

SQUAMISH-LILLOOET REGIONAL DISTRICT

BYLAW NO. 1423-2015

A bylaw to regulate the Deposit and Removal of Soil within Electoral Areas A, B, C and D of the Squamish-Lillooet Regional District

WHEREAS section 327 of the *Local Government Act* authorizes the *Board* of the Squamish-Lillooet Regional District to regulate or prohibit the *removal* and *deposit* of *soil* in the *Regional District*;

AND WHEREAS the *Regional District* may impose rates or levels of fees for a *permit* for the *removal* or *deposit* of *soil* from or on any land or area in the Squamish-Lillooet Regional District;

NOW THEREFORE, the *Board* of the Squamish-Lillooet Regional District, in open meeting assembled, enacts as follows:

1.0 Title

- 1.1 This bylaw may be cited for all purposes as the “Squamish-Lillooet Regional District Soil Deposit and Removal Bylaw No. 1423-2015”.

2.0 Application

- 2.1 This Bylaw applies to the entirety of the Squamish-Lillooet Regional District Electoral Areas A, B, C and D as defined in the Letters Patent of the Squamish-Lillooet Regional District and amendments thereto, but excluding the District of Lillooet, the Village of Pemberton, the Resort Municipality of Whistler and the District of Squamish.
- 2.2 Nothing in this Bylaw shall preclude anyone from complying with the provisions of any other local, provincial, or federal regulations or enactment.

3.0 Purpose

- 3.1 This Bylaw has been enacted for the purpose of regulating the *deposit* and *removal* of *soil* and *other material* within the Squamish-Lillooet Regional District in the general public interest. The purpose of this Bylaw does not extend:
 - a) to the protection of *owners*, occupiers or persons involved in the *deposit* or *removal* of *soil* from economic loss;
 - b) to the assumption by the Squamish-Lillooet Regional District or any officer or employee of the Squamish-Lillooet Regional District of any responsibility for ensuring compliance by a person involved in the *deposit* or *removal* of *soil* on land,

- his or her representatives, or any employees, contractors, or agents with this Bylaw, or any other enactments applicable to the *deposit of soil* or the development of land;
- c) to providing any person with a warranty that any *deposit or removal of soil* will not violate this Bylaw, or any other enactment or create any nuisance of any type.

4.0 Definitions

4.1 Within this Bylaw, the following definitions apply:

Board means the elected and appointed Directors of the Squamish-Lillooet Regional District acting as the Squamish-Lillooet Regional District Board of Directors in assembled meetings thereof.

Bylaw Enforcement Officer means a person appointed by the Squamish-Lillooet Regional District to act on matters of bylaw enforcement.

Contaminated Soil means the presence in *soil* of a hazardous waste or another prescribed substance in quantities or concentrations exceeding provincial environmental quality standards.

Deposit means the placement, storage, filling, spilling or releasing, directly or indirectly, of soil or *other material* on lands in the *Regional District* where the *soil* or *other material* was not previously located.

Director means a person who holds the position of Director of Planning and Development Services for the *Regional District* or such persons designated by the *Board* to act on their behalf in the execution of this Bylaw.

Invasive Species means a species not native to British Columbia whose introduction or spread does or is likely to cause economic or environmental harm or harm to human health.

Other Material includes, but is not limited to, construction and demolition waste, masonry rubble, concrete, asphalt, *wood waste*, unchipped lumber, drywall, refuse, undecomposed organic matter, *contaminated soil*, *soil* containing *invasive species*, and other similar matter.

Organic Waste means biodegradable, compostable waste of plant or animal origin from domestic or industrial sources.

Owner means a person registered in the records of the land title office as the fee simple owner of a lot, including the strata corporation in the case of a lot under strata ownership.

Parcel means any lot, block or area in which land is held or into which it is subdivided.

Parcel Line means any boundary of a parcel.

Permit means the written authority granted by the *Regional District* and/or the *Director* pursuant to this Bylaw for the *deposit* or *removal* of *soil* and *other material*.

Permit Holder means a person holding a *permit* issued by the *Regional District*.

Registered Professional means an, engineer, geoscientist, agrologist, environmental consultant, soil scientist, biologist, or land surveyor who is registered with a professional association that is regulated by a statute, appointed to act in the capacities described under the sections of this Bylaw requiring a registered professional;

Regional District means the Squamish-Lillooet Regional District, in the Province of British Columbia, and where the context so requires also means the land included in the boundaries of the Squamish-Lillooet Regional District.

