



# City of Richmond

## Report to Committee

**To:** General Purposes Committee

**Date:** October 2, 2013

**From:** Phyllis L. Carlyle  
General Manager

**File:** 12-8060-01/2013-Vol  
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**Re:** **Enhanced Soil Management in the Agricultural Land Reserve**

### Staff Recommendation

1. That the staff report titled Enhanced Soil Management in the Agricultural Land Reserve (dated October 2, 2103 from the General Manager, Law & Community Safety) be received for information.
2. That the proposed Soil Removal and Fill Deposit Regulation Bylaw No. 8094, Amendment Bylaw No. 9002 and Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 9003 and this report be sent to the Agricultural Advisory Committee for an opportunity to consider and comment.

Phyllis L. Carlyle  
General Manager  
(604.276.4104)  
Att.

REPORT CONCURRENCE			
<b>ROUTED TO:</b>	<b>CONCURRENCE</b>	<b>CONCURRENCE OF GENERAL MANAGER</b>	
Finance Division	<input checked="" type="checkbox"/>		
Law	<input checked="" type="checkbox"/>		
Policy Planning	<input checked="" type="checkbox"/>		
<b>REVIEWED BY DIRECTORS</b>	<b>INITIALS:</b> DW	<b>REVIEWED BY CAO</b>	<b>INITIALS:</b> 

## Staff Report

### Origin

This report provides information on the following three referrals from the January 28, 2013 Council meeting:

- 1. That staff be directed to prepare a bylaw amendment to Soil Removal and Fill Deposit Regulation Bylaw No. 8094 to provide that soil deposit and removal activities relating to existing “farm use” in the Agricultural Land Reserve will require a permit from the city and request that the ALC act on this commencing immediately;*
- 5. That staff be directed to review the authority and process for the Agricultural Land Commission to delegate to the City decision-making and enforcement relating to non-farm uses of land within the Agricultural Land Reserve, and in particular, in relation to soil deposit and removal;*
- 6. That staff be directed to review the authority and process for the Agricultural Land Commission to delegate to the City decision-making and enforcement relating to farm uses of land within the Agricultural Land Reserve and seek appropriate legislative changes;*

In addition, on April 8, 2013 Council approved the following:

- 1. That the proposed enhancement to the City’s permit and enforcement processes for soil management in the Agricultural Land Reserve, as presented in the staff report titled Fee and Enforcement Options for Soil Removal and Deposit Activities in the Agricultural Land Reserve from the General Manager, Law & Community Safety dated February 22, 2013, be approved in principle for the purpose of consultation;*
- 2. That the staff report be forwarded to the City’s Agricultural Advisory Committee for comment; and*
- 3. That staff prepare a public consultation process which takes into consideration comments received from the Agricultural Advisory Committee (AAC), and includes farmers, Agricultural Land Reserve (ALR) land owners, and members of the public.*

A summary of the public consultation process for charging additional fees for soil removal, the supporting proposed bylaw amendments and an exploration of the options to assume additional provincial responsibilities are set out in this report.

This report supports Council’s Term Goal #8: *to demonstrate leadership in sustainability through continued implementation of the City’s Sustainability Framework, which includes the continued commitment to the protection of the City’s Agricultural Land Reserve for future agricultural viability.*

## Analysis

### Ministerial Approval

At the January 28, 2013 meeting, Council gave first, second and third readings to *Soil Removal and Fill Deposit Regulation Bylaw 8094, Amendment Bylaw No. 8992* ("Bylaw 8992"). The amending bylaw repeals the permit exemption for soil removal or deposit associated with an existing "farm use" under the ALC Act or a "non-farm use" supported by a notice of intent under the Agricultural Land Commission Act ("ALC Act"). The more comprehensive permitting process will increase the City's ability to oversee activities in the Agricultural Land Reserve ("ALR").

In accordance with the requirements of the *Community Charter*, Bylaw 8922 was forwarded to the following provincial Ministries for review and approval:

- 1) Ministry of Community, Sport and Cultural Development;
- 2) Ministry of Environment; and
- 3) Ministry of Energy, Mines and Natural Gas.

All three ministries have now responded to the City and advised that they do not have concerns with the enactment of Bylaw 8992 and it would be appropriate for Council to consider adoption of the bylaw. This bylaw will be placed on a Council agenda for consideration for adoption.

### Soil Watch Program

As a result of the City's recently launched Soil Watch program, 36 signs have been placed in the agricultural area and a dedicated phone line to address calls for service was established. Since the start of the Soil Watch program related calls for service have averaged approximately 4 per month. There have been 30 soil investigations and a total of 5 soil fill applications thus far this year. All investigations have been conducted using existing resources.

### Public Consultation Process

A public consultation process was conducted to receive feedback on the options and implications of charging fees through a permitting system, in relation to the deposit and removal of soil in the ALR and enhanced enforcement through the hiring of specially trained enforcement staff.

The following is a summary of the feedback received:

1. Richmond's Agricultural Advisory Committee

As part of the consultation process, and with the fee and enforcement options relating to the removal and deposit activities in the ALR, the Agricultural Advisory Committee (AAC) provided the comments set out in **Attachment 1** but requested that they be afforded an opportunity to consider the results of the public consultation prior to providing final comments to Council.

## 2. Results of the Public Consultation Process

The public consultation process utilized is set out in **Attachment 2**.

A total of 94 survey forms were returned and the detached results are set out in **Attachment 3**.

A summary of the results are:

### a) ALR Ownership

- 44.0 percent of the respondents owned property within Richmond's ALR.
- 81.9 percent of respondents disagree or strongly disagree with maintaining the status quo.

### b) Level of Service

- 44.7 percent of respondents agree or strongly agree to an increased level of service with the service provided by one bylaw officer and one clerk but this figure is balanced by 37.2 percent of respondents who disagree or strongly disagree with moving forward with this staffing model.
- 80.9 percent of respondents agree or strongly agree or with improving enforcement by hiring two bylaw officers and one clerk to support a comprehensive soil management program.

### c) Fees and Fines

- 63.8 percent of respondents do not support the City's current flat rate fee schedule for the processing of soil and removal applications.
- 57.5 percent of respondents generally support an incremental fee schedule.
- 73.4 percent of respondents support the increased incremental fees.
- 92.6 percent of respondents support fines for unauthorized soil activity.

## 3. Ecowaste Comments

In addition, comments were received from Ecowaste Industries Ltd., a business stakeholder who holds 300 acres of land within the ALR (**Attachment 4**). Ecowaste Industries Ltd., is a landfill operation, in south east Richmond, which is regulated by both

the British Columbia Ministry of Environment (BCMOE) and the Agricultural Land Commission (ALC). In summary the company requests that Council consider that provisions relevant to farmland may not be appropriate for an on-going working landfill and is seeking that the bylaw recognize the differences. At this point staff are advising that the Ecowaste request is premature and that once Council has established a policy, staff will be better positioned to review the request and advise Council on how to best manage this concern.

#### 4. Conclusions

The public consultation indicates that a majority (80.9 %) agree or strongly agree with a comprehensive full time soil management program which will provide the City with the necessary enforcement resources to more effectively regulate and enforce soil deposit and removal activities with the addition of two bylaw officers and one clerk to the City's staff complement.

The additional staff could be potentially funded by the proposed permit fee system which is based on the volume of soil removed or deposited. To ensure that requested resources appropriately meet demand, a phased approach of initially hiring one bylaw officer and one clerk is proposed. Depending on the level of compliance, staff would report back on the program prior to hiring a second bylaw officer.

#### **Proposed Bylaw Amendments**

The proposed permit fee and penalties for soil removal and deposit activities associated with farm and non-farm uses contained in *Soil Removal and Fill Deposit Regulation Bylaw No. 8094*, *Amendment Bylaw No. 9002* ("Bylaw 9002") and *Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122*, *Amendment Bylaw No. 9003* ("Bylaw 9003") (**Attachment 5 and 6**) would allow the City to have a systematic approach to proactively monitor, investigate, enforce and penalize contraventions of soil removal and deposit requirements under the City's bylaw.

Bylaw 9002 provides for reduction in the application fee from \$600 to \$500 but an additional fee of \$0.50 per cubic metre of soil deposited or removed. The reduction in the application fee will align this cost with other Greater Vancouver area municipalities.

