



City of Richmond

Report to Committee

To: Community Safety Committee
From: Victor Wei, P. Eng.
Acting Manager, Community Bylaws

To Community Safety - Nov. 13/02
Date: October 23, 2002
File: 0350-05

Re: Application for Soil Conservation Permit (Soil Placement)
Applicants: Helen and Ronald Wong
Civic Address: 18300 River Road, Richmond BC
Legal Description: Lot: 5 Sec: 19-5-4 BL: 5 North Range 4 West NWD Plan: LMP11053

Staff Recommendation

That Council authorize the issuance of a Soil Conservation Permit to Helen and Ronald Wong for the placement 13,000 cubic metres of fill at 18300 River Road.

[Handwritten signature]

Victor Wei, P. Eng.
Acting Manager, Community Bylaws

Att. 3

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ROUTED TO: CONCURRENCE CONCURRENCE OF GENERAL MANAGER
Law Department.....Y [checked] N []

Staff Report

Background

On July 2, 2002 a Soil Conservation Permit Application was submitted to The City of Richmond from Helen and Ronald Wong. The Land Reserve Commission by resolution 467/2002 approved this application on October 9, 2002. A copy of the letter from the "Land Reserve Commission" is appended as "**Attachment 1**". Staff having no objections to the current application is forwarding it to Committee and Council for approval.

A prior application was refused September 9, 1989 based on the discussion that the proposal made at that time would not improve the land for agricultural use. A second application was made December 5, 1989 for the purpose of installing a septic system for a home on the property. The application was ruled as an exempt use not requiring a permit.

Analysis

The purpose of the application is for the placement of approximately 13,000 cubic metres of fill for the development of a mixed use farming operation involving greenhouse operations for perennial flowering plants; with chicken, duck and goat rearing.

This property first came to the City's attention in June of this year, due to the placement of asphalt fill on the property. This unacceptable fill has since been removed to the satisfaction of staff. This concern is one of the matters addressed in the "Issues Analysis" in "**Attachment 2**". A Cease and Desist order was issued on June 24, 2002 to stop all placement of fill until a Soil Placement Application had been submitted and subsequently processed. It was noted that the property owners are complying with this order.

Attached for the convenience and information of Council is a site map. "**Attachment 3**"

New legislation namely, "The Agricultural Land Commission Act 2002", takes effect November 1, 2002. This legislation repeals the *Agricultural Land Reserve Act*, the *Land Reserve Commission Act* and the *Soil Conservation Act*, and replaces them with a new Act that incorporates some of the provisions from the repealed Acts and re-establishes the Provincial Agricultural Land Commission.

In the Land Reserve Commission Newsletter #7, dated September 25, 2002, it is indicated the Soil Conservation Act (SCA) will remain in place until November 1, 2002 and "*until then any new applications completed will be considered in accordance with the provisions of the SCA*". Staff will report back on any significant implications of this New Act on the existing City procedures in dealing with future Soil Placement Permit applications after November 1, 2002.

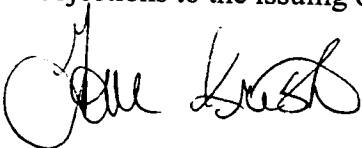
Prior to issuing a Soil Placement Permit, Staff will ensure the Irrevocable Letter of Credit as required by the Land Reserve Commission, be in place.

Financial Impact

None

Conclusion

The Land Reserve Commission reviewed this application and agreed to the deposition of fill, in agricultural compliance with plans submitted with this application. The placement of soil is required for the development of these lands and greenhouse operations. City staff has no objections to the issuing of this Permit.



Tom Krish
Bylaw Liaison Officer-Community Bylaws



Bob Lang
Supervisor-Community Bylaws

TK:tk



ATTACHMENT 1

Land Reserve Commission

Working Farms, Working Forests

October 9, 2002

Reply to the attention of Sherry Gordon

City of Richmond
6911 No. 3 Road,
Richmond, BC V6Y 2C1

CITY OF RICHMOND

Attention: Mr. Bob Lang. Supervisor – Community Bylaws

OCT 11 2002

Dear Mr. Lang:

RECEIVED

**Re: Soil Conservation Act Application #O-34452 (Wong)
Lot 5, Section 19, Block 5 North, Range 4 West, New Westminster District, Plan
LMP11053 (Civic Address: 18300 River Road)**

This is to advise that pursuant to the *Soil Conservation Act* (the "Act") the Land Reserve Commission (the "Commission"), by Resolution 467/2002 allowed the application to place approximately 13,000 m³ of clean fill to a depth of 2.0 metres over a 0.6 ha portion of the 1.0 ha property. The approval is subject to the conditions outlined below.

