

Soil Deposit and Removal Bylaw

(Electoral Area “F”)

Planning & Development Committee

Thursday September 22, 2022

Soil Removal & Deposit Bylaw

West Bench Geotechnical Review (2021)

It is recommended that [the] RDOS introduce a Soil Removal and Deposition Bylaw to regulate, monitor, and limit the removal and deposition of soil through permitting ...

ecora CLARKE GEOSCIENCE LTD.



Greater West Bench Geotechnical Review

Presented To:



Dated: December 22, 2021
Ecora File No.: 191010



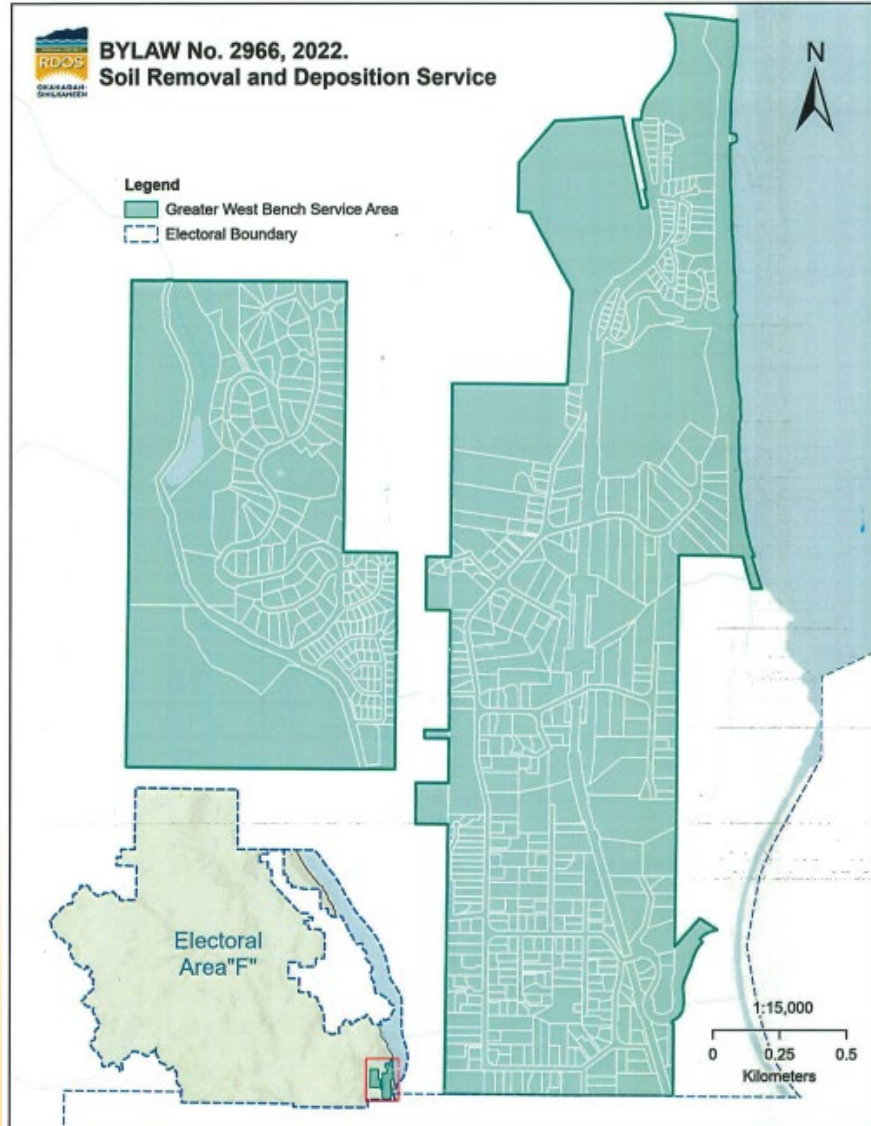
Soil Removal & Deposit Bylaw



LOCAL GOVERNMENT ACT

- A Board may, by bylaw, regulate or prohibit the removal or depositing of soil or other materials on a parcel.
- A prohibition bylaw must be approved by the Minister or Environment (deposit) and Minister of Mines (removal).
- There must be a service area established before a soils bylaw can be adopted.