The annual revenue from this program is projected at \$100,000. The estimate is an approximation as it is dependent upon raw data obtained from neighbouring municipalities. The estimate does not take into account the variations in the bylaws, the geography, economic changes, and other unique characteristics specific to each of the municipalities.

The *Community Charter* provides that certain bylaws relating to soil removal require the approval of the Minister of Energy, Mines and Petroleum Resources and that certain bylaws relating to soil deposit require the approval of the Minister of Environment. Furthermore bylaws imposing a fee relating to soil removal or deposit require approval by the Minister of Community, Sport and Cultural Development. Following first, second and third readings of

Bylaws 9002 and 9003, the proposed bylaws must be forwarded to the three Provincial ministries for review and approval before adoption.

Proposed Bylaw 9002 would implement the proposed permit requirements outlined in the following table:

### Permit Requirements

<b>Volume*</b> (cubic metres)	<b>Approval</b>	<b>Proposed Fee</b>	<b>Insurance Required</b>	<b>Security Required</b>	<b>Advise AAC</b>	<b>Council Approval Required</b>
0-15	No permit or notification required	N/A	No insurance required	No security required	No	No
16-100	No permit required Notification required	No Fee	No insurance required	No security required	No	No
101 – 35,000	Permit required	\$500.00 application fee plus 0.50 per cubic meter	\$5,000,000	\$20/cubic metre (max. \$10,000)	Yes	No
35,000+	Permit required	\$500.00 application fee plus 0.50 per cubic meter, plus \$300.00 (ALC portion of non- farm use application)	\$5,000,000	\$20/cubic metre (max. \$10,000)	Yes	Yes

\*in any consecutive 12-month period.

In addition, proposed Bylaw 9002 includes the following changes & additions:

1. Permit holders must maintain a daily record of soil removal or deposit activities.
2. For permits for volumes exceeding 500 cubic metres, the permit holders would be required to not only maintain a daily record of soil removal or deposit activity but also to report this information back to the City on a monthly basis. These records and reports will allow City personnel to better track soil removal and deposit activities and to confirm that permit conditions are being met.

3. The owner must post, at the main access point of a property, a notice of soil removal or deposit activity if the volume is between 16 and 100 cubic metres or a valid permit if the removal or deposit is in excess of 100 cubic metres per year. This signage, in conjunction with the Soil Watch Program, will assist local residents and City personnel to be more aware of soil activities on a property.
4. For volumes ranging from 101 to 35,000 cubic metres the applicant, prior to the issuance of a permit, will be required to provide comprehensive liability insurance valid for the duration of the permit. The "101 to 35,000 cubic metres" parameters we set after conducting comparisons with other local municipalities. The insurance policy shall have a limit of not less than Five Million Dollars (\$5,000,000) for loss, damage, injury or death arising out of any one occurrence.
5. For volumes ranging over 35,000 cubic metres approval will be required from Council.
6. In addition the driver of a vehicle carrying out soil removal or deposit activities and those alleged to contravene the bylaw will be required to provide identification to City bylaw officers.
7. The offences and penalties section of Bylaw 8094 is amended to permit violation tickets to be issued for non-compliance with certain provisions in Bylaw 8094, including requirements under a permit. Proposed Bylaw 9003 sets out the amount of the penalties for violation tickets. Currently, the City is only able to pursue violations of Bylaw 8094 through prosecution in the Provincial Court, which is a lengthy and expensive process.

For clarity, a version of Bylaw 8094 incorporating the changes in amending Bylaw 8992 and 9002 is set out in **Attachment 7**.

Comparisons made with other local municipalities indicate that the proposed bylaw amendments not only equate to or exceed the provisions found in other municipalities, but also appropriately addresses specific issues for the City (**Attachment 8**).

### **Delegation of Agricultural Land Commission (ALC) Decision-Making and Enforcement**

Pursuant to the Council direction of January 28, 2013, a meeting was held with the ALC to discuss the authority and process for the ALC to delegate to the City decision-making and enforcement related to both farm and non-farm uses of land within the ALR, and in particular in relation to soil deposit and removal.

#### Farm Use

The ALC cannot delegate its decision making powers regarding whether a proposal from a property owner within the ALR is a farm use or is not a farm use. Only the ALC can decide whether a proposal is a farm use and therefore does not require a non-farm use application. In addition, the ALC cannot delegate its ability to enforce for farm use matters.

### Non-Farm Use Applications

The ALC has the authority to enter into a delegation agreement with a local government to authorize the local government to exercise the ALC's powers to decide applications relating to non-farm use of ALR land. Under the ALC Act, aside from typical farm activity, uses that are not specifically permitted under the regulations are considered non-farm uses. This includes soil removal and deposit activities outside normal farm practices (i.e. not exempted under the ALC regulations). Without a delegation agreement, applications for non-farm use must proceed through a process that starts with an application to the local government. If the local government is in agreement with the application, it is forwarded to the ALC for a final decision to refuse or approve the application, or approve the application with terms and conditions. The ALC would then enforce its decision and any related terms or conditions. With a delegation agreement, the local government would be able to make and enforce its decision without having to forward the application to the ALC but when exercising the ALC's powers under a delegation agreement, the local government must make decisions according to the purpose of the ALC Act (notably, preserving agricultural land and encouraging and enabling farming). All decisions of a local government under a delegation agreement are considered decisions of the ALC. Decisions of Council cannot conflict with the purpose of the ALC Act or their policies.

To date, the following entities have delegation agreements with the ALC: (1) Regional District of Fraser-Fort George; 2) Regional District of East Kootenay; and 3) Oil and Gas Commission.

If the City is interested in entering into a delegation agreement, the ALC and the City would have to identify the scope and extent of the delegation. For example, the delegation can apply to all non-farm use applications or only certain types of non-farm use applications (i.e., soil removal and deposit activities, or apply only to certain ALR areas within the City). The delegation agreement would address issues such as the responsibilities of the City, monitoring, reporting, transition, enforcement, training, information sharing, term of the delegation, renewal and cancellation.

Entering into a delegation agreement with the ALC would provide the City greater control over the approval of non-farm use applications (or the types of non-farm use decisions delegated under the agreement) and the City would be able to impose terms and conditions without relying on the ALC. However, the City would still have to make decisions consistent with the ALC's policies.

The significant disadvantage of a delegation agreement is that ALC will not be providing any financial contribution to the City for taking on this decision-making or enforcement authority. As such, additional City resources would be needed to process the application and enforce any terms or conditions imposed by Council. Council and City staff would still be bound by ALC policies.

A quantification of the level of resources required to assume this new role would require further discussion with the ALC.



### Designation as “Official” under the ALC Act and Regulations

The ALC has advised that they could designate City employees as an “official” under the ALC Act for the purposes of enforcement of ALC Act and regulation provisions. Under the ALC Act, the definition of “official” includes “a person who is designated by name or title by the chief executive officer [of the ALC] to be an official”. ALC staff interprets this to mean that the person does not need to be an employee of the ALC, (i.e. the “official” can be a City employee).

If a City employee is designated as an “official” under the ALC Act, the employee would have the following enforcement powers:

1. enter onto land for the purposes of ensuring compliance with the ALC Act and regulations;
2. make surveys, analyses, inspections, examinations or soil tests that are necessary for determining the current use of the land, the suitability of the land for farm use, or the potential impact of proposed changes to the use of the land;
3. remove soil samples for tests or other analyses;
4. inspect any records, things or activities reasonably required for an inspection;
5. make copies of records or documents reasonably required for an inspection;
6. order a person to produce a record or thing in the person’s possession; and
7. issue stop work orders for contraventions of the ALC Act or regulations.

“Stop Work Orders” issued by a City employee as an “official” under the ALC Act are subject to review by the ALC’s chief executive officer and then appeal to the ALC. Also, the authority to impose penalties for contraventions of the ALC Act or regulations remains with the ALC’s chief executive officer and would not rest with Council. The challenge would be that the information that rests in the control of the ALC may not be readily available to City staff faced with an alleged contravention of the ALC Act or regulations. Thus, there is a risk that stop work orders issued by a designated City employee might conflict with the decisions of ALC staff.

