



**Council Member Report
For the Council Meeting of March 24, 2016**

To: Council

Date: March 22, 2016

From: Councillors Isitt and Loveday

Subject: AVICC Resolution: Respect for Local Government Authority Relating to Contaminated Soils

Background:

In January 2016, Victoria City Council approved a resolution indicating that the City “supports the residents of Shawnigan Lake, Cowichan Tribes, and the Cowichan Valley Regional District in calling on the Province of British Columbia to invoke the precautionary principle and respect the need for meaningful local government input by revoking the permit for the property at 460 Stebbings Road in Shawnigan Lake.” The resolution also requested that “contaminated site regulations be amended to provide for thorough and appropriate consideration of local government input and land use regulations in the contaminated soils permitting process.”

Since Council approved this resolution, the BC Supreme Court issued a ruling on March 21, 2016 upholding the Cowichan Valley Regional District’s zoning bylaw that prohibits the disposal of contaminated soils on the property at 460 Stebbings Road (see attachment A, BC Supreme Court decision in *Cowichan Valley (Regional District) v. Cobble Hill Holdings Ltd.*, 2016 BCSC 489). It was the Court’s decision to uphold the Regional District’s interpretation of the zoning bylaw, however the Provincial government retains the ability to intervene through Order-in-Council.

It is therefore recommended that Victoria City Council endorse the following emergency resolution for consideration at the upcoming conference of the Association of Vancouver Island and Coastal Communities, encouraging the Province to respect local government land use authority relating to the disposal of contaminated soils.

Recommendation:

THAT Council endorse the following resolution for consideration as an emergency resolution at the 2016 annual conference of the Association of Vancouver Island and Coastal Communities:

Respect for Local Government Authority Relating to Contaminated Soil Disposal

WHEREAS the BC Supreme Court upheld local government land use authority with respect to the disposal of contaminated soils in the case of *Cowichan Valley (Regional District) v. Cobble Hill Holdings Ltd.*, 2016 BCSC 489;

AND WHEREAS the risk remains that local government land use regulations relating to disposal of contaminated soils may be overridden by Provincial Order-in-Council;

THEREFORE BE IT RESOLVED THAT the Association of Vancouver Island and Coastal Communities calls on the Province of British Columbia to respect local government land use authority and provide for thorough and appropriate consideration of local government input and land use regulations in the contaminated soils permitting process.

Respectfully submitted,



Councillor Ben Isitt



Councillor Jeremy Loveday

Attachment:

Cowichan Valley (Regional District) v. Cobble Hill Holdings Ltd., 2016 BCSC 489