

NO: R139

COUNCIL DATE: June 25, 2018

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## REGULAR COUNCIL

TO: **Mayor & Council** DATE: **June 20, 2018**

FROM: **General Manager, Engineering** FILE: **4520-80**  
**General Manager, Planning & Development**

SUBJECT: **Amendments to the Soil Permit Applications Policy**

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## RECOMMENDATION

The Engineering Department and the Planning & Development Department recommend that Council:

1. Receive this report for information; and
2. Approve amendments with respect to City Policy No. M-27 "Soil Permit Applications Policy" as documented in Appendix "I".

## INTENT

The intent of this report is to obtain Council approval of amendments to City Policy No. M-27 "Soil Permit Applications Policy" (the "City Policy") related to the review and approval of Soil Permit Applications within the South Westminster and Bridgeview Areas of Surrey. The amendments will help streamline the soil permitting process for those two areas of Surrey.

## BACKGROUND

Since the opening of Highway 17 (the South Fraser Perimeter Road), there has been an increased demand for new businesses and industrial projects in both the South Westminster and Bridgeview areas of Surrey. These areas have unique preloading requirements based on being in the flood plain, which are without exception and presently add processing time to development in the area. The current application policy and process for large scale soil deposition permit requires public input, similar to rezoning applications, and includes a report to Council for approval of fill permits for the deposition of soil when the volume is greater than 35,000 cubic metres.

With a view to establishing a process that would assist in streamlining soil deposition permits that support economic development of the South Westminster and Bridgeview areas, staff is proposing to have the soil application permits dealt with administratively.

## **DISCUSSION**

Since the opening of Highway 17, there has been a high level of interest from the business community to locate their premises in that part of Surrey, as the new road provides efficient and convenient access to the Lower Mainland region. Wesgroup Properties' Pacific Link industrial park is being fully developed, and new development applications are coming forward for new industrial projects that are positively contributing to the re-development of that part of North Surrey.

Through the pre-application process and discussions that are part of due diligence when negotiating contracts with potential clients wishing to relocate in to new and larger facilities in South Westminster and Bridgeview, it becomes evident that efficient timelines are required in order to facilitate the business transition.

As the entire area of South Westminster and Bridgeview requires sites that are going to be re-developed to be pre-loaded, coupled with the fact that those sites are usually large as they are proposed to accommodate industrial facilities, it triggers the public consultation requirement of the fill permitting process. This requirement is preventing potential industrial projects from moving forward efficiently, especially if they have aggressive timelines with their client(s). In normal circumstances, staff would be able to accommodate accelerated timelines; however, when one factors in the time required for processing the fill permit and completing the public consultation requirement, it lends to clients looking elsewhere for their projects.

Staff recommend amending the fill permit applications policy in order to exclude the South Westminster and Bridgeview areas from the public consultation requirement and Council approval. These two areas would be dealt with administratively, by staff. Making this change will help to significantly reduce development application processing time, thereby allowing more flexibility for clients working with staff in developing new industrial properties.

### **Legal Services Review**

Legal Services has reviewed this report and the proposed amendments to the City Policy and has no concerns.

## **SUSTAINABILITY CONSIDERATIONS**

This report supports the objectives of the City's Sustainability Charter 2.0. In particular, this work relates to the Sustainability Charter 2.0 theme of Economic Prosperity and Livelihoods. Specifically, this project supports the following Desired Outcomes ("DO"):

- Economic Prosperity and Livelihoods DO1: Diverse and meaningful employment and business opportunities are available close to where people live, and provide incomes that can support a high quality of life; and
- Economic Prosperity and Livelihoods DO6: Efficient land use and well-managed transportation infrastructure are in place to attract businesses and support a thriving economy.

## CONCLUSION

Based on the above discussion, it is recommended that Council:

- Receive this report for information; and
- Approve amendments with respect to City Policy No. M-27 “Soil Permit Applications Policy” as documented in Appendix “I”.

*Original signed by*  
Fraser Smith, P.Eng., MBA  
General Manager, Engineering

*Original signed by*  
Jean Lamontagne  
General Manager, Planning & Development

JA/JL/ss/ggg

Appendix “I”: Proposed Amended Soil Permit Applications Policy M-27

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# CITY POLICY

No. M-27

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<b>REFERENCE:</b>	<b>APPROVED BY:</b>	<b>CITY COUNCIL</b>
REGULAR COUNCIL MINUTES	<b>DATE:</b>	<b>May 26, 2014</b>
	<b>HISTORY:</b>	<b>October 17, 2011 (Res. R11-1808)</b>

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**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; and
- 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 of soil, over an area on a lot within the Agricultural Land Reserve (ALR) whose cumulative area of removal is in excess of 2,000 square metres (0.2 hectares) or a volume of 1,000 cubic metres is to be forwarded to the Agriculture and Food Security Advisory Committee for review and comment in advance of it being forwarded to Council for consideration. If the application receives Council approval it will then be forwarded to the Agricultural Land Commission for consideration.
- Any application for the deposition of soil over an area on a lot within the ALR whose cumulative area of deposition for residential purposes in excess of 2,000 square metres (0.2 hectares) within the ALR or, in the case of farm buildings, whose cumulative area of deposition on a lot is in excess of 2% of the area of the lot is to be forwarded to the Agriculture and Food Security Advisory Committee for review and comment in advance of it being forwarded to Council for consideration. If the applicant received Council approval it will then be forwarded to the Agricultural 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.”