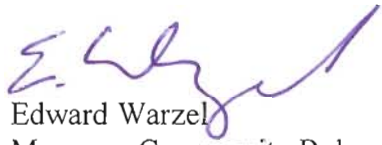
Although these additional powers would be helpful in managing difficult situations where there is ambiguity as to whether the City’s bylaw applies or not, as with the delegation of decision-making relating to non-farm use applications, the ALC would not be able to provide any funds to the City for taking on its enforcement powers and it is anticipated that functionally there may not be the systems and protocols in place to permit timely information to flow between the ALC and the City. Furthermore, most of the enforcement powers listed above are already available to city bylaw officers for enforcement of City bylaws.

### **Financial Impact**

There is no financial impact at this time. Anticipated financial resources required to fund this new program will be considered during the 2014 budget process and can be found in **Attachment 9**.

**Conclusion**

This report provides an analysis of the feedback received from the public consultation process, a proposed permitting enforcement model and proposed bylaw amendments to better address soil removal/deposit activities and fill practices in the ALR. The report also provides information related to the adoption of an enforcement model and the amendment of bylaws to address soil offences that will enhance the delivery of educational programs allowing the City to effectively manage soil related issues in the ALR.



Edward Warzel  
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**EW:ebw**

**RICHMOND'S AGRICULTURAL ADVISORY COMMITTEE (AAC) COMMENTS**  
**May 16, 2013**

The City of Richmond's Agricultural Advisory Committee recommends and supports the following comments be considered by the City on the proposed fee and enforcement options for soil removal and deposit activities in the ALR:

- The status quo of how soil fill activities are currently managed is not acceptable and the AAC supports actions to enhance and improve soil management programs and permitting processes in the ALR.
- Permits involving fill operations (ranging from 101 to 35,000 cubic metres) need to be separated into a farm use and non-farm use categories.
- Any monitoring documents and follow-up reports prepared by the appropriate professional or proponent should be a requirement to submit to the City as part of any permitting process.
- Development of an enhanced soil management program for Richmond's farm land is of critical importance to maintaining agricultural viability. As a result, development and operation of a soil management program should not be dependent on the collection of revenue through the permitting options and fees presented.
- Committee members supported the development of soils criteria that could be applied to proposed fill permits to ensure that only high-quality materials that support farming are considered through the permitting process.
- AAC supports the appropriate allocation of staffing and supporting resources to implement an enhanced soil management program in Richmond.
- Members support continued discussion between the City and ALC to facilitate delegation of decision making authority for soil fill/removal activities to the City.
- AAC requests to receive information from any public surveys and comments arising from the upcoming public consultation so that the Committee can consider this information prior to providing final comments on this matter to Council.

## **ENHANCED SOIL MANAGEMENT IN THE AGRICULTURAL LAND RESERVE**

### **PUBLIC PARTICIPATION PROGRAM PROCESS**

Staff undertook the following components of the public participation program to receive feedback in relation to movement and management of soil in the City's Agricultural Land Reserve:

1. A media release was issued to promote and encourage public input into the process and public advertisements were placed in the local paper-Richmond Review.
2. A dedicated web page was established on the City's web site outlining: the public participation program in general terms with a link to the City's Let's Talk Website which provided participants with;
  - a) the report to Council;
  - b) the May 16, 2013 presentation to the AAC and the AAC's comments;
  - c) a link to the City's Soil Removal and Fill Deposit Regulation Bylaw 8094; and
  - d) an on-line survey/feedback-residents were encouraged to submit their thoughts on-line or in writing using the supplied feedback form which was available at both City Hall and the open house throughout the consultation process.
3. Posters advertising the open house were distributed to community centres, aquatic facilities and local coffee shops. On July 5, 2013, approximately 4,000 letters were mailed out to ALR land owners inviting them to the public open house. Throughout this period the City's Facebook page and website notified residents of the meeting.
4. A public open house held on Tuesday July 23, 2013 at City Hall.





A total of 94 survey forms were returned through the public consultation process. A summary of the findings is provided below.

## Questions

### 1. Option 1 – Status Quo

In the absence of a City employee dedicated to soil management within the Agricultural Land Reserve (ALR), the City only responds reactively, when the public makes an inquiry or complaint to the City's Community Bylaws office. Non-farm use soil processing applications are administered by an employee who already has full-time managerial duties and responsibilities.

The implications of the current process would include the continuance of a reactive bylaw enforcement model. This model would maintain current services levels absent of preventative patrols and field inspections that normally prevent illegal activity such as soil contamination and the reduction of soil quality. In addition, the current process for soil applications is lengthy.

There are no additional costs associated with the current process as the service has been absorbed through internal funding from the Community Bylaws operational budget.

**I would like Council to remain with the Status Quo Option:**

☐ Strongly Agree    ☐ Agree    ☐ Neutral    ☐ Disagree    ☐ Strongly Disagree

### Survey Results:

Comment	# Responses	%
Strongly Agree	6	6.4
Agree	5	5.3
Neutral	1	1.1
Disagree	5	5.3
Strongly Disagree	72	76.6
Left blank	5	5.3
<b>TOTAL</b>	<b>94</b>	<b>100</b>

The survey responses indicate that 81.9 percent of respondents strongly disagree or disagree with Council remaining with the status quo.

## 2. Option 2 – Better Enforcement:

Comparisons made with other local municipalities indicate that soil bylaw enforcement occurs in both the Metro Vancouver and the Fraser Valley regions. A review of four municipalities near Richmond found that all have an employee(s) dedicated to soil management and enforcement.

Option 2 proposes an increased level of service and requires hiring:

- (A) one bylaw officer, and
- (B) one clerk

The implications of Option 2 include some preventative patrolling, field inspections, an enhanced soil watch program, as well as more efficient permit processing. Option 2 does not provide coverage during a bylaw officer's absence (vacation time, illness, court or regular days off.)

Option 2 is estimated to cost \$239,000 annually.

**I would like Council to approve Option 2.**

☐ Strongly Agree    ☐ Agree    ☐ Neutral    ☐ Disagree    ☐ Strongly Disagree

### Survey Results:

Comment	# Responses	%
Strongly Agree	14	14.9
Agree	28	29.8
Neutral	9	9.6
Disagree	13	13.8
Strongly Disagree	22	23.4
Left blank	8	8.5
<b>TOTAL</b>	<b>94</b>	<b>100</b>

The survey responses indicate that 44.7 percent of respondents agree or strongly agree with Council approving enforcement option 2 which proposes an increased level of service and requires hiring:

- (C) one bylaw officer, and
- (D) one clerk

It is important to note that while the majority of respondents agree with the approval of enforcement option 2, the survey results also indicate that 37.2 percent of respondents strongly disagree or disagree with Council moving forward with enforcement option 2.

### 3. Option 3 – Most Enforcement

Option 3 offers a comprehensive full time soil management program – a further increase to service levels and requires hiring:

- (A) two bylaw officers, and
- (B) one clerk

The implications of Option 3 include regular preventative patrols, field inspections, and an enhanced soil watch program. Option 3 would provide for coverage when one of the officers is absent (vacation time, illness, court or regular days off.)

Option 3 is estimated to cost \$329,000 annually.

**I would like Council to approve Option 3.**

☐ Strongly Agree    ☐ Agree    ☐ Neutral    ☐ Disagree    ☐ Strongly Disagree

#### Survey Results:

Comment	# Responses	%
Strongly Agree	70	74.4
Agree	6	6.4
Neutral	1	1.1
Disagree	2	2.1
Strongly Disagree	11	11.7
Left blank	4	4.3
<b>TOTAL</b>	<b>94</b>	<b>100</b>

The survey responses indicate that 80.9 percent of respondents strongly agree or agree with Council approving enforcement option 3 which proposes a comprehensive full time soil management program – a further increase to service levels and requires hiring:

- (C) two bylaw officers, and
- (D) one clerk



**To develop and implement an effective soil management program, the City's permit fees and enforcement fines must be reviewed.**

#### **Incremental Soil Removal and Deposit Fees**

Currently, the City charges a flat rate of \$1,200 for each soil removal and deposit activity permit in the ALR, of which \$300 goes to the Agricultural Land Commission. The City is reviewing alternative ways to charge incremental fees for permits. This approach could provide some revenue to assist in minimizing soil removal and deposit enforcement costs. For more information on the proposed fees see display boards 9 and 10.