Soil Removal & Deposit Bylaw



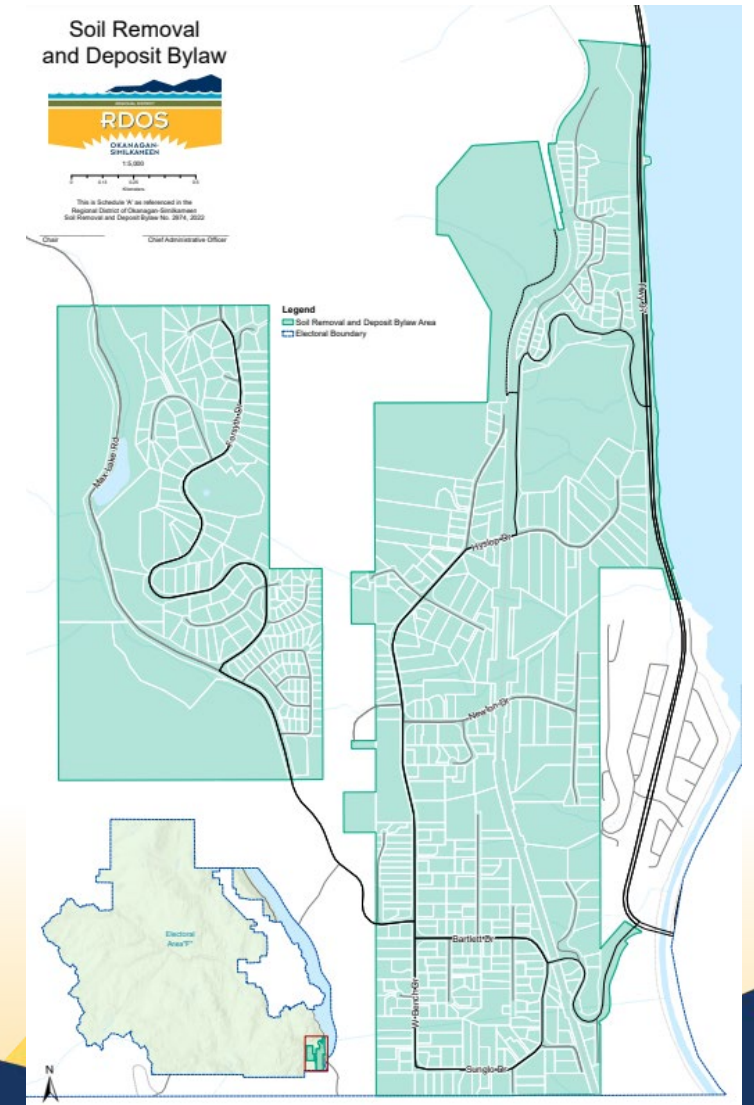
Service Area Creation Bylaw

West Bench Soil Removal and Deposition Service Establishment Bylaw No. 2966, 2022, approved on July 21, 2022.

Soil Removal & Deposit Bylaw

Soil Regulation Bylaw - Scope:

- to be applied to both the removal and deposition of soil in the Greater West Bench (GWB) area;
- unless exempt, or permitted, no person may remove or deposit soil from any land to which the bylaw applies.



Soil Removal & Deposit Bylaw

Soil Regulation Bylaw - Exemptions:

- public parks, trails, utilities, etc. (no limits);
- State of Emergency Declaration (no limits);
- soil being moved within a parcel (no limits);
- authorized by a Mine Permit (limits set by province); and
- less than **25 m³** in any calendar year (deposit or removal).