This letter represents the Commission's written approval for the project as required by Section 2(1)(a) of the Act. **THIS IS NOT A PERMIT.** Pursuant to Section 5 of the Act the City may now issue a soil placement permit if it wishes to do so. Please note that the Commission's approval in no way compels the City to issue a permit. If a permit is issued it must contain the Commission's conditions of approval and the City may impose additional terms and conditions it considers necessary. Please forward a copy of the permit to this office.

The lands are still subject to the provisions of the Act, the *Agricultural Land Reserve Act*, and applicable regulations except as provided by this decision. Furthermore, this decision in no way relieves the owner or occupier of the responsibility of adhering to any other enactment, legislation or decision of any agency having jurisdiction.

CONDITIONS OF APPROVAL

1.0 CONSULTANT

The project is to be overseen by a Land Reclamation Specialist, having the appropriate academic credentials (the "Consultant"). The Consultant is to be a member in good standing with the B. C. Institute of Agrologists and have academic credits in soil genesis and classification, soil physics, drainage, irrigation and have a good understanding of fill operations.

The Consultant is responsible for:

- overseeing the project to ensure compliance with the conditions of approval
- being on site during site preparation, including but not limited to, the soil salvage phase of the project
- ensuring the quality of fill material is consistent with the overall objective of improving the property for agricultural purposes
- monitoring filling and reclamation
- being on site during the soil replacement phase of the project
- Providing a closure report.

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2.0 OPERATOR

The Operator is responsible for:

- overseeing the day to day operations of the project to ensure compliance with the conditions of approval.
- ensuring that only clean fill is brought onto the property and that the depth of fill does not exceed 2.0 metres.
- posting a \$10,000 Irrevocable Letter of Credit (the "ILOC"). The beneficiary of the ILOC is the Minister of Finance, c/o #133 - 4940 Canada Way, Burnaby, BC V5G 4K6. The ILOC is required so the Commission has adequate funds to reclaim the project area to an acceptable agricultural standard in the event the Operator fails to comply with the conditions of approval.
- maintaining up to date and accurate truck logs. The logs will be made available to the Consultant and/or Commission upon request.
- posting the Permit at a prominent location on the property
- securing the property to prevent unauthorized filling.

3.0 TERM

The Commission's approval is valid for one (1) year from the date of issuance of the permit, or until completion of the project, whichever occurs first.

4.0 GENERAL CONDITIONS

- 1) Soil must not be stripped, moved, stockpiled or replaced during conditions of adverse soil moisture content (ie: soil moisture content greater than the plastic limit). There is also to be no movement or manipulation of soil when the soil is frozen or powdery dry.
- 2) Surface drainage from the working area, reclaimed and undisturbed areas must be maintained at all times to prevent erosion, flooding, siltation or other degradation of the property, adjacent lands or waterways. Run-off is to be diverted into catchment ponds or silt traps prior to discharge into natural watercourses or road ditches.
- 3) Weed control must be practiced at all times.
- 4) Native soil material must not be removed from the property.
- 5) Concrete, asphalt, construction debris, petroleum products, toxic wastes, contaminated materials or any other non-soil materials must not be placed on the property.
- 6) Fill must not be placed within 3.0 meters of any legal boundary of the property.

5.0 RECLAMATION

- 1) When filling is completed and stockpiled topsoil is replaced, a suitable organic matter, as determined by the Consultant, is to be applied to the fill site. The organic matter may be added in the form of animal manure or as a cereal/forage cover crop and turned into the soil. Sawdust and other wood waste materials are not considered suitable organic matter.

- 2) Upon completion of all works, a seed bed is to be prepared and then seeded with an appropriate cereal/forage mix and fertilized as determined by the Consultant. Irrigation may be required in order to establish and maintain a complete cover. If the owner wishes to pursue some other form of agriculture the Consultant can determine whether or not seeding is necessary.

