

NO: R093

COUNCIL DATE: May 30, 2011

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## REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **May 30, 2011**

FROM: **General Manager, Engineering**

FILE: **4520-80**

SUBJECT: **Soil Permit Applications Policy**

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## RECOMMENDATION

The Engineering Department recommends that Council:

1. Receive this report as information; and
2. Adopt the policy titled "Soil Permit Applications Policy" (the "Policy"), which is attached to this report as Appendix I.

## INTENT

The purpose of this report is to obtain Council approval of a new policy that clarifies application requirements for soil extraction and/or deposit permits and how such applications will be processed.

## BACKGROUND

Applications for the deposition and/or extraction of soil on lands within the City are regulated under the Surrey Soil Conservation and Protection By-law, 2007, No. 16389 (the "Soil By-law"). Applications for soil deposition on lands within the Agricultural Land Reserve are also regulated by the Agricultural Land Commission, through the *Agricultural Land Commission Act*. Applications for soil extraction are also regulated by the Ministry of Energy, Mines and Petroleum Resources, through the *Mines Act*.

Currently in accordance with the Soil By-law only applications to deposit soil within the Agricultural Land Reserve (ALR) and applications involving more than 1,000 cubic metres of soil extraction are forwarded to Council for decision. Also in accordance with the Soil By-law, applications for soil extraction involving more than 1,000 cubic metres of soil are subject to a Public Hearing.

## DISCUSSION

The City typically issues approximately 20 soil deposit permits per year with volumes varying between 1,000 and 100,000 cubic metres. The City has only received and issued one permit for the soil extraction in the last five years.

With a view to establishing a process that will assist in ensuring a consistent approach to addressing soil deposit and extraction applications, staff has prepared a draft policy titled “Soil Permit Applications Policy”, which is attached as Appendix I to this report. The following sections describe the substance of the proposed Policy.

### **Permit Application Requirements**

Soil operations can have negative impacts on watercourses, groundwater, and engineering infrastructure due to adjustments to the topography. Soil operations can also negatively impact the community in relation to traffic impacts, visual impact, dust, dirt and/or noise. These potential impacts are exacerbated by the significant timeframe over which soil operations generally run.

To ensure that all community, engineering, and environmental considerations are addressed in the application review process, the proposed Policy sets out the minimum information that must be submitted with each application as follows:

- A summary of the current land use on the lot to which the application applies and a summary of the proposed land use after the deposition or extraction of soil is complete;
- An operating plan that will be applicable for the duration of the operation including the hours of operation and processes that will be followed in relation to staging;
- An erosion and sediment control plan;
- A traffic management plan; and
- A stormwater control plan prepared by a Professional Engineer;

In addition to the above-referenced minimum requirements, depending on site and application characteristics, the following additional information may also be requested:

- A geotechnical assessment of the lot and the proposed operation by a Professional Engineer or Professional Geoscientist;
- A hydrological (groundwater) assessment of the proposed operation by a Professional Engineer or Professional Geoscientist;
- An environmental assessment by a Qualified Environmental Professional;
- An agrology assessment of the proposed operation by a Professional Agrologist;
- A tree inventory and related protection plan for the operation by an Arborist;
- Approval from the Department of Fisheries and Oceans, the Ministry of Energy, Mines and Petroleum Resources, and the Ministry of Environment as may be necessary in relation to addressing matters that fall within the jurisdiction of these Ministries; and
- A working agreement with local special interest groups (e.g., the Semiahmoo Fish and Game Club for the Little Campbell River watershed).

### **Permit Applications within the ALR**

The Policy references that applications for the deposition or extraction of soil on an area of a lot in excess of 2,000 square metres (0.2 hectares) within the Agricultural Land Reserve (ALR) will be considered by Council in advance of being forwarded to the Agricultural Land Commission for their consideration as the Agricultural Land Commission expects the application to have the support of the local government before it considers the merits of the application from an agricultural perspective.

## **Public Hearing Requirement**

The majority of permit applications for the deposition and extraction of soil relate to lots outside the ALR.

Based on experience, staff has determined that soil permits involving 35,000 cubic metres or more on any lot require more careful review in relation to impacts on City infrastructure, the environment, and nuisance to the community related to traffic disruption, visual impact, dust, dirt, or noise.

Currently only extraction applications involving more than 1,000 cubic metres are subject to a Public Hearing under the Soil By-law. On this basis, the proposed Policy contains a provision that a soil permit application will be subject to a Public Hearing when it is not associated with an in-stream or completed land development application and when it involves:

- soil deposition of more than 35,000 cubic metres on any lot; and/or
- soil extraction of more than 1,000 cubic metres from any lot.

## **Permit Applications in Association with a Land Development Application**

Based on the experience of the last 5 years, 10 applications for soil deposition or extraction have been issued for lots that have been subject to a development application but where the related rezoning by-law has not yet received third reading. These applications are typically focused on modifying lot grading for the proposed development on the lot. Occasionally these applications require other permits such as tree removal permits to accommodate the soil operation.

