



City of Richmond

Report to Committee

To: General Purposes Committee **Date:** July 9, 2018
From: Serena Lusk **File:** 06-2345-20-GCIT1/Vol
 General Manager, Community Services 01
Re: Garden City Lands Soils Deposit Fees Bylaw No.9900 and Consolidated Fees
 Bylaw No.8636, Amendment Bylaw No.9903

Staff Recommendation

That Garden City Lands Soils Deposit Fees Bylaw No. 9900 and Consolidated Fees Bylaw 8636, Amendment Bylaw No. 9903 be introduced and given first, second and third readings.

Serena Lusk
 General Manager, Community Services
 (604-233-3344)

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Law	<input checked="" type="checkbox"/>	
Finance	<input checked="" type="checkbox"/>	
Community Bylaws	<input checked="" type="checkbox"/>	
REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE	INITIALS: 	APPROVED BY CAO

Staff Report

Origin

At the May 14, 2018, Council meeting, the following recommendations were endorsed by Council as part of their consideration of the staff report titled “Garden City Lands Project Importation Fees Revenues – Update”:

1. *That the Chief Administrative Officer and General Manager, Community Services be authorized to enter into soil deposit agreements with private contractors for placement of soil required for the development and completion of the area currently licensed to Kwantlen Polytechnic University on the Garden City Lands (the “Lands”) as detailed in the staff report titled “Garden City Lands Project Importation Fees Revenues - Update,” dated April 20, 2018 from the General Manager, Community Services and provided the following:*
 - a. *That the protocols and quality control measures developed by the City and approved by the Agricultural Land Commission be implemented including testing at the source site, placement of top soil over subsoil and screening before placement on the lands to ensure that only the highest quality, uncontaminated material suitable for soil-based agricultural production be placed on the Lands;*
 - b. *That the soil is sourced, to the greatest extent possible, from Richmond, Delta and Surrey; and*
 - c. *That importation fees charged to suppliers closely reflect current market values and are regularly updated.*
2. *That all net revenues generated through tipping fees on the Lands be reinvested into the Lands for future project costs that are not eligible for Development Cost Charge funding, as detailed in the staff report titled “Garden City Lands Project Importation Fees Revenues - Update,” dated April 20, 2018 from the General Manager, Community Services.*
3. *That staff work with Kwantlen Polytechnic University and others to explore alternate farming methods such as paludiculture and windrows for future farming on the Garden City Lands.*

Following the decision by Council on May 14, 2018 to authorize the Chief Administrative Officer and General Manager, Community Services to enter into soil deposit agreements with private contractors for placement of soil, the appropriate Bylaws are required to meet the legislative requirements of the *Community Charter*.

The purpose of this report is to present Council with the Garden City Lands Soils Deposit Fees Bylaw No. 9900 and Consolidated Fees Bylaw 8636, Amendment By No. 9903 (collectively, the “Bylaws”). The Bylaws are intended to provide the means by which the City can accept soil and charge a soil deposit fee to qualified soil providers supplying soil to the Garden City Lands (the “Lands”) as outlined in this report. Under sections 8(3)(m) and 195(1)(b) of the *Community Charter*, Council may, by bylaw, impose rates or level of fees for soil deposits. The language

used in this section requires that a bylaw be enacted for the deposit of soil and for charging fees for the deposit of soil. Further, 195(1)(b) is generally interpreted as calling for a level of specificity in setting rates. Accordingly, the Bylaws define fixed soil deposit rates for 2018.

This report supports Council's 2014-2018 Term Goal #7 Strong Financial Stewardship:

Maintain the City's strong financial position through effective budget processes, the efficient and effective use of financial resources, and the prudent leveraging of economic and financial opportunities to increase current and long-term financial sustainability.

7.4. *Strategic financial opportunities are optimized.*

Analysis

With the adoption of the Bylaws, the City will be able to accept soil and charge soil deposit fees pursuant to agreements with qualified soil providers to supply soil to the Lands. The soil deposit fees have been determined based on 2018 market rates as per a survey of industry providers. City staff will consult with industry representatives throughout the Lower Mainland and Fraser Valley to ensure the fees are set to reflect current market rates. Provisions have been made in the fee bylaw to follow established City protocols for the review and approval of uncontaminated soils prior to importation to the Lands.

Financial Impact

Net revenue generated at the Lands will be used to support future Lands capital projects which will be included in the annual budget process.

Conclusion

The Bylaws presented with this report require Council's approval to impose a deposit fee for the soil imported to the Lands. With the adoption of the Bylaws, staff will contract suppliers in 2018 to facilitate the supply of soil to establish areas on the Garden City Lands for future agriculture production.

The Consolidated Fee Bylaw will be amended annually to reflect fluctuating market rates for soil. The rate of change will not follow the Consumer Price Index (CPI). With the importation of soil, the Lands will generate significant alternative revenues for the City. Revenues will be utilized to offset non-Development Cost Charge eligible works at the Lands.