6.0 RELEASE OF THE ILOC

The ILOC will be released when:

- the Consultant provides a written submission stating that in his/her opinion reclamation has been successfully completed and that no further work is required.
- the owners provide a written submission stating that they agree that the project has been successfully completed.
- the City provides a written submission indicating that it has no objection to the release of the ILOC.

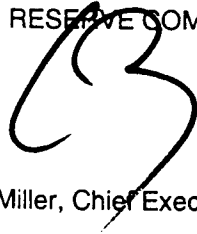
If the applicant has not completed the project within the specified term, an appropriate extension may be granted. More specifically, an extension may be granted if there are no changes to the original approval and the project complies with local bylaws and the Commission's conditions.

Please quote the above application number in all future correspondence.

Yours truly,

LAND RESERVE COMMISSION

per:



K. B. Miller, Chief Executive Officer

cc: Ronald and Helen Wong
18300 River Road, Richmond, BC.. V6V 1M1

ATTACHMENT 2

SOIL CONSERVATION PERMIT – ISSUES ANALYSIS

	Addressed		Condition to be included in permit	Comments
	Yes (Given)	No (Not Given)		
A. PERMIT PROCESS CONCERNS:				
- Term of Permit (i.e. duration of filling activity)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
- Site Security (gate, chain to prevent unauthorised dumping)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- Other permits				
- Pending				
- In immediate area (i.e. section) in adjacent areas (i.e. sections)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
- Issued				
- In immediate area (i.e. section) in adjacent areas (i.e. sections)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
- Expired				
- In immediate area (i.e. section) in adjacent areas (i.e. sections)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
- History of Unauthorised fill or removal activity	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Cease and Desist Order placed on the property, unauthorised soil placement, use of Asphalt fill
- Previous Soil Conservation Act Permit for this site	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	City records show previous expired Application (Application date December 5, 1989) and denied (Refusal September 9, 1989) Soil Conservation Permits

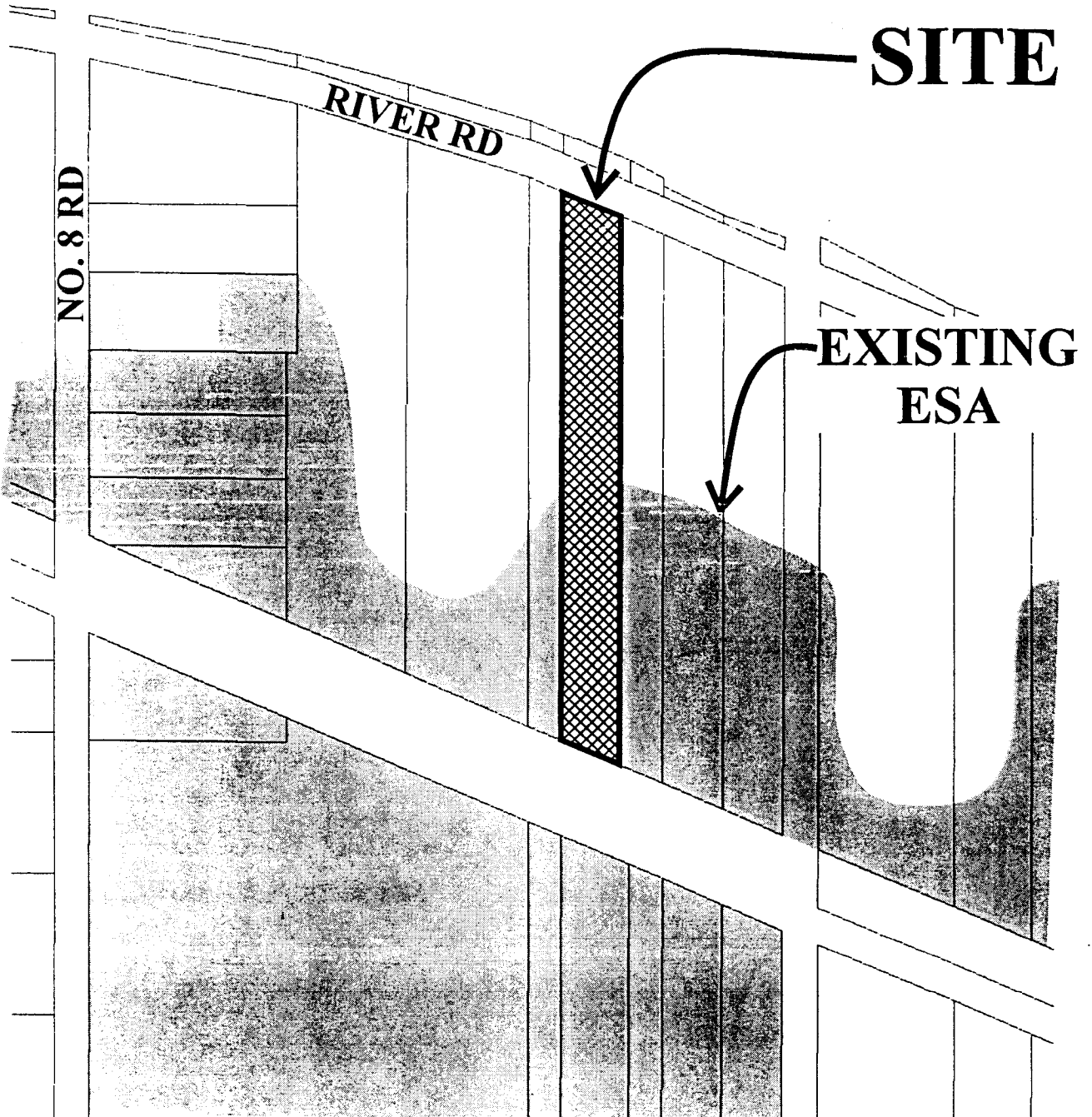
SOIL CONSERVATION PERMIT – ISSUES ANALYSIS