Removal or remove means to take, excavate, or extract soil from a lot on which it exists or has been *deposited*.

Soil means clay, silt, topsoil, sand, gravel, cobbles, boulders, peat or other substance of which land is naturally composed, down to and including the bedrock but shall not include *other material*.

Stockpile means a man-made accumulation of *soil* or *other material* held in reserve for future use, distribution or *removal*.

Wood waste means wood residue in mechanically shredded form and includes sawdust, hog fuel, bark, chips, slabs, shavings, trimmings, edgings, or other such waste which is the result of any manufacturing process involved in the production of lumber or other wood products.

5.0 Prohibition

- 5.1 No person shall cause or *permit* the *deposit* or *removal* of *soil* within the *Regional District* except in accordance with this Bylaw.
- 5.2 No person shall *deposit other material* on any land within the *Regional District* without a valid *permit* or exemption under the *Environmental Management Act*, and amendments thereto.

6.0 Permit Requirements

- 6.1 Subject to the other terms in this Bylaw, no person shall cause or *permit* the *deposit* or *removal* of *soil* within the *Regional District* unless the person:
 - a) has applied for and been issued a valid and subsisting *permit* for such *deposit* or *removal*; and
 - b) carries out the *deposit* or *removal* in accordance with this Bylaw and the terms and conditions set out in the *permit*.

7.0 Permit Exemptions

- 7.1 Despite section 5 of this Bylaw, a *permit* is not required where the *deposit* or *removal* of *soil*:
- a) is less than 10 cubic metres (m³) of *soil* in a calendar year;
 - b) is for the purpose of constructing or maintaining provincial roadways, forest service roads, walkways or trails;
 - c) is on land owned by, or works undertaken by, the *Regional District* (or its appointed agents) or its member municipalities (or their appointed agents);
 - d) is on land managed under the *Forest Act* or regulated under the *Highways Act* and for which a provincial soil permit has been obtained, so long as the land continues to be used as managed forest or highways;
 - e) is related to and in accordance with a valid building permit;
 - f) is being relocated within the boundaries of the *parcel* from which it originates;
 - g) is required as part of the clean-up or remediation of contaminated soils as directed and approved by the *Ministry of Environment*;
 - h) is undertaken as a permitted farm use on land located within the Agricultural Land Reserve (ALR), as specified within the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*. (For certainty, *soil deposit* or *removal* as a non-farm use or for non-farm uses require a *permit* under this Bylaw);
 - i) is undertaken pursuant to the *Mines Act* or under an active *Mines Act* permit issued by the designated Ministry of the Province of British Columbia;
 - j) involves *stockpiles* on land where such use is permitted under the *Regional District's* zoning bylaws, and in compliance with the Ministry of Mines;
 - k) is undertaken as flood protection works by or on behalf of a dyking authority;
 - l) is undertaken for the sole purpose of completing a floodplain management activity which is licensed by the *Ministry of Environment*; or,
 - m) is undertaken to resolve emergency situations that present an immediate danger related to flooding, erosion or other immediate threats to life or property, including removal of hazardous trees, provided the *Regional District's* Emergency Program Manager or Chief Administrative Officer has been informed.

8.0 Permit Application

- 8.1 An application for a *permit* must be made on a form provided by the *Regional District*.
- 8.2 A separate application for a separate *permit* must be made for each *parcel* onto which *soil* is to be *deposited* or from which *soil* is to be *removed*, as per section 10.0 (Permit Application Requirements).
- 8.3 The *permit* application must be signed by the applicant, and
- a) If the applicant is not the *owner*, by all *owners* of the *parcel*, and
 - b) In the case of strata property:

- i. by an authorized representative(s) of the strata corporation plus the strata lot *owner* for the property where the *soil* is to be *deposited* or *removed*; and
- ii. by resolution of the strata council if the *soil* is to be *deposited* or *removed* on common property.