Soil Removal & Deposit Bylaw

Soil Regulation Bylaw - Permits:

- A soil permit is required when deposit or fill amount is up to 100 m³ for the following:
 - constructing a building or structure;
 - constructing an access driveway; and
 - constructing an in-ground swimming pool.
- a Permit may be refused if the proposed removal or deposit of Soil is not for these purposes.

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Soil Regulation Bylaw - Bylaw Amendment:

- a bylaw amendment is required when deposit or fill amount exceeds **100 m³** (e.g. major projects).
- invokes discretionary approval of the Board.
- public notification of bylaw application proposed (100 metre radius for notice, 3 weeks for comments).
- public info meeting (PIM) at Board's discretion.

Soil Removal & Deposit Bylaw



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Soil Removal & Deposit Bylaw



15 Cubic Metre



20 Cubic Metre



25 Cubic Metre



30 Cubic Metre

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1.5 cubic meters



9.2 cubic meters



18.4 cubic meters



23 cubic meters

Figures are approximate as dump trucks are loaded according to their weight capacity, not volume.

For instance, a cubic metre of crushed rock is heavier than a cubic metre of mulch.

Soil Removal & Deposit Bylaw



11 cubic yards = 8.4 m³



18 cubic yards = 13.76 m³

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13.76 m³

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Exemptions: less than 25 m³ in any calendar year or other defined activities.

Permits: between up to 100 m³ for constructing buildings, access driveway and pools.

Bylaw Amendment: the activity exceeds 100 m³.

Soil Removal & Deposit Bylaw

Soil Regulation Bylaw – Permit Issuance:

- issuance of permits to be by staff based on parameters established by the Board;
- permit conditions to be considered by staff include:
 - impact on public utility works (e.g. drainage, highways);
 - increased risk of geotechnical instability;
 - unnecessary removal of trees or other vegetation; or
 - minimizing dirt or debris on public roads.

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Soil Regulation Bylaw – Permit Administration:

- Permit Cancellation: by CAO if soil deposit or removal occurs contrary to the requirements of the bylaw.
- Performance Security: possible condition that could be used to complete unfinished works, etc.
- Application Fees:
 - Permit \$150.00
 - Permit Renewal \$100.00
 - Amendment Bylaw \$500.00
 - Public Information Meeting \$250.00

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Soil Regulation Bylaw – Enforcement:

- Board “Bylaw Enforcement Procedures Policy”:

It is the policy of the RDOS to rely primarily on written citizen complaints as a means of enforcing regulatory bylaws ...

- Proximity of the Greater West Bench area is seen to aid potential investigations of complaints.

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Soil Regulation Bylaw – Provincial Approvals:

- Section 9 (Concurrent Authorities) of the *Community Charter* applies to soil bylaws when the bylaw:
 - prohibits the removal of soil, *or*
 - prohibits the deposit of soil *and* makes reference to quality of the soil (e.g. contamination).
- Ministry of Mines *and/or* Ministry of Environment approval is required if the bylaw does either of the above.

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Soil Regulation Bylaw – Provincial Approvals:

- While Bylaw No. 2974 prohibits the removal of soil above 100 m³, it is not absolute (e.g. exemptions provided).
- Ministry of Mines staff have advised they would need the following to consider approving a bylaw, *if required*:
 - technical information describing the problem;
 - reason why the *Mines Act* or a covenant is not sufficient;
 - supporting documentation such as a geotech report;
 - maps of the area of instability.

Soil Removal & Deposit Bylaw

Next Steps:

- Agency Referrals (e.g. Ministry of Mines and Environment, etc)
- Notification of the public:
 - West Bench residents; and
 - local nurseries, landscaping and aggregate companies.
- Public information meeting (Q4 2022 / Q1 2023);
- Board consideration of feedback (Q4 2022 / Q1 2023).

Soil Removal & Deposit Bylaw

Questions?