

NO: R193

COUNCIL DATE: October 17, 2011

REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **October 11, 2011**

FROM: **General Manager, Engineering**

FILE: **4520-80**

SUBJECT: **Soil Permit Applications Policy**

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 B, that will form the basis for the staff review of soil permit applications.

INTENT

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

BACKGROUND

Applications for deposition of soil on and/or removal of soil from 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 under 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*.

At its Regular meeting on May 30, 2011 Council considered Corporate Report No. R093; 2011 that recommended approval of a "Soil Permit Applications Policy". Council deferred consideration of the recommendations of that report and requested that staff take the draft Policy to the Development Advisory Committee (DAC) to obtain the views of that Committee prior to its further consideration by Council. Council advised that it did not want the proposed Policy to create unnecessary "red tape".

At its Regular meeting on October 3, 2011 Council considered Corporate Report No. R181; 2011, a copy of which is attached as Appendix A. That report recommended approval of a "Soil Permit Applications Policy" that reflected the comments received from the DAC. Council deferred

consideration of the recommendations and requested that staff incorporate an opportunity for public hearings for larger applications into the policy prior to its further consideration by Council.

DISCUSSION

In response to Council's direction, the proposed Policy has been revised by incorporating a threshold in relation to the amount of soil that can be deposited on any site before the application is subject to a Public Hearing.

Based on experience, staff has determined that the placement of quantities of fill in excess of 35,000 cubic metres on any lot typically requires more careful review due to potential impacts on City infrastructure, environmental concerns, and nuisance to the neighbourhood and the community related to traffic, visual impact, dust, dirt, and/or noise.

On this basis, the proposed Policy has been adjusted to include 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 the cumulative total of the soil deposition involves more than 35,000 cubic metres on any lot regardless of how such deposition is proposed to be phased.

In addition to the establishment of a "Public Hearing" threshold, the proposed Policy has also been revised to include a provision for the posting of an application information sign on the subject site and a provision for the applicant to hold a public information meeting for larger soil deposit applications and in other circumstances where significant concerns are evident. There is also a provision for staff to report to Council if significant concerns become evident during the review of any soil permit application. Such a report would typically include a summary of the concerns and a set of recommendations to address the concerns.

A copy of the proposed Policy which incorporates the above-discussed revisions is attached as Appendix B to this report.

Legal Services Review

This report and the proposed Policy have been reviewed by Legal Services.

SUSTAINABILITY CONSIDERATIONS

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

- EC12: Enhancing the productivity of ALR lands;
- EN16: Reducing regional air quality impacts through reduced haul lengths in comparison to the next nearest alternative location; and
- EN9: Allow for 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" (the "Policy"), which is attached as Appendix B to this report, as the basis for receipt and processing of soil permit applications.



Vincent Lalonde, P.Eng.
General Manager, Engineering

VL/JA/brb

Appendix A - Corporate Report R181; 2011

Appendix B - Draft Soil Permit Applications Policy

CITY POLICY

No.

REFERENCE:

REGULAR COUNCIL MINUTES

APPROVED BY:

CITY COUNCIL

DATE:

HISTORY:

TITLE: Soil Permit Applications Policy

Applications for the deposition of soil on or removal of soil from 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 removal are also regulated by the Ministry of Energy, Mines and Petroleum Resources, through the *Mines Act*.

This policy forms the basis for the staff review of soil permit applications.

PERMIT APPLICATION REQUIREMENTS

To ensure that all community, engineering, and environmental considerations are addressed in the application review process, the following minimum information must be submitted with each application:

- 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 removal of soil is complete;
- An operating plan that will be applicable for the duration of the soil deposit and/or removal operation including the hours of operation and processes that will be followed in relation to staging the operation;
- An erosion and sediment control plan;
- A traffic management plan; and
- A stormwater control plan prepared by a Professional Engineer.

For any application involving more than 10,000 cubic metres of soil deposition or removal, the applicant will be required to install an application notification sign on the subject site at the outset of the application review process in accordance with the City’s policy related to land development application notification signs.

In addition to the above-referenced minimum requirements, depending on site and application characteristics and as determined by the General Manager, Engineering, the following additional information may also be required:

- 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 prepared by a certified Arborist;
- Approval from the Department of Fisheries and Oceans, the Ministry of Energy, Mines and Petroleum Resources, and the Ministry of Environment in relation to matters that fall within the jurisdiction of these Ministries, respectively; 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 application for the removal 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 soil removal or deposition associated with a building permit application on lands within the ALR shall not be approved until a grading plan, material handling plan and security in a satisfactory amount and form are provided to the satisfaction of the General Manager, Engineering or his/her designate.

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 soil deposit application not associated with an in-stream or completed land development application involving a cumulative total of more than 35,000 cubic metres of soil on any lot, regardless of how the deposition is proposed to be phased, shall be forwarded to Council for consideration and will be subject to a public hearing. The applicant will be requested to hold a public information meeting as part of the application review process in advance of the report on the application being forwarded to Council for consideration. In relation to the public information meeting, the applicant will as a minimum circulate invitations to such a meeting to the owners and residents of all lots within 3 lots of the lot to which the soil deposit application pertains or to all lots within a minimum of 100m of the subject site, whichever is greater, and to other interest groups as directed by the City.

SOIL DEPOSITION PERMIT APPLICATIONS WITH SIGNIFICANT CONCERNS

- Any soil removal or deposit application not associated with an in-stream or completed land development application may be subject to a report to Council if significant concerns are raised during the review of the application. The applicant may also be requested to hold a public information meeting regarding the application following the same procedures as set out above. The report to Council would typically include a summary of the concerns and a set of recommendations as to how the concerns can be addressed.

PERMIT APPLICATIONS ASSOCIATED WITH LAND DEVELOPMENT APPLICATIONS

- No soil permit application will be considered in relation to any lot for which there is an active rezoning application until the related rezoning by-law has received third reading from Council. Where such a soil permit application requires the issuance of a tree removal permit by the City to allow for the soil operation, no soil permit will be issued by the City until the related rezoning by-law has received final adoption by Council and the related development permit, where applicable, has been issued by the City for development on the lot to which the soil permit will apply.