9.0 Permit Application Fees

- 9.1 An application for a *permit* must be accompanied by a non-refundable *permit* fee of:
- a) No fee for any application for the *deposit* or *removal* of more than 10 cubic metres (m³) and up to 50 cubic metres (m³) in any calendar year, or;
 - b) \$100.00 for any application for the *deposit* or *removal* of more than 50 cubic metres (m³) and up to 100 cubic metres (m³) in any calendar year, or;
 - c) \$250.00 for any application for the *deposit* or *removal* of more than 100 cubic metres (m³) and up to 1,000 cubic metres (m³) in any calendar year, or;
 - d) \$500.00 for any application for the *deposit* or *removal* of more than 1,000 cubic metres (m³) in any calendar year.

10.0 Permit Application Requirements

- 10.1 Subject to section 10.2, every application for a permit between 10 cubic metres (m³) and 100 cubic metres (m³) shall be accompanied by:
- a) the location of the site from which *soil* is to be *removed* from, in the case of *soil deposition*, or the location of the site to which *soil* is to be *deposited* to, in the case of *soil removal*;
 - b) the general description and volume of the *soil* to be *deposited* or *removed*.
- 10.2 Where the application set out in section 10.1 relates to parcels (or portions thereof) that are:
- a) situated within the *Agricultural Land Reserve*;
 - b) subject to flooding or floodplain hazards, including flood construction level covenants, save harmless covenants or identified on provincial flood mapping;
 - c) situated within a development permit area pursuant to section 488(1)(a) of the Local Government Act (protection of the natural environment, its ecosystems and biological diversity)

the *Director* is entitled to require that such application also be accompanied by detailed plans, data and specifications for the proposed site prepared by a *Registered Professional* to a scale of not more than 1:1,000, unless otherwise authorized by the *Director*, showing the contour of the ground in its current state and containing information regarding the *soil deposit* or *removal* with respect to any (or all) of the matters set out in section 10.3 c) through r).

10.3 Every application for a *permit* for more than 100 cubic metres (m³) of soil shall be accompanied by detailed plans, data, and specifications for the proposed site prepared by a *Registered Professional* to a scale of not more than 1:1,000, unless otherwise authorized by the *Director*, showing the contour of the ground in its current state and shall contain information regarding the *soil deposit or removal* with respect to the following matters:

- a) the location of the site from which *soil* is to be *removed* from, in the case of *soil deposit*, or the location of the site to which *soil* is to be deposited to, in the case of *soil removal*;
- b) the general description and volume of the *soil* to be *deposited* or *removed*;
- c) all features including buildings, structures, tree cover, roads, bridges, and natural watercourses;
- d) land uses and designations, such as ALR, zoning, floodplain areas, environmentally sensitive areas, and First Nations reserve land;
- e) the proposed slopes which will be maintained upon completion of the *soil deposit or removal*;
- f) the proposed methods to control the erosion of the banks of the *soil deposit or removal*;
- g) the proposed methods of drainage control during the *soil deposit or removal*;
- h) the proposed methods to control noise and dust generated by the proposed *soil deposit or removal*;
- i) the proposed methods and locations of access to the site during the *soil deposit or removal*;
- j) the proposed grading and rehabilitation plan for the *soil deposit or removal* site during and upon completion of the proposed *soil deposit and removal* operation, copies of any remediation or site closure plans filed with the *Ministry of Energy and Mines* and any *Agricultural Land Commission* remediation requirements;
- k) the proposed location of machinery, buildings, scales, and all other proposed structures and improvements;
- l) the proposed location of buffers and tree cover, and the location and grade width of berms;
- m) the proposed schedule for the *deposit or removal of soil*, indicating the amounts to be either *removed* or *deposited* on a monthly basis;
- n) the proposed routes to and from a *soil deposit or removal* area;
- o) a traffic management plan, which would include but not be limited to a description of the frequency of trucks, signage, placement of safety control devices, and other traffic control that would minimize the disturbance created;
- p) copies of all other necessary approvals and permits from Federal and Provincial authorities required by statute or regulation in connection with the proposed *soil deposit or removal*;
- q) if the proposed *soil deposit or removal* takes place on ALR land, information on the past and proposed farming activity, the relationship of the *soil deposit or removal* to existing or proposed farming activity on the land, impact on the agricultural

- capability of the land, and a report, prepared by a Professional Agrologist, identifying the positive benefit of the proposed *soil deposit* or *removal* to agriculture;
- r) a site reclamation plan including Invasive Species Management Plan, prepared by a *Registered Professional* to be incorporated into the *permit*.

