** or **deposit** operations shall be limited only to the area specified in the **permit** which shall be clearly marked at the site and such markings maintained for the duration of the **permit**.

10.2 The **Manager** may issue a **permit** subject to the observance or fulfilment of additional conditions specified in the **permit** which in the opinion of the **Manager** are necessary to achieve the purposes of this bylaw.

PART VI – ADMINISTRATION

11. Right of Entry for Inspection

11.1 The **Manager** is hereby authorized at all reasonable times to enter upon and inspect any **parcels** to determine whether the requirements, restrictions, regulations, terms,

conditions and directions of this bylaw or a **permit** are being observed.

- 11.2 No person shall prevent or obstruct or attempt to prevent or obstruct the **Manager** from entering upon **parcels** as authorized by Section 11.1.

12. Notice of Non-compliance

- 12.1 The **Manager** may give notice to any person of a breach of, or non-compliance with, any of the provisions of this bylaw or a **permit** issued thereto and such person shall immediately cease all **soil removal** or **fill deposit** activities until such breach or non-compliance is remedied to the satisfaction of the **Manager**, and every owner of a **parcel** shall refuse to permit the further **removal** of **soil** or **deposit** of **fill** from or upon the **parcel** until such time as the breach or non-compliance is remedied to the satisfaction of the **Manager**.

13. Failure to Remedy Non-compliance

- 13.1 In the event that any person having received notice of breach fails within the time specified therein to remedy such breach, the **City** or its appointed agents may enter upon the **parcels** or any part thereof and carry out the works required to remedy the breach, and the expense of doing so shall be paid by the person in breach and, if not paid within 90 days, the expense, with interest at the prescribed rate and costs, shall be recovered in the same manner as municipal taxes.

14. Suspension or Cancellation of Permit

- 14.1 If:
- (a) there is a contravention of any term, condition, requirement or restriction of this bylaw or a **permit** issued under this bylaw; or
 - (b) a **permit** was issued under this bylaw on the basis of statements made in the permit application or a report, declaration or record required under this bylaw, that were false or misleading with respect to a material fact or that omitted to state a material fact, the omission of which made the statement false or misleading;

the **Manager** may:

- (c) suspend in whole or in part the rights of the **permit** holder under the **permit**;
- (d) cancel the **permit**; or
- (e) amend or attach new conditions to a **permit** with the written consent of the **permit** holder.

15. Right of Reconsideration

- 15.1 Where an applicant or owner of a **parcel** is subject to a requirement or a decision made by the **Manager** under this bylaw and is dissatisfied with the requirement or decision, the applicant or owner may apply to the General Manager, Engineering and Public Works for reconsideration of the matter within 30 days of the requirement or decision being

communicated to them.

- 15.2 An application for reconsideration must be delivered in writing to the City Clerk and must set out the grounds upon which the applicant considers the requirement or decision of the **Manager** inappropriate and what, if any, requirement or decision the applicant or owner considers the General Manager, Engineering and Public Works ought to substitute.
- 15.3 The General Manager, Engineering and Public Works may hear from the applicant and any other person interested in the matter under reconsideration who wishes to be heard and may either confirm the requirement or decision of the **Manager** or substitute its own requirement or decision.

PART VII – OFFENCES AND PENALTIES

16. Offences and Penalties

- 16.1 Any person who contravenes or violates any provision of this bylaw or any **permit** issued under this bylaw or who suffers or allows any act or thing to be done in contravention or violation of this bylaw or any **permit** issued under this bylaw, or who fails or neglects to do anything required to be done under this bylaw or any **permit** issued under this bylaw, commits an offence and upon conviction shall be liable to a fine of not more than Ten Thousand Dollars (\$10,000.00) and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.