To ensure that land development applications are generally supported before any soil deposition or extraction is undertaken on the development site, the Policy establishes the following provisions:

- No soil permit application will be issued in relation to such a lot until the related rezoning by-law has received third reading; and
- In any case where the soil permit application requires the issuance of a tree removal permit to allow for the soil operation, no soil permit will be issued in relation to such application until the related rezoning by-law has received final reading and, where applicable, a development permit has been issued for the development on the lot to which the permit will apply; and
- Where a soil permit is to be issued for a lot for which there is an in-stream land development application, the amount of security posted in support of the permit will be twice the value of the security amount described in Section 13(g) of the Soil By-law. Staff will seek to incorporate this policy requirement in future housekeeping amendments to the Soil By-law.

## **Legal Services Review**

This report and the proposed Policy attached as Appendix I have been reviewed by Legal Services.

## SUSTAINABILITY CONSIDERATIONS

The Policy as proposed will support the achievement of the goals and objectives contained within the City's Sustainability Charter including the following:

- EC12: Surrey's Agricultural Land Base: Applications seek to enhance the productivity of ALR lands;
- EN16: Land, Water and Air Quality Management: Applications generally reduce regional air quality impacts through reduced haul lengths in comparison to the next nearest alternative gravel source; and
- EN9: Sustainable Land Use Planning and Development Practices: Applications generally assist in delivering the highest economic use of land.

## CONCLUSION

Based on the above discussion, it is recommended that Council adopt the policy titled "Soil Permit Applications Policy", which is attached to this report as Appendix I.

Vincent Lalonde, P.Eng.  
General Manager, Engineering

VL/JA/brb:kd

Appendix I - Draft Soil Permit Applications Policy

# CITY POLICY

No.

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**REFERENCE:**

REGULAR COUNCIL MINUTES

**APPROVED BY:****DATE:****HISTORY:**

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CITY COUNCIL

**TITLE: Soil Permit Applications Policy**

Applications for the deposition and/or extraction of soil on lands within the City are regulated under the Surrey Soil Conservation and Protection By-law, 2007, No. 16389 (the “Soil By-law”). Applications for soil deposition on lands within the Agricultural Land Reserve are also regulated by the Agricultural Land Commission, through the *Agricultural Land Commission Act*. Applications for soil extraction are also regulated by the Ministry of Energy, Mines and Petroleum Resources, through the *Mines Act*.

**PERMIT APPLICATION REQUIREMENTS**

To ensure that all community, engineering, and environmental considerations are addressed in the application review process, the proposed Policy sets out the minimum information that must be submitted with each application as follows:

- A summary of the current land use on the lot to which the application applies and a summary of the proposed land use after the deposition or extraction of soil is complete;
- An operating plan that will be applicable for the duration of the operation including the hours of operation and processes that will be followed in relation to staging;
- An erosion and sediment control plan;
- A traffic management plan; and
- A stormwater control plan prepared by a Professional Engineer;

In addition to the above-referenced minimum requirements, depending on site and application characteristics, the following additional information may also be requested:

- A geotechnical assessment of the lot and the proposed operation by a Professional Engineer or Professional Geoscientist;
- A hydrological (groundwater) assessment of the proposed operation by a Professional Engineer or Professional Geoscientist;
- An environmental assessment by a Qualified Environmental Professional;
- An agrology assessment of the proposed operation by a Professional Agrologist;
- A tree inventory and related protection plan for the operation by an Arborist;
- Approval from the Department of Fisheries and Oceans, the Ministry of Energy, Mines and Petroleum Resources, and the Ministry of Environment as may be necessary in relation to addressing matters that fall within the jurisdiction of these Ministries; and
- A working agreement with local special interest groups related to watershed management (e.g., the Semiahmoo Fish and Game Club for the Little Campbell River watershed).

## **PERMIT APPLICATIONS WITHIN THE AGRICULTURAL LAND RESERVE**

- Any permit application for the extraction or deposition of soil over an area on a lot in excess of 2,000 square metres (0.2 hectares) within the Agricultural Land Reserve (ALR) must be approved by Council before it is forwarded to the Agricultural Land Commission for consideration.
- Any proposed soil extraction or deposition of soil associated with a building permit application on lands within the ALR shall be referred to the General Manager, Engineering or designate for approval of the grading plan, material handling plan and sufficiency and form of security to be provided prior to the building permit being issued.

## **EXTRACTION OPERATION PERMIT APPLICATIONS**

- Each application for extraction of more than 1,000 cubic metres of soil from any property shall be considered by Council, and will be subject to a public hearing except as otherwise provided within this policy.

## **LARGE-SCALE SOIL DEPOSITION PERMIT APPLICATIONS**

- Any application not associated with an in-stream or completed land development application and that involves the total deposition of more than 35,000 cubic metres of soil on any lot shall be considered by Council, and will be subject to a public hearing. Following the public hearing, the permit application will be returned to Council for further consideration.

## **PERMIT APPLICATIONS ASSOCIATED WITH LAND DEVELOPMENT APPLICATIONS**

- No soil permit application will be considered in relation to any lot for which there is any in-stream land development application until the related rezoning by-law has received third reading; and
- In any case where the soil permit application requires the issuance of a tree removal permit to allow for the soil operation, no soil permit will be issued in relation to such application until the related rezoning by-law has received final reading and, where applicable, a development permit has been issued for the development on the lot to which the permit will apply; and
- Where a soil permit is to be issued for a lot for which there is an in-stream land development application, the amount of security posted in support of the permit will be twice the value of the security amount described in Section 13(g) of the Soil By-law.