11.0 Permit Issuance

11.1 Where

- a) a completed application for a *permit* under this Bylaw has been submitted; and,
- b) the proposed *soil deposit* or *removal* set out in the application conforms with this Bylaw, all other bylaws of the *Regional District*, and all other applicable enactments; and,
- c) the applicant for the *permit* has paid the *Regional District* the required application fees;

The *Director* may issue the *permit*, issue the *permit* with all or some conditions as per section 12.10 or refuse the *permit* for non-compliance with the Bylaw.

12.0 Permit Conditions

12.1 Permitted *soil deposit* and *removal* activities may only occur between the hours of 7:00 a.m. to 8:00 p.m. Monday through Friday, and 9:00 a.m. to 6:00 p.m. Saturday, Sunday and statutory holidays, unless otherwise restricted by the *permit*.

12.2 No person may *deposit* or *remove soil* so as to do any of the following:

- a) foul, obstruct, divert, or impede the flow of or damage or destroy any watercourse, ditch, rain, sewer, or other water utility, whether privately or publicly owned;
- b) damage or destroy amenities on the lands or adjacent lands including, without limitation, any utilities, works or services, statutory rights of way, structures, buildings or improvements;
- c) contravene any *Regional District* bylaw or provincial or federal law;
- d) threaten the health and safety of the public;
- e) result in the use of the *permit* lands in a manner inconsistent with the current zoning for the *permit* lands;
- f) compromise the hydrological function or drainage capacity of the *permit* lands or adjoining lands;
- g) result in *soil* on the land or on adjacent land becoming unstable or susceptible to erosion, slippage, landslide, slumping or settling;
- h) result in excessive costs for any government to provide public utilities, works or services to the *permit* lands or adjoining lands;
- i) permit dust, dirt or noise to escape the property boundary that may cause a private or public nuisance;

- j) result in the coverage of topsoil; or
- k) permit the promotion of growth of *invasive species* on the *parcel* that are subject to the *permit*.

12.3 All descriptions, plans and specifications submitted by the applicant in support of the *permit* application and marked 'FINAL' by the *Regional District* form part of and are incorporated into the *permit* and the *permit* specifically limits *soil deposit* or *removal* in accordance with the descriptions, plans and specifications accepted by the *Regional District*.

12.4 The *permit holder* is at all times responsible for compliance with the provisions of this Bylaw and any other applicable enactment and for any claim, demand, damage, loss, costs, expense, fees or fine that may arise from a *deposit* or *removal* of *soil*.

The *permit holder* shall save harmless, indemnify and keep indemnified the *Regional District*, its directors, officers, employees, and contractors from any claims, demands, damages, losses, costs, expenses, fees, fines, actions, proceedings whatsoever brought by persons arising from the issuance of a *permit* under this Bylaw with respect to the *deposit* or *removal* of *soil* or *other material* authorized under a *permit*.

12.5 The issuance of a *permit* does not constitute authority to conduct processing of *soil* on the *parcel* or any part thereof if not appropriately zoned for such use.

12.6 Every *permit* issued pursuant to this Bylaw shall expire twelve (12) months following the date of issuance unless an expiry date for a different term is expressly specified in the *permit*. Every *permit* shall cease to authorize *soil deposit* or *removal* upon the expiry date without the necessary *permit* renewal in accordance with sections 13.1, and 13.2.

12.7 No *permit* issued pursuant to the terms of this Bylaw may be transferred, assigned or sold.

12.8 Before a *permit* is issued, the applicant shall have first obtained all permits and permissions required from the *Regional District* and any other authority having jurisdiction.

12.9 Any *soil* or *other material* deposited without a *permit* (or contrary to the terms of a *permit*) shall be removed from the *parcel* by the *owner* of the *parcel* at the *owner's* cost. Failure to remove the *soil* or *other material* within the time period so given for the *removal* shall constitute an offence under this Bylaw. In the event that the *owner* of the *parcel* fails to remove the *soil* or *other material* in accordance with this section within the stated time period, the *Regional District* or its appointed agents may, at its sole discretion and at the expense of, as the case may be, the *permit holder* or the *owner* of the *parcel*, enter onto the *parcel* or any part thereof and carry out the work required to effect the *removal* of *soil* or *other material*.