#### **4. I support the City's current flat rate fee schedule.**

☐ Strongly Agree ☐ Agree ☐ Neutral ☐ Disagree ☐ Strongly Disagree

#### Survey Results:

Comment	# Responses	%
Strongly Agree	3	3.2
Agree	8	8.5
Neutral	7	7.5
Disagree	13	13.8
Strongly Disagree	47	50.0
Left blank	16	17.0
<b>TOTAL</b>	<b>94</b>	<b>100</b>

The survey responses indicate that 63.8 percent of respondents do not support the City's current flat rate fee schedule.

#### **5. In general, I support an incremental fee schedule.**

☐ Strongly Agree ☐ Agree ☐ Neutral ☐ Disagree ☐ Strongly Disagree

#### Survey Results:

Comment	# Responses	%
Strongly Agree	25	26.6
Agree	29	30.9
Neutral	6	6.4
Disagree	7	7.4
Strongly Disagree	11	11.7
Left blank	16	17.0
<b>TOTAL</b>	<b>94</b>	<b>100</b>

The survey responses indicate that 57.4 percent of respondents generally support an incremental fee schedule.



**6. I support the City's proposed incremental fee schedule (see display board 10)**

☐ Strongly Agree ☐ Agree ☐ Neutral ☐ Disagree ☐ Strongly Disagree

**Survey Results:**

Comment	# Responses	%
Strongly Agree	59	62.8
Agree	10	10.6
Neutral	7	7.4
Disagree	1	1.0
Strongly Disagree	6	6.4
Left blank	11	11.7
<b>TOTAL</b>	<b>94</b>	<b>100</b>

The survey responses indicate that 73.4 percent of respondents support the City's proposed incremental fee schedule.

**Proposed City Fines**

The City places priority on achieving compliance with its regulatory bylaws, through education, mediation and as necessary, progressive enforcement and prosecution.

Currently, to address bylaw violations infractions, the City is limited to prosecuting offenders in the Provincial Court (as per Bylaw 8094 and the ALC Act) which is a lengthy and expensive process.

The City proposes enhanced enforcement tools in the form of levying fines for unauthorized fill activity. Enforcement provisions and fines should be significant enough to encourage the removal of unauthorized fill as well as land remediation.

**I support City fines for unauthorized soil activity.**

☐ Strongly Agree ☐ Agree ☐ Neutral ☐ Disagree ☐ Strongly Disagree

**Survey Results:**

Comment	# Responses	%
Strongly Agree	82	87.2
Agree	5	5.3
Neutral	1	1.0
Disagree	0	0
Strongly Disagree	2	2.1
Left blank	4	4.3
<b>TOTAL</b>	<b>94</b>	<b>100</b>

The survey responses indicate that 92.6 percent of respondents support City fines for unauthorized soil activity.

**I own property within the Agricultural Land Reserve in Richmond.**

☐ - 41 Yes ☐ - 53 No

## Other Comments/Suggestions

1. Peat area not viable for agriculture
2. Charge fees for material deposited on all land not just ALR lands (2 respondents)
3. Tree Farms do not need fill
4. Start with one officer then consider effectiveness, requires close management and review / is a full time dedicated officer required? The City should consider assigning other bylaws to this position not soil alone
5. Service demand has been dropping from a total of 42 in 2010 to 26 in 2012 the \$13,000 cost per investigation is not justified
6. Salaries seem high, must be sustainable. Can fees sustain costs for bylaw officers? (2 respondents)
7. AAC should have stronger conflict of interest policies x 3
8. Lower the allowed cubic meters before having to go before Council x 2
9. Farm preservation activities should be proactive not reactive
10. Stop allowing giant homes on ALR land x 4
11. AAC minutes should be posted on City Website for ease of reference by the public
12. Farms should be farmed, those not farming their land should pay higher taxes (3 respondents)
13. 35,000 cubic meters too high lower to 101-1000
14. Fines need to be implemented immediately and be significant. Fines should be incremental reflecting the degree of activity and should be retroactive. Also fines need to be a deterrent and City should have a good plan for recouping unpaid fines (liens on lands and/or non payment charged back to taxes with remediation at the cost of the owner). (7 respondents)
15. Higher Bonds need to be implemented (3 respondents)
16. Too many expensive projects take priority over preserving farmland e.g. museums, seniors pavilion...
17. Active farmers should be allowed to bring in peat and clean fill all year round no restrictions. Cranberry farmers required to apply fill as part of good business practices fill must meet a high standard - active farmers should not require permits. (3 respondents)
18. Compliance Officers should be available Mon-Sat 7 am to 7 pm (2 respondents)
19. Budget for litigation is required (2 respondents)

### Other Comments/Suggestions

20. Asphalt not acceptable material not even for farm roads.
21. City needs fill transfer station
22. Use volunteers like the RCMP Aux Officers
23. Agree with the AAC comments of May 16, 2013
24. Require formal written request for removal of illegal fill with ability to enforce (work stop order)  
(2 respondents)
25. Prefer my taxes to be spent on preserving farmland rather than up keeping the Oval (respondent wanted to make note that they do not own land in the ALR)
26. The ALC should have limited authority over ALR Lands within Municipalities
27. Issue should be handled by Permit Division with bonds and charges to the owners
28. ALR cannot be protected without effective management of the soil - bylaw needs teeth.
29. Council seems to be complacent on this issue
30. Respondent attached a copy of July 2013 issue of the "Fisherman" Newspaper outlining views on page 8



July 31, 2013

City of Richmond  
6911 No 3 Road  
Richmond, BC V6Y2C1

**Attention: Ed Warzel, Manager, Community Bylaws**

**Dear Sir:**

**RE: Comments on Proposed Changes to Soil Bylaw - Ecowaste Industries**

Thank you for the opportunity to see more about the proposed changes to the Soils Management Bylaw at your Open House on July 23<sup>rd</sup>. Ecowaste has a number of comments and observations on the proposal and potential impacts that we believe should be considered before finalizing the Bylaw.

We feel that this Bylaw, coupled with a stronger Soil Watch program, will certainly help in protecting agricultural lands from being used for materials not deemed suitable for farming activities, and to deal with illegal dumping. We understand and support Richmond's efforts to find additional resources to monitor and manage inappropriate fill activities on ALR land within Richmond. Richmond's concerns for the most part are with those filling operations that are permitted as an outright use in the Agricultural Land Reserve (ALR) under the Agricultural Land Commission (ALC) Regulations not requiring approval from either the ALC or Richmond. We are different because we need ALC and Ministry of Environment (MoE) approvals thus Richmond need not be as concerned with filling operations requiring approved from these provincial agencies.

As the owner of the Ecowaste Landfill in south east Richmond, holding both industrial-zoned land (170 acres) and agricultural-zoned land within the ALR (300 acres), we are interested in, and affected by, the proposed Bylaw. The services our facility provides to government, to industry, and the general public have been aimed at assisting Richmond (and the region) to ensure appropriate disposal is available for many of the otherwise inappropriate fill materials and poor quality soils that sometimes end up on farmland. As noted above we are regulated by the B.C. MoE and the ALC on the ALR portion of our property. We provide an option for proper disposal of these waste materials, through an application process, careful analysis of empirical data to ensure the materials meet published standards, and specific approvals to manage those materials.

While a portion of our landfill is located within the ALR our operation is a landfill, not a farm, and we feel it should be treated differently than farmland within the ALR. We are not asking that the landfill be exempt from the Bylaw; only that the Bylaw recognize that some provisions that may be relevant to a working farm or vacant farmland may not be appropriate for a working landfill. Examples of Bylaw provisions that should not apply to a landfill include any annual restrictions on the type of fill allowed or amount of fill, any deposit fee other than that provided for in the general landfill approval, or how long a permit may last. We note that the ALR portion must meet all ALC conditions to ensure that the land is suitable for agricultural use upon completion of the landfill operation, which will fully address the types of concerns Richmond is attempting to address in its proposed Bylaw for farm properties.