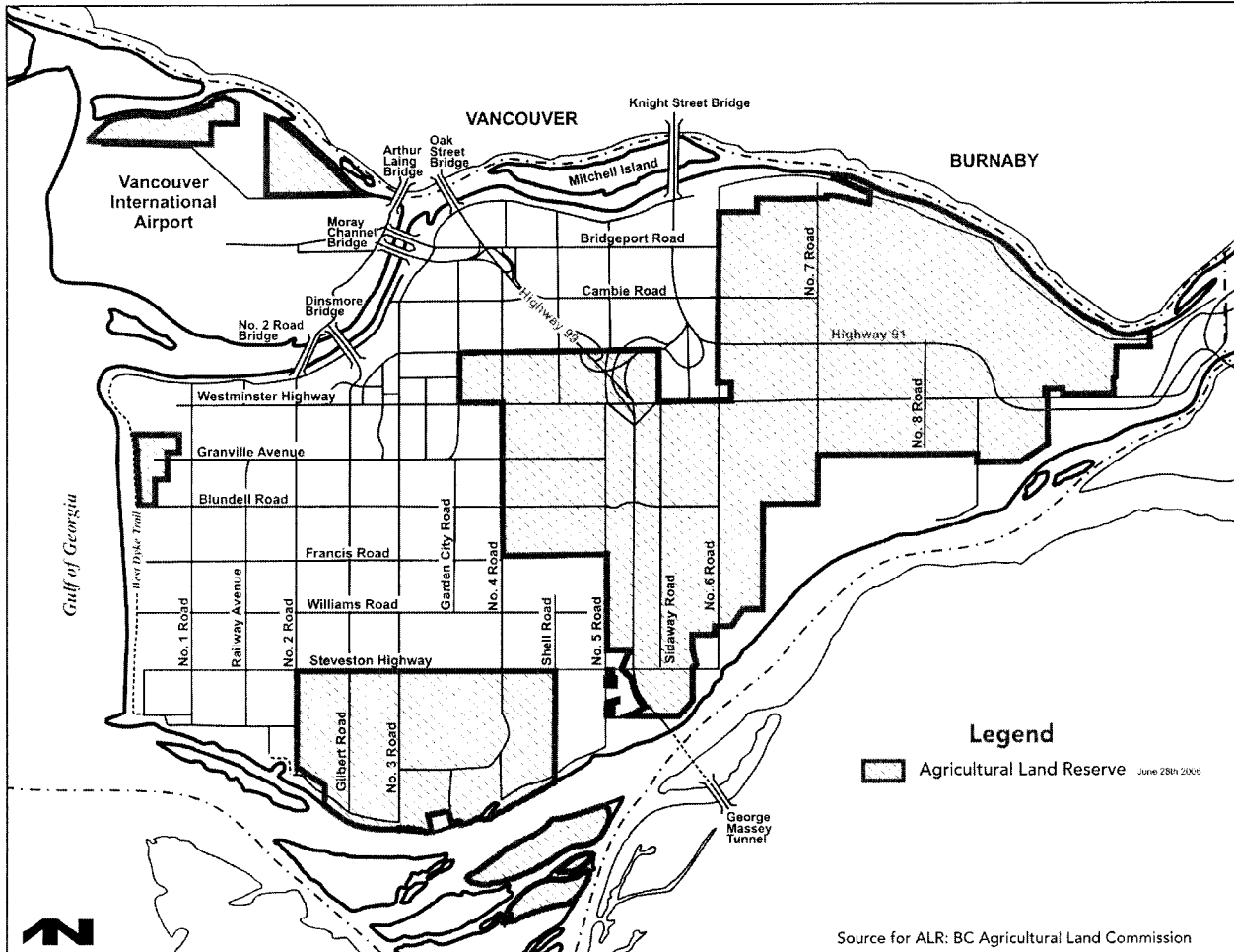
PART VIII – SEVERABILITY

17. Severability

- 17.1 If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw.

SCHEDULE "A"

**Agricultural Land Reserve
City of Richmond**



SCHEDULE "B"

**Notice of Soil Removal or Fill Deposit
Existing Farm Operations - Agricultural Land Reserve**

Notice to **remove soil**

Notice to **deposit fill**

Owner: _____

Address: _____

Telephone: (B) _____ (C) _____

Fax: _____ Email: _____

Address of Property, or Legal Description _____

Current Use of Property: _____

Adjacent Uses: North: _____ East: _____
 South: _____ West: _____

Purpose of Project (reference *Standard Farm Practices Involving Fill Factsheet (BC Ministry of Agriculture and Lands)*)

Volume: _____ cubic metres Depth _____ metres

- Declaration:** I/We declare that:
- the information provided in this document is true and correct, to the best of my/our knowledge, and
 - that any fictitious or misleading information that I/we provide may be a violation of the City of Richmond Soil Removal and Fill Deposit Regulation Bylaw No 8094 and punishable by a fine of up to \$10,000.

Date

Signature of Owner

Print name

SCHEDULE "C"

**Application for Soil Removal / Fill Deposit
Proposed Farm or Non-Farm Operations - Agricultural Land Reserve**

Application to **remove soil**

Application to **deposit fill**

Owner: _____	Agent: _____
Address: _____	Address: _____
Telephone: (B) _____	Telephone: (B) _____
(C) _____	(C) _____
(F) _____	(F) _____
Email: _____	Email: _____

Address of Property or Legal Description _____

Size of Property / Parcel: _____ hectares

Current Use of Property: _____

Adjacent Uses: North: _____	Total Project Area: _____ hectares
East: _____	Volume of Soil or Fill: _____ cubic metres
South: _____	Depth of Soil or Fill: _____ metres
West: _____	Duration of Project: _____ weeks / months

Type of Soil / Fill Material (reference *Standard Farm Practices Involving Fill Factsheet (BC Ministry of Agriculture and Lands)*)

Purpose of Project (reference *Standard Farm Practices Involving Fill Factsheet (BC Ministry of Agriculture and Lands)*)

Proposed Reclamation Measures (for soil removal projects)

SCHEDULE "C"

**Application for Soil Removal / Fill Deposit
Proposed Farm or Non-Farm Operations - Agricultural Land Reserve**

Has a Professional Agrologist reviewed the project and provided a written report? Yes No

(If yes, please attach a copy of the report)
(If no, please explain why) _____

Has a Professional Engineer reviewed the project and provided a written report? Yes No

(If yes, please attach a copy of the report)
(If no, please explain why) _____

Have you included your non-refundable application fee of \$500.00? Yes No

Are you hereby undertaking to provide a security deposit as outlined in Section 7.1 of the City's Soil Removal and Fill Deposit Regulation Bylaw (deposit is required to be in place before any permit is issued) Yes No

Have all requirements been met under the following City Bylaws:

Boulevard and Roadway Protection and Regulation Bylaw No. Yes No

Tree Protection Bylaw No. 8057 Yes No

Public Health Protection Bylaw No. 6989 Yes No

(If yes for any, please attach confirmation)
(If no for any, please explain why) _____

Please attach the following documents:

- Copy of Submission to Agricultural Land Commission
- Certificate of Title or Title Search Print
- Map or sketch of parcel showing the proposed project
- Map of Routing and Schedule for Vehicular Traffic
- Any photographs
- Other Documents as Required under Section 6.1 (c)

Declaration: I/We declare that:

- the information provided in this document is true and correct, to the best of my/our knowledge, and
- that any fictitious or misleading information that I/we provide may be a violation of the City of Richmond Soil Removal and Fill Deposit Regulation Bylaw No 8094 and punishable by a fine of up to \$10,000.

Date

Signature of Owner

Print name