12.10 The *Director* may impose conditions on a *permit* that restrict the location of *deposit* or *removal* and the type and volume of *soil* to be *deposited* or *removed* based on the information supplied by the applicant under section 10.1, 10.2 or 10.3 of the Bylaw, to ensure the *deposit* or *removal* occurs in the manner and amount specified in the application. Where the applicant is required to submit detailed plans, data and specifications under section 10.2 or 10.3 of the Bylaw, the *Director* may issue the *permit* on conditions pertaining to subsections 10.3 a) through r) of the Bylaw to ensure the applicant *deposits* or *removes soil* in accordance with the detailed plans, data and specifications provided.

12.11 If required under the terms of the *permit*, upon completion of the *soil deposit* and *removal* authorized by a *permit*, the *permit holder* shall deliver to the *Director* a certificate from a *Registered Professional* stating that all *soil deposited* or *removed* was *deposited* or *removed* in substantial compliance with the requirements of the *permit* and good environmental and engineering practices.

13.0 Permit Renewal

13.1 A *permit* for *soil deposition* or *removal* may be renewed for one additional term not to exceed twelve (12) months at the request of the applicant if the *Director* determines, after inspecting the *permit parcel* that the applicant is in full compliance with the *permit* and this Bylaw.

13.2 Application for renewal of a *permit* or part thereof will be made in the same manner as provided herein for a new *permit*, with a non-refundable renewal fee of fifty (\$50.00) dollars. The original application may be re-submitted for renewal, provided all applicable drawings and specifications are updated as necessary to identify any material changes to site conditions and to demonstrate compliance with current bylaws and regulations.

14.0 Permit Revocation and Reinstatement

14.1 The *Director* may issue a stop work order, with immediate effect, acting reasonably, if *soil deposit* or *removal* activities have not been undertaken in accordance with the terms and conditions of this Bylaw or the *permit*.

14.2 The *Director* may, by delivery of a 10 day written notice to a *permit holder*, revoke or suspend a *permit* under this Bylaw where:

- a) The *permit holder* has contravened this Bylaw, or another bylaw of the *Regional District*;
- b) The *permit holder* has contravened a condition of the *permit*;
- c) The *permit* was issued by the *Regional District* on the basis of descriptions, plans and specifications submitted by the *permit holder* in support of the permit application which were incorrect or misleading; or,

- d) The *permit holder* failed or refused to comply with a stop work order made pursuant to this Bylaw.

14.3 The *Regional District* may reinstate a *permit* if the applicant provides a report from a *Registered Professional* confirming compliance with the Bylaw.

15.0 Enforcement

15.1 The *Director, Bylaw Enforcement Officer, all Regional District employees, persons retained by the Regional District for inspection purposes, and agents of the Regional District* are authorized individually or in combination to enter at all reasonable times on any *parcel* to ascertain whether the provisions of this Bylaw are being observed.

15.2 For the purposes of ascertaining compliance with this Bylaw, the *Director* may require a *permit holder* to provide records of *soil deposit or removal* and/or a specified report from a *Registered Professional*.

16.0 Offences and Penalties

16.1 Any person commits an offence against this Bylaw who:

- a) *deposits or removes soil* without a *permit* where a *permit* is required;
- b) violates a provision of this Bylaw;
- c) fails to comply with a term or condition of a *permit*;
- d) fails to comply with an order or notice given under this Bylaw; or,
- e) refuses or hinders an inspection under this Bylaw.

16.2 Any person who neglects or refuses to carry out works prescribed by the *Director* to remedy a contravention of this Bylaw commits an offence.

16.3 Any person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention of this Bylaw, or who refuses, or omits or neglects to fulfill, observe, carry out or perform any duty or obligation imposed by this Bylaw, is guilty of an offence and

- a) pursuant to the *Local Government Act* or the *Offence Act* or both shall be liable on summary conviction to:
 - (i) a fine not exceeding two thousand dollars (\$2,000.00), imprisonment of not more than 6 months, or both,
 - (ii) the costs of prosecution, and
 - (iii) any other penalty or remedy imposed or permissible pursuant to an enactment;
- b) the penalties and remedies imposed under subsection a) shall be in addition to and not in substitution for any other penalty or remedy imposed by or permissible under this Bylaw or any other enactment; and