Focusing any bylaw changes on 'farm use' in the ALR would recognize there are significant differences between a farmer depositing fill to prepare or enhance agricultural operations and a commercial landfill operator depositing construction, demolition and excavation waste in a landfill, as is the case with Ecowaste. We note the January 28 directive from Council was to consider bylaw changes to address soil deposit and removal activities related to existing 'farm use' in the ALR, so Council has already recognized the need to treat non-farm uses in the ALR such as Ecowaste quite differently.

My specific comments with respect to the Proposed City Soil Permit Requirements are as follows:

1. The permit system appears to be project driven and does not consider the needs of on-going operations such as Ecowaste.
2. Focusing on the annual soil fill volume category of 35,000 cubic meters per year, we understand the desire/need for a permit and the application fee(s). However, in the case of Ecowaste, the additional fee per cubic meter would be layered on fees already paid to the Province and Metro Vancouver for our Operational Certificate and License Fees. These additional fees will serve to increase our charges to the consumer, and could have the unintended consequence of actually encouraging illegal dumping, potentially creating more damage to farmland and more work and expense for Richmond staff, and other agencies throughout the region, to manage.
3. For an operation of our size the security requirement suggested is very onerous. Our operation already pays fees to the Ministry of Environment (including bonding) as well as bonding to the ALC. We feel this additional burden will increase our costs with the same unintended consequences noted above.
4. With respect to the permit process going through the Agricultural Advisory Committee (AAC) and requiring Council Resolution, we understand the desire to inform these groups and seek feedback and approval. However, the process for doing this is not clear and should not be interpreted as something that will have to be done on an annual basis. This is an onerous process for us, staff, the AAC and Council if it is required to be done annually. Staff should consider, for ongoing operations, whether this needs to be done so frequently. An alternate approach might be to either exempt a landfill operation from the process (our preference), or perhaps consider a period equal to the years remaining in the ALC or MoE approval, with annual reports to Richmond.
5. We concur with Council that the proposed Bylaw apply only to the deposit of fill on farmland in the ALR, and suggest it only apply to active farm uses of the land, not landfills.

Thank you for the opportunity to comment and contribute to this discussion. If you have any questions or wish to discuss any of the points raised above in further detail I can be reached at the contact information below.

Yours truly,



**Tom Land**

Vice President & General Manager, Ecowaste Industries Ltd.

200 - 10991 Shellbridge Way,

Richmond, BC, V6X3C6

Tel: (604) 249-1977

Fax: (604) 270-4185

Cell: (604) 614-9019

[tland@graymont.com](mailto:tland@graymont.com)



**Soil Removal and Fill Deposit Regulation Bylaw No. 8094,  
Amendment Bylaw No. 9002**

The Council of the City of Richmond enacts as follows:

1. Soil Removal and Fill Deposit Regulation Bylaw No. 8094, as amended, is further amended:
  - (a) by deleting paragraph 3.2.1(b) and substituting the following:
    - “(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,
 provided there is compliance with sections 5.2.1 and 5.2.2 of this bylaw.
  - (b) by deleting paragraph 4.1.1(a) and substituting the following:
    - “(a) a non-refundable application fee of Five Hundred Dollars (\$500), plus \$0.50 per cubic metre of soil proposed to be **deposited** to or **removed** for a **parcel**,”
  - (c) by deleting the heading “**4.2 Security**” and substituting “**4.2 Security and Insurance**”;
  - (d) by adding the following after section 4.2.2:
    - “4.2.3 Prior to the issuance of a **permit**, every applicant shall provide to the **Manager** proof of comprehensive liability insurance valid for the duration of the **permit**, which insurance policy shall have a limit of not less than Five Million Dollars (\$5,000,000) for loss, damage, injury or death arising out of any one occurrence, name the **City** as additional insured and contain such other terms and conditions satisfactory to the **City’s** Risk Manager.”
  - (e) by adding the following after paragraph 4.3.1(d):
    - (e) for an application for a **permit** to **deposit** or **remove** more than 35,000 cubic metre of **soil**, the proposed **deposit** or **removal** has been approved by **Council**,

- (f) by adding the following after section 4.5.1:

**“4.6 Compliance Reports**

4.6.1 Every **permit** holder shall maintain a daily record of **deposit** or **removal** activity, which record include the following information:

- (a) date and time of **deposit** or **removal**;
- (b) licence plate of truck **depositing** or **removing** soil and whether a trailer is used;
- (c) quantity of the **deposit** or **removal**; and
- (d) address of source of **deposit** or destination of **removal**.

4.6.2 For **deposit** or **removal** greater than five hundred (500) cubic metres, except where the proposed **deposit** or **removal** will be completed within one (1) month from the date the **permit** is issued, the **permit** holder shall maintain monthly reports, certified by an engineer, agrologist or hydrologist, regarding the progress of the **deposit** or **removal** and setting out the following information:

- (a) the quantity of **deposit** or **removal** for the previous month and the total cumulative quantity for the duration of the **permit** up to the current month; and
- (b) the location of the **deposit** or **removal** on the **parcel**.

4.6.3 Upon request by the **Manager**, the **permit** holder shall immediately provide to the **Manager** the daily record under section 4.6.1 and/or the monthly report under section 4.6.2.”

- (g) by adding the following after section 5.1.1:

**“5.2 Submission of Notice and Display of Permit or Notice**

5.2.1 Where the exemption in section 3.2.1(b) of this bylaw applies, the owner must complete and submit the “Soil Removal or Fill Deposit Notice”, in the form set-out in Schedule “B” of this bylaw, to the **Manager** at least thirty (30) days prior to the **deposit** or **removal**.

5.2.2 During **deposit** or **removal** activity on a **parcel**, a completed Soil Removal or Fill Deposit Notice or a valid **permit** shall be clearly and visibly displayed at the main access point to the **parcel**.

**5.3 Identification**

5.3.1 Upon request by the **Manager** or a **City** Bylaw Enforcement Officer:

- (a) the driver or operator of a vehicle or any equipment being used for **deposit** or **removal** activity, or the person in charge of the vehicle or equipment, shall provide his or her full name and current address (including photo identification to verify this information), the full name and current address of the owner of the vehicle or equipment, the full name and current address of the person directing the **deposit** or **removal** activity, and the addresses of the **parcel** or **parcels** to or from which the **deposit** or **removal** is being transported; and
  - (b) a person who has allegedly contravened any provision of this bylaw shall provide his or her full name and current address and photo identification to verify this information.”
- (h) by adding the following after section 7.1.1:
- “7.1.2 A violation of any of the provisions identified in this bylaw shall result in liability for penalties and late payment amounts established in Schedule A of the Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122.
- 7.1.3 A violation of any of the provisions identified in this bylaw shall be subject to the procedures, restrictions, limits, obligations and rights established in the Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122 in accordance with the *Local Government Bylaw Notice Enforcement Act, SBC 2003, c.60.*”
2. This Bylaw is cited as **“Soil Removal And Fill Deposit Regulation Bylaw No. 8094, Amendment Bylaw No. 9002”**.

FIRST READING

SECOND READING

THIRD READING

MINISTER APPROVALS

ADOPTED

\_\_\_\_\_  
MAYOR\_\_\_\_\_  
CORPORATE OFFICER

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





**City of  
Richmond**

**Bylaw 9003**

**Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122,  
Amendment Bylaw No. 9003**

The Council of the City of Richmond enacts as follows:

1. Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, as amended, is further amended at Part One – Application by adding the following after section 1.1(l):  
  
“(m) Soil Removal and Fill Deposit Regulation Bylaw 8094, as amended,”
2. Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, as amended, is further amended by adding to the end of the table in Schedule A of Bylaw No. 8122 the content of the table in Schedule A attached to and forming part of this bylaw.
3. This Bylaw is cited as **“Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 9003.”**

FIRST READING

SECOND READING

THIRD READING

ADOPTED

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER

CITY OF RICHMOND
APPROVED for content by originating Division  <i>SLW.</i>
APPROVED for legality by Solicitor  <i>he</i>

**SCHEDULE A to BYLAW NO. 9003****SCHEDULE A to BYLAW NO. 8122****Designated Bylaw Contraventions and Corresponding Penalties**