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Research Planner 2
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Jamie Esko
Manager, Parks Planning, Design & Construction
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GARDEN CITY LANDS SOILS DEPOSIT FEES BYLAW NO. 9900

WHEREAS Council resolution dated May 14, 2018 (the “Council Resolution”) granted the authority upon the Chief Administrative Officer and the General Manager, Community Services to enter into Soil Deposit Agreements with private contractors for the placement of soil on the Garden City Lands required for the development of the Garden City Lands;

AND WHEREAS the Council Resolution stipulated that all net revenues generated through tipping fees on the Lands be reinvested into the Lands to offset any future project costs that are not eligible for Development Cost Charge funding;

AND WHEREAS Part 7, Division 2, Section 195 of the *Community Charter* confers upon the City authority to, by bylaw, impose fees for the deposit of soil on the Garden City Lands;

NOW THEREFORE, the Council enacts as follows:

PART ONE: SOIL DEPOSIT AGREEMENTS

1.1 The Chief Administrative Officer and the General Manager, Community Services may enter into Soil Deposit Agreements with private contractors for the placement of soil on the Garden City Lands provided such Soil Deposit Agreements contain provisions substantially similar to those set out in Schedule A, which is attached and forms part of this Bylaw.

PART TWO: TIPPING FEES FOR SOIL DEPOSITS ON THE LANDS

2.1 Every person who enters into a Soil Deposit Agreement with the City must pay to the City the applicable fees as specified in the *Consolidated Fees Bylaw No. 8636*.

PART THREE INTERPRETATION

3.1 In this bylaw, unless the context requires otherwise:

CITY means the City of Richmond.

COMMUNITY CHARTER means *Community Charter*, SBC 2003, c. 26, as amended or replaced from time to time.

GARDEN CITY LANDS

means the property located in the City between Westminster Highway, Alderbridge Way, Garden City Road and No.4 Road and commonly referred to as the Garden City Lands.

SOIL

means topsoil, sand, gravel, rock, silt, clay, peat or any other substance of which land is composed, or any combination thereof.

SOIL DEPOSIT AGREEMENT

means an agreement entered into between private contractor and the City for the supply and placement of soil on the Garden City Lands.

PART FOUR: SEVERABILITY AND CITATION

4.1 If any section, section, paragraph, clause or phrase of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.

4.2 This Bylaw is cited as “Garden City Lands Soil Deposit Fees Bylaw No. 9900”

PART FIVE: FEES BYLAW

5.1 The *Consolidated Fees Bylaw No. 8636*, as may be amended from time to time, applies to this Bylaw.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept. AK.
APPROVED for legality by Solicitor LB

MAYOR

CORPORATE OFFICER

SCHEDULE A TO BYLAW 9900

SOIL DEPOSIT AGREEMENTS

Each Soil Deposit Agreement will contain provisions to address the following:

- Environmental provision – each private contractor will deliver to the City all reports as determined appropriate by the City verifying that the soil being deposited meets BC Contaminated Sites Regulation (BC CSR) – Schedule 3.1, Column 4 standards for Agricultural Lands and is suitable for use on landscape and agricultural sites, a Phase 1 Environmental Site Assessment and additional relevant reports verifying that soil adheres to the ALC guidelines for soil quality.
- Inspection – the soil will be subject to inspection by the City and a Qualified Environmental Professional (QEP) designated by the City and in the case that the deposited soil is not in keeping with the terms of the Soil Deposit Agreement the private contract shall be responsible, at its own cost, for removing the soil and remediating any portions of land and/or groundwater affected as a result these actions.
- Insurance –the private contractor will be required to provide proof of general liability insurance coverage in an amount and on terms satisfactory to the City.
- Indemnity and Release – each private contractor will be required to indemnify and release the City from all claims, losses, damages, costs, actions and other proceedings occasioned by damage arising from any act or omission of the private contractor.
- Other provisions deemed necessary – the Soil Deposit Agreements will contain such other provisions as the Chief Administrative Officer and General Manager, Community Services deems appropriate.



**CONSOLIDATED FEES BYLAW NO. 8636,
AMENDMENT BYLAW NO. 9903**

The Council of the City of Richmond enacts as follows:

1. The **Consolidated Fees Bylaw No. 8636**, as amended, is further amended by adding Schedule A attached to and forming part of this bylaw as a schedule to Consolidated Fees Bylaw No. 8636, in alphabetical order.
2. This Bylaw is cited as “**Consolidated Fees Bylaw No. 8636, Amendment Bylaw No. 9903.**”

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept. <i>AK.</i>
APPROVED for legality by Solicitor <i>LB</i>

MAYOR

CORPORATE OFFICER

SCHEDULE – Garden City Lands Soils Deposit Fees

**Garden City Lands Soils Deposits Fees Bylaw No. 9900
Sections 2.1**

	Dump Truck Type	Approximate Volume per Load	2018 Fee
1	Tandem	7m ³	\$150
2	Tri-Tandem	9m ³	\$175
3	Truck + Transfer	12m ³	\$200