	Addressed		Condition to be included in permit	Comments
	Yes (Given)	No (Not Given)		
B. CITY INFRASTRUCTURE CONCERNS:				
- Mud on roads (no filling during inclement weather)	✓	<input type="checkbox"/>	<input type="checkbox"/>	
- Soil fill removal/spills in City ditches/storm sewers	✓	<input type="checkbox"/>	<input type="checkbox"/>	
- Agricultural use already established (Already established farmers, etc.)	<input type="checkbox"/>	✓	<input type="checkbox"/>	
- Road Access				
- Multiple Choice		<input type="checkbox"/>	<input type="checkbox"/>	
- Load Limits		<input type="checkbox"/>	<input type="checkbox"/>	
- Maintenance Concerns	✓	<input type="checkbox"/>	<input type="checkbox"/>	
C. NEIGHBOURHOOD ISSUES:				
- Noise	✓	<input type="checkbox"/>	<input type="checkbox"/>	
- Hours of Operation				
- Mon – Sat	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
- (not Sun and National Holidays)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
- Not in inclement weather	✓	<input type="checkbox"/>	<input type="checkbox"/>	
- Proximity to nearest residence(s)	✓	<input type="checkbox"/>	<input type="checkbox"/>	The adjacent property, 18360 River Road has expressed concerns regarding the existing soil placement with asphalt contents, possibly tainting the ground water and their established Organic Farming operation.
- Road activity causing vibration	✓	<input type="checkbox"/>	<input type="checkbox"/>	
- Stockpile of fill/material removal	✓	<input type="checkbox"/>	<input type="checkbox"/>	Unauthorized stockpile of fill

SOIL CONSERVATION PERMIT – ISSUES ANALYSIS

	Addressed		Condition to be included in permit	Comments
	Yes (Given)	No (Not Given)		
- Noxious smell of fill material / or excavated removal material	<input type="checkbox"/>	✓	<input type="checkbox"/>	
- Soil filling/removal activities encroaching onto adjacent property	✓	<input type="checkbox"/>	<input type="checkbox"/>	Concerns from adjacent property regarding soil removal in proximity to fence line
- Drainage impact on adjacent properties	✓	<input type="checkbox"/>	<input type="checkbox"/>	Concerns from adjacent property regarding drainage on Organic Farm

ATTACHMENT 3



Soil Conservation Permit
S - 309
18300 River Road 61

Original Date: 10/16/02

Revision Date:

Note: Dimensions are in METRES