<b>A1 Bylaw</b>	<b>A2 Description of Contravention</b>	<b>A3 Section</b>	<b>A4 Compliance Agreement Available</b>	<b>A5 Penalty</b>	<b>A6 Early Payment Option</b>	<b>A7 Late Payment Amount</b>	<b>A8 Compliance Agreement Discount</b>
	<b>Period of Time from Receipt (inclusive)</b>		n/a	29 to 60 days	1 to 28 days	61 days or more	n/a
Soil Removal and Fill Deposit Regulation Bylaw 8094 (2007)	Soil deposit or removal without valid permit	3.1.2	No	\$ 500.00	\$ 475.00	\$ 525.00	n/a
	Not complying with term or condition of permit	3.1.2	No	\$500.00	\$475.00	\$525.00	n/a
	Permit holder fails to maintain daily record of soil removal or deposit activity	4.6.1	No	\$300.00	\$275.00	\$325.00	n/a
	Permit holder fails to maintain monthly report of soil removal or deposit activity	4.6.2	No	\$300.00	\$275.00	\$325.00	n/a
	Permit holder fails to provide daily record or monthly report	4.6.3	No	\$300.00	\$275.00	\$325.00	n/a
	Deposit or remove soil or fill between the hours of 8:00 p.m. and 7:00 a.m.	5.1.1(a)	No	\$500.00	\$ 475.00	\$ 525.00	n/a
	Deposit or remove soil or fill on a Sunday or any statutory holiday	5.1.1(b)	No	\$500.00	\$ 475.00	\$ 525.00	n/a

A1 Bylaw	A2 Description of Contravention	A3 Section	A4 Compliance Agreement Available	A5 Penalty	A6 Early Payment Option	A7 Late Payment Amount	A8 Compliance Agreement Discount
	Failing to properly license and insure vehicle used for hauling soil or fill	5.1.1(c)	No	\$200.00	\$175.00	\$225.00	n/a
	Failing to cover soil or fill to prevent blowing or falling from vehicle	5.1.1(d)	No	\$300.00	\$275.00	\$325.00	n/a
	Failing to repair damage to drainage, watercourse, highway or other property	5.1.1(e)	No	\$500.00	\$475.00	\$525.00	n/a
	Failing to keep drainage or watercourse free of soil or fill	5.1.1(f)	No	\$500.00	\$475.00	\$525.00	n/a
	Removal or deposit greater than 0.5 metre within 2.5 metre of utility pole, pipeline, structure or highway without approval	5.1.1(g)	No	\$500.00	\$475.00	\$525.00	n/a
	Removal or deposit soil or fill on highway, statutory right-of-way or easement without permission	5.1.1 (h)	No	\$500.00	\$475.00	\$525.00	n/a
	Failure to remove temporary structures	5.1.1 (i)	No	\$200.00	\$175.00	\$225.00	n/a
	Failure to adequately fence or protect hazards	5.1.1 (j)	No	\$500.00	\$475.00	\$525.00	n/a
	Failure to protect from erosion, collapse, or run-off water or mud	5.1.1 (k)	No	\$300.00	\$275.00	\$325.00	n/a

A1 Bylaw	A2 Description of Contravention	A3 Section	A4 Compliance Agreement Available	A5 Penalty	A6 Early Payment Option	A7 Late Payment Amount	A8 Compliance Agreement Discount
	Stockpiling soil or fill other than location in permit or causing damage or nuisance	5.1.1 (l)	No	\$300.00	\$275.00	\$325.00	n/a
	Allow soil to encroach, undermine, damage or endanger adjacent property or setback area	5.1.1 (m)	No	\$400.00	\$375.00	\$425.00	n/a
	Failure to limit or mark permitted soil removal or deposit area	5.1.1 (n)	No	\$300.00	\$275.00	\$325.00	n/a
	Failure to display notice or permit	5.2.2	No	\$500.00	\$ 475.00	\$ 525.00	n/a
	Driver fail to provide required information	5.3.1(a)	No	\$200.00	\$175.00	\$225.00	n/a
	Person or owner fail to provide name, address or photo identification	5.3.1(b)	No	\$200.00	\$175.00	\$225.00	n/a
	Prevent or obstruct entry by Manager	6.1.2	No	\$500.00	\$ 475.00	\$ 525.00	n/a
	Failure to comply with notice of non-compliance	6.2.1	No	\$500.00	\$ 475.00	\$ 525.00	n/a



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**Soil Removal and Fill Deposit Regulation Bylaw No. 8094**

The Council of the City of Richmond enacts as follows:

**PART ONE – 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 TWO – 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*.

**FILL**

means a deposit comprised of **soil** or **permitted material** or combination thereof.

**GUIDELINES FOR FARM PRACTICES INVOLVING FILL**

means the document published by the *Ministry of Agriculture and Lands*, which outlines standard practices of agricultural **fill**, as amended.

**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*.

**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.

**PERMITTED MATERIAL**

includes:

- (a) any material that is listed in the *Guidelines for Farm Practices Involving Fill*, or that is used as specified in the *Guidelines for Farm Practices Involving Fill*;

- (b) any material not specified in (a) that is certified in writing, as a standard farm practice, by a **Professional Agrologist** in a form acceptable to the **Manager**; and
- (c) any material that is authorized for **deposit** as **fill** at a specified location by the Commission pursuant to Section 20 (3) of the *Agricultural Land Commission Act*, as amended.

**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.

**PROVINCIAL ENACTMENT**

means an enactment of the Province of British Columbia.

**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;

**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 THREE – RESTRICTIONS AND EXEMPTIONS**

### **3.1 Restrictions**

- 3.1.1 Subject to a **Provincial enactment** and any procedure, authorization or permission thereunder, no person shall **deposit soil**, or cause, suffer or permit the **deposit** of **soil** on any land within the **agricultural land reserve** except in accordance with this bylaw.

- 3.1.2 Except as otherwise provided in this bylaw, but subject to any procedure, authorization, or permission respecting activity regulated under an applicable **Provincial enactment**, 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** from the City, and every such deposit or removal shall conform in all respects to the requirements and regulations of this bylaw and the terms and conditions of the **permit**.

### 3.2 Exemptions

- 3.2.1 Despite Section 3.1.2, a **permit** is not required where the **deposit** or **removal**:

(a) ~~REPEALED~~

- ~~(a) (i) is related to, or carried out in connection with, an existing “farm use” or “non farm use” supported by a “Notice of Intent”, as defined in the *Agricultural Land Commission Act* and submitted and acknowledged pursuant to that Act;~~
- ~~(ii) is for an approved **farm** practice as defined in the *Guidelines for Farm Practices Involving Fill* 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;

provided there is compliance with sections 5.2.1 and 5.2.2 of this bylaw.

- (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 FOUR – PERMIT APPLICATION PROCESS

### 4.1 Application Requirements

- 4.1.1 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 Five Hundred Dollars (\$500), plus \$0.50 per cubic metre of soil proposed to be deposited to or removed for a parcel;~~
- ~~(a) a non-refundable application fee of Six Hundred Dollars (\$600.00);~~
- (b) a security deposit in accordance with the requirements of Section 4.2.1;
- (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.

## **4.2 Security and Insurance**

### **4.2 Security**

- 4.2.1 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 4.1.1 (c)(ii) and Section 4.1.1(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**.
- 4.2.2 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 Agrologist** and the **Professional Engineer** providing applicable documentation under Section 4.1.1(c)(ii) and Section 4.1.1(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.

4.2.3 Prior to the issuance of a **permit**, every applicant shall provide to the **Manager** proof of comprehensive liability insurance valid for the duration of the **permit**, which insurance policy shall have a limit of not less than Five Million Dollars (\$5,000,000) for loss, damage, injury or death arising out of any one occurrence, name the **City** as additional insured and contain such other terms and conditions satisfactory to the **City's** Risk Manager.

## **4.3 Permit Issuance**

- 4.3.1 Subject to Section 4.3.2, 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;

- (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 parcels or the public, or damage or injury to persons or property;
- (e) for an application for a **permit** to **deposit** or **remove** more than 35,000 cubic metre of soil, the proposed **deposit** or **removal** has been approved by **Council**.

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

4.3.2 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.

For the purposes of making a determination under this section, the **Manager** may require an applicant to obtain a report by a **professional engineer**, scientist, technician or other person qualified under a **Provincial enactment** to make an assessment or recommendation on the matter and the **Manager** may refuse, limit, or impose conditions on a **permit** based on information or advice provided in such a report or reports.

