



To: General Purposes Committee **Date:** August 4, 2021
From: Cecilia Achiam **File:** 12-8080-12-01/Vol 01
General Manager, Community Safety
Re: **Soil Removal & Fill Deposit Regulation Bylaw No. 8094, Amendment Bylaw 10293**

Staff Recommendation

That Soil Removal & Fill Deposit Regulation Bylaw No. 8094, Amendment Bylaw 10293 be introduced and given first, second, and third readings.

Cecilia Achiam
General Manager, Community Safety
(604-276-4122)

Att. 1

REPORT CONCURRENCE	
ROUTED TO:	CONCURRENCE
City Clerk	<input checked="" type="checkbox"/>
Law	<input checked="" type="checkbox"/>
SENIOR STAFF REPORT REVIEW	INITIALS:
APPROVED BY CAO 	

Staff Report

Origin

On July 26, 2021, City Council adopted Soil Deposit and Removal Bylaw No. 10200 (“Bylaw 10200”). With the adoption of Bylaw 10200, it is unnecessary for the City to retain Soil Removal and Fill Deposit Regulation Bylaw No. 8094 (“Bylaw 8094”).

The purpose of this report is to recommend that Council repeal Bylaw 8094 through the adoption of Soil Removal & Fill Deposit Regulation Bylaw 8094, Amendment Bylaw 10293 (Attachment 1).

This report supports Council’s Strategic Plan 2018-2022 Strategy #2 A Sustainable and Environmentally Conscious City:

Environmentally conscious decision-making that demonstrates leadership in implementing innovative, sustainable practices and supports the City's unique biodiversity and island ecology.

2.1 Continued leadership in addressing climate change and promoting circular economic principles.

2.2 Policies and practices support Richmond’s sustainability goals.

2.3 Increase emphasis on local food systems, urban agriculture and organic farming.

Analysis

At the February 8, 2021, Council meeting, staff presented the report “Draft New Soil Deposit and Removal Bylaw”, dated January 11, 2021. Following discussion, Council provided a referral to staff to consult with the Food Security and Agricultural Advisory Committee (FSAAC) and other stakeholders, to reconsider recommendations for security bonds and bring forward a new bylaw for adoption. In response to this, and following consultation with FSAAC, staff finalized Bylaw 10200 which is intended to replace Bylaw 8094.

At the April 26, 2021, Council meeting, Council provided first, second and third readings for Bylaw 10200. Subsequent to Council’s decision, staff forwarded Bylaw 10200 to the Minister of Environment and Climate Change Strategy requesting approval or direction that approval was not required. On July 19, 2021, the Minister’s office confirmed that the Minister’s approval was not required (Attachment 2).

On July 26, 2021, Council provided final adoption of Bylaw 10200. The adoption of Bylaw 10200 has removed the necessity to retain Bylaw 8094 and as such staff confirm that Bylaw 8094 should be repealed.

Staff have consulted with FSAAC, B.C. Cranberry Growers Association and staff from the Agricultural Land Commission, Ministry of Agriculture, Food and Fisheries, Ministry of Energy, Mines and Low Carbon Innovation, and the Ministry of Environment and Climate Change Strategy.

As a replacement to Bylaw 8094, Bylaw 10200 strengthens the regulatory framework encompassing all lands in the City. Regulations and requirements within Bylaw 10200 will support and enhance protection for Council endorsed strategies such as the Ecological Network Management Strategy, Farming First Strategy, Flood Protection Management Strategy 2019 and the Invasive Species Action Plan.

Financial Impact

None.

Conclusion

This report introduces Amendment Bylaw 10293 to repeal Soil Removal & Fill Deposit Regulation Bylaw No. 8094 following the decision from the Ministry of Environment and Climate Change Strategy on July 19, 2021 that the Minister's approval was not required and Council's subsequent adoption of Soil Deposit and Removal Bylaw No. 10200 on July 26, 2021.



Mike Morin
Soil Bylaw Officer
(604-204-8625)

CA:mm

Att. 1: Ministry of Environment and Climate Change Strategy letter to COR re. Soil Bylaw No. 10200 (19 July 2021)



Reference: 377199

July 19, 2021

His Worship Mayor Malcolm D. Brodie
and Councillors
City of Richmond
6911 No. 3 Road
Richmond BC V6Y 2C1

Sent via email: mayorandcouncillors@richmond.ca

Dear Mayor Brodie and Council:

Thank you for forwarding a copy of the proposed City of Richmond Soil Deposit and Removal Bylaw No. 10200 to the Ministry of Environment and Climate Change Strategy.

The *Community Charter* gives local governments broad powers to regulate activities within their communities, subject to compliance with provincial laws. Section 9 of the *Community Charter* introduces this concept of “concurrent regulatory authority.” The legislation recognizes that in four areas or “spheres” both local governments and the Province have a shared interest in regulating activities. Concurrent regulatory authority applies to the following local government bylaws:

- Public health;
- Protection of the natural environment;
- Wildlife; and
- The prohibition of soil removal, or the prohibition of the deposit of soil or other material making reference to quality of the soil or material or to contamination.

The Minister of Environment and Climate Change Strategy has been designated as the minister responsible for dealing with bylaws that prohibit soil deposit. This means that a bylaw that prohibits the deposit of soil or other material, and that makes reference to the quality of the soil or material or to contamination, cannot be adopted unless approved by the Minister or by regulation or agreement with the local government. To date, no regulations or agreements address soil deposit, soil quality, and contamination.

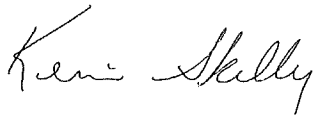
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Staff have reviewed the bylaw and do not believe that it requires approval by the Minister of Environment and Climate Change Strategy. As always, we advise you to confirm with your lawyers your course of action regarding bylaw development.

Thank you again for contacting our ministry.

Sincerely,

A handwritten signature in cursive script that reads "Ken Skelly".

for Alan W. McCammon
Manager, Remediation Assurance & Brownfields
Environmental Protection Division

cc: Mike Morin, Soil Bylaw Officer, City of Richmond



Soil Removal & Fill Deposit Regulation Bylaw 8094, Amendment Bylaw 10293

The Council of the City of Richmond enacts as follows:

- 1. Soil Deposit and Fill Deposit Regulation Bylaw No. 8094 is hereby repealed.
2. This Bylaw is cited as "Soil Removal & Fill Deposit Regulation Bylaw 8094, Amendment Bylaw 10293".

FIRST READING

SECOND READING

THIRD READING

ADOPTED

Four horizontal lines for signatures corresponding to the reading stages.

Approval stamp: CITY OF RICHMOND, APPROVED for content by originating dept. (with signature), APPROVED for legality by Solicitor (with signature).

MAYOR

CORPORATE OFFICER