#### **PERMIT APPLICATIONS FOR LANDS SERVICED BY THE SERPENTINE – NICOMEKL STRATEGIC PLAN FOR LOWLANDS FLOOD CONTROL**

The deposition of soil within the Surrey floodplains can significantly undermine the agricultural benefits that have been achieved through the implementation by the City of the Serpentine – Nicomekl Strategic Plan for Lowlands Flood Control. Such impacts are very difficult and expensive to mitigate, if at all possible. As such, soil deposition permit applications related to lands within a floodplain above the designated ground elevation (DGE) that undermine the benefits that have been achieved through the implementation

of the Serpentine – Nicomekl Strategic Plan for Lowlands Flood Control be rejected without referral.

#### **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 input session 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 **not within the South Westminster and Bridgeview areas**, regardless of how the deposition is proposed to be phased, shall be forwarded to Council for consideration and will be subject to a public input session. 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**

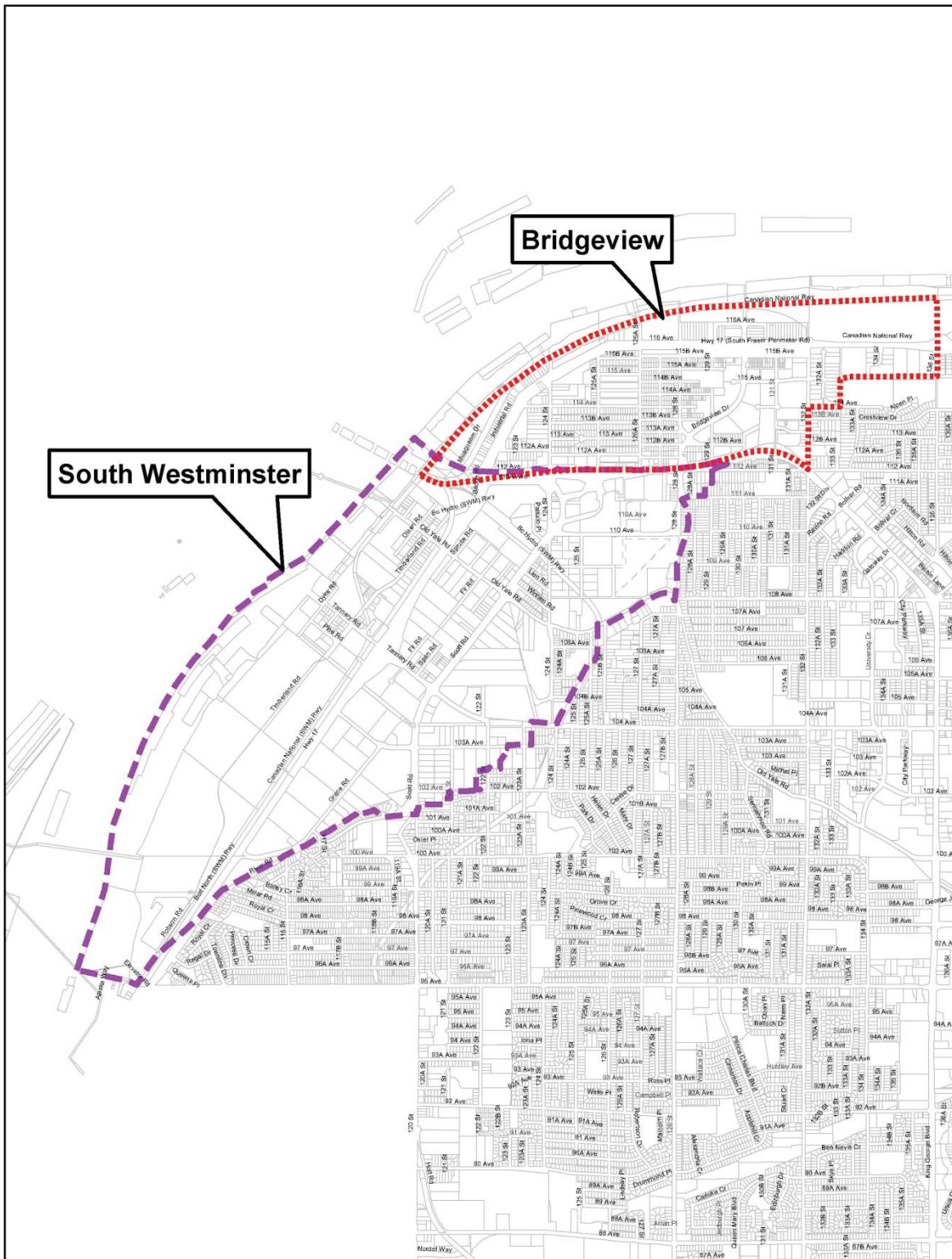
- Any soil removal or deposit application not associated with an in-stream or completed land development application may be subject to a report to Council if significant concerns are raised during the review of the application. The applicant may also be requested to hold a public information meeting 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 **not within the South Westminster and Bridgeview areas** 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.



### SOUTH WESTMINSTER AND BRIDGEVIEW AREAS



This policy is subject to any specific provisions of the Local Government Act, or other relevant legislation or Union agreement.