#### 4.4 Expiry

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

#### 4.5 Renewal, Extension or Modification

4.5.1 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, except where the extraction or processing of aggregate or minerals is being carried out pursuant to a valid permit issued under the *Mines Act* or other **Provincial enactment**, in which circumstance a **permit** may be renewed as required, but continues to be subject to all other terms and conditions of this bylaw and other applicable enactments;
- (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.

#### **4.6 Compliance Reports**

##### **4.6.1 Every **permit** holder shall maintain a daily record of **deposit** or **removal** activity, which record include the following information:**

- (a) date and time of **deposit** or **removal**:**
- (b) licence plate of truck **depositing** or **removing** soil and whether a trailer is used;**
- (c) quantity of the **deposit** or **removal**; and**
- (d) address of source of **deposit** or destination of **removal**.**

##### **4.6.2 For **deposit** or **removal** greater than five hundred (500) cubic metres, except where the proposed **deposit** or **removal** will be completed within one (1) month from the date the **permit** is issued, the **permit** holder shall maintain monthly reports, certified by an engineer, agrologist or hydrologist, regarding the progress of the **deposit** or **removal** and setting out the following information:**

- (a) the quantity of **deposit** or **removal** for the previous month and the total cumulative quantity for the duration of the **permit** up to the current month; and**



- (b) the location of the **deposit** or **removal** on the **parcel**.  
 4.6.3 Upon request by the **Manager**, the **permit** holder shall immediately provide to the **Manager** the daily record under section 4.6.1 and/or the monthly report under section 4.6.2.

## PART FIVE – REGULATIONS

### 5.1 Regulations

- 5.1.1 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 a.m. 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**.

5.1.2 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.

## **5.2 Submission of Notice and Display of Permit or Notice**

5.2.1 Where the exemption in section 3.2.1(b) of this bylaw applies, the owner must complete and submit the "Soil Removal or Fill Deposit Notice", in the form set-out in Schedule "B" of this bylaw, to the **Manager** at least thirty (30) days prior to the **deposit** or **removal**.

5.2.2 During **deposit** or **removal** activity on a **parcel**, a completed Soil Removal or Fill Deposit Notice or a valid **permit** shall be clearly and visibly displayed at the main access point to the **parcel**.

## **5.3 Identification**

5.3.1 Upon request by the **Manager** or a **City** Bylaw Enforcement Officer:

- (a) the driver or operator of a vehicle or any equipment being used for **deposit** or **removal** activity, or the person in charge of the vehicle or equipment, shall provide his or her full name and current address (including photo identification to verify this information), the full name and current address of the owner of the vehicle or equipment, the full name and current address of the person directing the **deposit** or **removal** activity, and the addresses of the **parcel** or **parcels** to or from which the **deposit** or **removal** is being transported; and
- (b) a person who has allegedly contravened any provision of this bylaw shall provide his or her full name and current address and photo identification to verify this information.

## PART VI – ADMINISTRATION

### 6.1 Right of Entry for Inspection

- 6.1.1 Subject to any requirements of a **Provincial enactment**, 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. For certainty, any entry by the **Manager** to a site that is a “mine” for the purposes of the *Mines Act* must be conducted in compliance with the entry provisions of the Health, Safety and Reclamation Code for Mines in British Columbia under the *Mines Act*.
- 6.1.2 No person shall prevent or obstruct or attempt to prevent or obstruct the **Manager** from entering upon **parcels** as authorized by Section 6.1.1.

### 6.2 Notice of Non-compliance

- 6.2.1 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**.

### 6.3 Failure to Remedy Non-Compliance

- 6.3.1 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 **parcel** 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.

### 6.4 Suspension or Cancellation of Permit

- 6.4.1 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:

**GP - 47**



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

## 6.5 Right of Reconsideration

- 6.5.1 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.
- 6.5.2 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.
- 6.5.3 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 SEVEN – OFFENCES AND PENALTIES

### 7.1 Offences and Penalties

- 7.1.1 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.

7.1.2 A violation of any of the provisions identified in this bylaw shall result in liability for penalties and late payment amounts established in Schedule A of the Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122.

7.1.3 A violation of any of the provisions identified in this bylaw shall be subject to the procedures, restrictions, limits, obligations and rights established in the Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122 in accordance with the Local Government Bylaw Notice Enforcement Act, SBC 2003, c.60.

**PART EIGHT – SEVERABILITY AND CITATION**

**8.1 Severability**

8.1.1 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.

**8.2 Citation**

8.2.1 This Bylaw is cited as “**Soil Removal And Fill Deposit Regulation Bylaw No. 8094**”.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

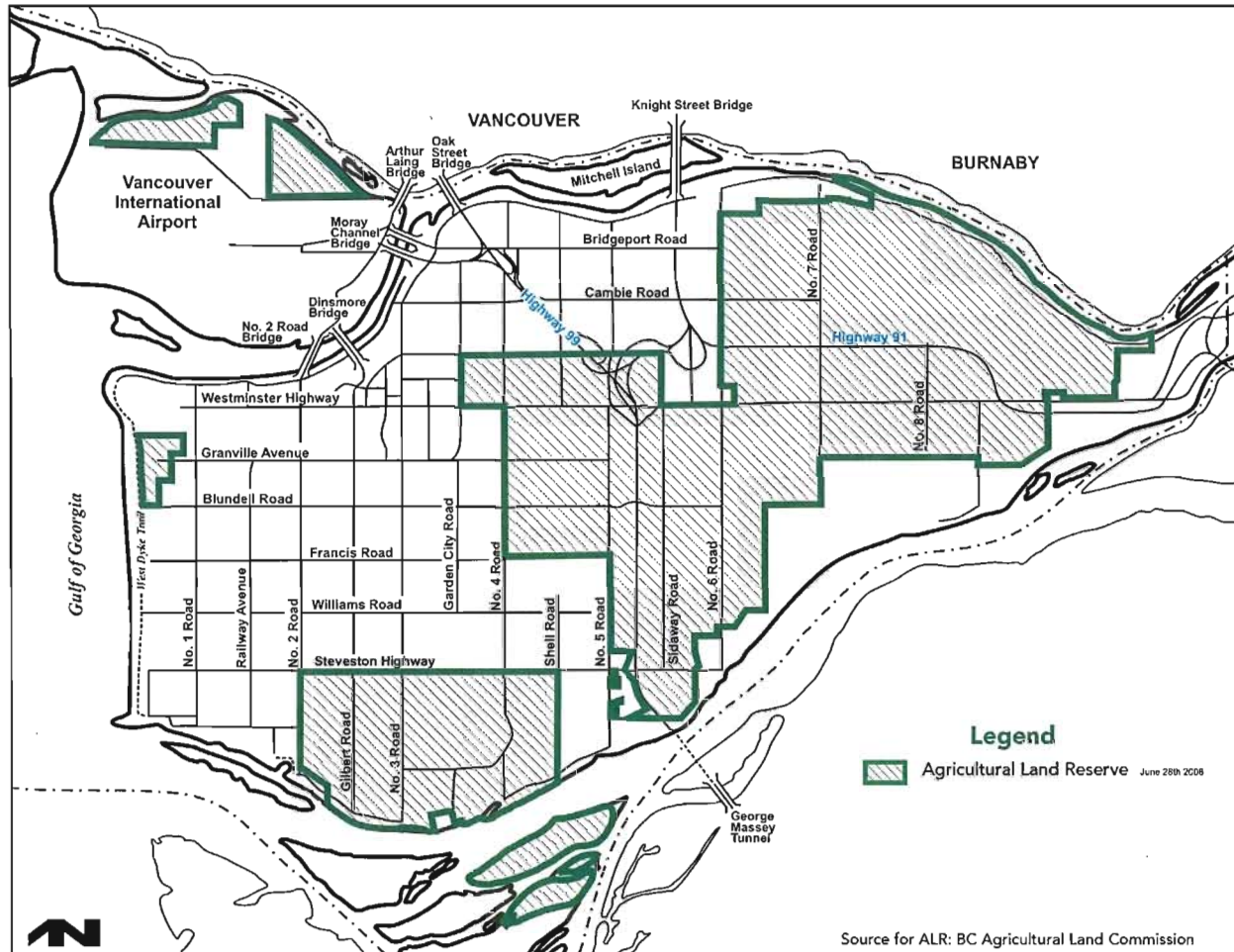
_____	CITY OF RICHMOND
_____	APPROVED for content by originating dept.
_____	APPROVED for legality by Solicitor
_____	

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER

# SCHEDULE A to BYLAW NO. 8094

## Agricultural Land Reserve City of Richmond



**SCHEDULE B to BYLAW NO. 8094****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 *Guidelines for Farm Practices Involving Fill (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 to BYLAW NO. 8094**

Page 1 of 2

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

☐ Application to remove soil☐ Application to deposit fill

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

Address of Property or Legal Description _____  Size of Property / Parcel: _____ hectares Current Use of Property: _____  
---

Adjacent Uses: North: \_\_\_\_\_  
East: \_\_\_\_\_  
South: \_\_\_\_\_  
West: \_\_\_\_\_

Total Project Area: \_\_\_\_\_ hectares  
Volume of Soil or Fill: \_\_\_\_\_ cubic metres  
Depth of Soil or Fill: \_\_\_\_\_ metres  
Duration of Project: \_\_\_\_\_ weeks / months

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

\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

Proposed Reclamation Measures (for soil removal projects)

\_\_\_\_\_  
\_\_\_\_\_

**SCHEDULE C to BYLAW NO. 8094**

Page 2 of 2

**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) \_\_\_\_\_

\_\_\_\_\_

Are you hereby undertaking to provide a security deposit as outlined in  
Section 4.2.1 of the City's Soil Removal and Fill Deposit Regulation Bylaw  
No 8094 (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. 6366 ☐ 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 4.1

**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

# Other Municipal Program Comparisons

Municipality	Monitoring Activity	Permits Issued	Fees Charged	Staffing Resources	Soil Watch Program
City of Abbotsford	40 active sand and gravel pits. Proactive monitoring of active/permitted sites conducted by Public Works Inspectors. Permit applications reviewed and processed by the Manager of Engineering Inspections and Permits. Projects involving 20,000 cubic meters or more must go before Council.	Soil permit	Currently no application fee. Report going forward to consider charging application fee plus royalties. 0.67 per cubic meter charged from source site only. No level for charges, all fill activity is subject to permit fee. \$600.00 fee for non-farm use application - \$300.00 forwarded to ALC once approved by Council	1 Manager 1 RFT Public Works Inspector 2 RPT Public Works Inspectors 1 Clerical Staff	Yes
Corporation of Delta	Permitted sites required to provide daily log sheet of soil deposits to Delta. Proactive monitoring of sites by 9 Bylaw Officers.		\$500.00 application fee plus 0.50 per cubic meter for all soil projects over 100 cubic meters. Security bond/deposit for soil deposition \$5.00/meter In addition \$300.00 for the ALC portion for non-farm use application which is only taken from the applicant once the project receives Council approval to be forwarded to the ALC	1 RFT Bylaw Officer In addition sites monitored by all general duty officers (8) in specific zones. Permits processed by Bylaw Supervisor in conjunction with City Planner.	Yes

Municipality	Monitoring Activity	Permits Issued	Fees Charged	Staffing Resources	Soil Watch Program
City of Surrey	<p>Bylaw Officer closely monitors permitted sites for soils and erosion sediment activity.</p> <p>Engineering Technologist processes and issues permits, in addition the Technologist monitors the projects in the field making sure that permitted fill sites are in compliance with the conditions.</p> <p>All fill projects over 100 cubic meters are forwarded to the Engineering Technologist.</p> <p>All fill projects over 35,000 cubic meters go through the City's non-farm use application process requiring Council Resolution and ALC approval.</p>	Soil Permit	<p>\$580.00 flat fee for a "farm use" permit. (permit is required for fill projects over 100 cubic meter and valid for 1 year applicants may apply for renewal but must pay an additional \$580.00 each year).</p> <p>In addition Surrey charges 0.57 per cubic meter for aggregate extraction operations only.</p> <p>Applicants must pay the additional \$300.00 for the ALC portion if the project is a "non-farm use" application.</p> <p>Security bond/deposit for soil deposition \$5.00/meter</p>	<p>1 RFT Bylaw Officer</p> <p>1 RFT Engineering Technologist</p>	Yes
Township of Langley	<p>Monitor soil concerns on complaint based only - soils hotline.</p> <p>Officers able to issue a stop work order and bylaw violation notices through the adjudication system.</p> <p>Penalties include fill w/o permit, deposit or removal, filling on stat holidays or weekends, affecting</p>	Soil Permit	<p>\$250.00 regular application permit fee. Plus 0.50 per cubic meter charged on anything over 100 cubic meters.</p> <p>Security bond of \$1000.00 minimum can be higher based on project.</p> <p>In addition \$300.00 for the ALC portion for non-farm use application which is only taken from the applicant if the project once the project receives</p>	2 RFT Bylaw Officers	Yes (telephone number is also forwarded to Officer's email address)



Municipality	Monitoring Activity	Permits Issued	Fees Charged	Staffing Resources	Soil Watch Program
Township of Langley (continued)	<p>drainage, causing run offs into City ditches.</p> <p>A Soil declaration is required for all projects including building. The declaration must show where source sites are.</p> <p>All projects over 600 cubic meters must go to Council.</p> <p>Township provides proponent with a sign that must be erected at the project site and requires 48 hours notice from the land owner prior to start of project.</p>		Council approval to be forwarded to the ALC.		

## Financial Analysis

All financial figures are based on numbers as presented in the staff report titled Fee and Enforcement Options for Soil Removal and Deposit Activities in the Agricultural Land Reserve from the General Manager, Law & Community Safety dated February 22, 2013. However the numbers have been adjusted to reflect projected salary increases.

The Enforcement Program Options 2 and Option 3 below outline the financial impacts expected for 2014. As stated a phased approach of initially hiring one bylaw officer and one clerk (option 2) will be undertaken with a review of the program prior to the hiring of a second bylaw officer (option 3). Option 3 is supported through the public consultation process and a phased approach is recommended by staff.

### Option 2

#### Capital Costs (One Time):

Initial purchase cost of vehicle	\$ 35,000
Two office workstations (Workstations, phones, computers, office supplies, etc...)	\$ 20,000
Total:	\$ 55,000

#### Operating Costs (Net On-going):

One full time bylaw officer	\$ 82,870
One department associate clerk	\$ 64,823
Operating costs for vehicle (fuel, insurance, Maintenance and replacement)	\$ 12,000
Overtime for callouts	\$ 10,000
Agrologist or Geo Technician	\$ 5,000
Soil Watch Educational Program (Without materials, pamphlets, etc...)	\$ 10,000
General Operating Expenses	\$ 2,500
Total Operating Costs:	\$ 187,193

<b>Total Expenses</b>	<b>\$ 242,193</b>
Offsetting Permits and Fees (See "Permit Fees" below)	\$ 100,000
Total Tax Base Funded Cost Option 2	\$ 142,193

### Option 3

#### Capital Costs (One Time):

Initial purchase cost of vehicle	\$ 35,000
2.5 office workstations (Workstations, phones, computers, office supplies, etc...)	\$ 25,000
Total:	\$ 60,000

## Attachment 9

Operating Costs (Net On-going):	
Two full time bylaw officers	\$ 165,740
One department associate clerk	\$ 64,823
Operating costs for vehicle (fuel, insurance, Maintenance and replacement)	\$ 12,000
Overtime for callouts	\$ 10,000
Agrologist or Geo Technician	\$ 5,000
Soil Watch Educational Program (Without materials, pamphlets, etc...)	\$ 12,000
General Operating Expenses	\$ 3,500
<hr/>	
Total Operating Costs:	\$ 273,063
<hr/>	
Total Expenses	\$ 333,063
Offsetting Permits and Fees (See "Permit Fees" below)	\$ 100,000
<hr/>	
Total Tax Base Funded Cost Option 2	\$ 233,063

Option 3 is supported through the public consultation process and a phased approach is recommended by staff. Subject to Council's approval, the option selected will be included in the 2014 budgeting process.