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## REPORT TO THE ELECTORAL AREA SERVICES COMMITTEE MEETING OF TUESDAY, FEBRUARY 12, 2025

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**SUBJECT**     **Bylaw No. 4435: Juan de Fuca Soil Removal or Deposit Bylaw No. 2, 2025 and Bylaw No. 4672: CRD Ticket Information Authorization Bylaw, 1990, Amendment Bylaw No. 83, 2025**

### **ISSUE SUMMARY**

To repeal and replace Juan de Fuca Soil Removal or Deposit Bylaw, 2015, Bylaw No. 3941, with proposed Bylaw No. 4435 (Appendix A); and to amend CRD Ticket Information Authorization Bylaw No. 1857, by replacing Schedule 7, “Juan de Fuca Soil Removal or Deposit Bylaw”, with an updated Schedule 7 (Appendix B).

### **BACKGROUND**

Soil removal and deposit activity is regulated in the Juan de Fuca Electoral Area (JdF) by Bylaw No. 3941 (Appendix C), which was adopted in 2016. The main intent of Bylaw No. 3941 was to address the fee structure of the previous bylaw in response to concerns raised by commercial aggregate suppliers, and to include additional exemptions for activities that would not require a soil permit.

Since that time, soil related complaints and compliance issues have increased, challenging the effectiveness of the current soil bylaw regulations. The intent of proposed Bylaw No. 4435 is to re-establish a fee structure that reflects the cost of administering and enforcing the bylaw, as well as more closely aligning the CRD’s soil removal and deposit regulations with provincial regulations and with development permit area goals and objectives.

Complaints received by CRD Bylaw Enforcement and JdF Community Planning on the issue of soil activity have historically been related to soil deposit. Soil removal is generally associated with excavation for building foundations, road construction under the approval of the Ministry of Transportation and Transit, or from a quarry under a *Mines Act* permit. Therefore, Bylaw No. 4435 proposes to regulate but not require a permit for soil removal activity.

Bylaw No. 4435 has been drafted based on the review of soil bylaws adopted by other municipalities and regional districts, consultation with developers, operators, CRD environmental protection staff, Ministry of Environment and Parks staff, and the experience of JdF Community Planning and CRD Bylaw Enforcement staff administering and regulating soil deposit activity under the current Bylaw.

Bylaw No. 4435 is intended to improve service delivery by establishing Type ‘A’, ‘B’, ‘C’, & ‘D’ Soil Deposit Permits based on volume, and clearly outlining the information requirements for each application type. The Bylaw includes new regulations for both the deposit and removal of soil to address environmental, geotechnical and nuisance concerns regardless of the requirement for a permit.

### **ALTERNATIVES**

#### *Alternative 1:*

The Electoral Areas Committee recommends to the Capital Regional District Board:

1. That Bylaw No. 4435, “Juan de Fuca Soil Removal or Deposit Bylaw No. 2, 2025” be introduced and read a first, second, and third time;
2. That Bylaw No. 4435 be forwarded to the Ministry of Environment and Parks for Ministerial approval prior to adoption;

3. That Bylaw No. 4672, “Capital Regional District Ticket Information Authorization Bylaw 1990, Amendment Bylaw No. 83, 2025” be introduced and read a first, second, and third time; and
4. That Bylaw No. 4672 be returned with Bylaw No. 4435 for adoption.

*Alternative 2:*

That proposed Bylaw No. 4435 and Bylaw No. 4672 not proceed.

## **IMPLICATIONS**

### *Legislative Implications*

Section 327 of the *Local Government Act (LGA)* authorizes a regional district to regulate, by bylaw, the removal and deposit of soil or other material on land in the regional district if the regional district provides a service in relation to the control of the deposit and removal of soil, and specifies that Section 9 (Spheres of Concurrent Authority) of the *Community Charter* (“the *Charter*”) applies. The CRD has established a service for the regulation of soil deposit and removal.

Section 9 of the *Charter* applies to bylaws that prohibit soil removal, or that prohibit the deposit of soil or other material, making reference to quality of the soil or material or to contamination. The *Charter* recognizes the provincial interest in these matters and requires that such a bylaw be approved by the minister responsible prior to adoption.

Section 413 of the *LGA* and Section 264 of the *Charter* authorize local government to designate those bylaws for which municipal ticket information may be used as a means of bylaw enforcement. Staff have prepared Bylaw No. 4672 to amend Bylaw No. 1857 by updating Schedule 7 to include the regulations in Bylaw No. 4435.

### *Environmental & Climate Implications*

Environmental concerns related to soil removal and deposit include changes to the stability of existing slopes, changes to drainage patterns, and the introduction of contaminants and invasive species to the land, watercourses and groundwater resources. The proposed Bylaw requires more regular and stringent reporting of soil deposit activity for deposits greater than 4,000 m<sup>3</sup>. The Bylaw more closely aligns deposit activity with the *Riparian Areas Protection Regulation* and includes requirements for buffer areas where soil deposit sites are in proximity to streams. A type ‘D’ soil deposit permit will be required where soil deposit activity for amounts greater than 4,000 m<sup>3</sup> is specifically permitted or authorized by a land use bylaw. The land use authorization process will allow for the review and analysis of the land use implications associated with heavy vehicle traffic and impacts on the surrounding community.

Type ‘D’ soil deposit permit applications will require a Soil Assessment and Deposit Plan documenting the proposed final state of the land and the procedures for monitoring the origin and composition of soil to be deposited. Type ‘D’ deposits applications will also require an Environmental Assessment and Protection Plan that is to include measures for controlling soil erosion and sedimentation, and for managing on-site drainage. Measures will also need to be described for protecting riparian areas and ensuring that watercourses, wells and aquifers flowing through or under the parcel will not be negatively impacted.

### *Intergovernmental Implications*

Proposed Bylaw No. 4435 was reviewed by the Ministry of Environment and Parks and the Ministry of Mining and Critical Minerals. The Province has confirmed that ministerial approval is only required from the Minister of Environment and Parks.

### *Regional Growth Strategy Implications*

Section 445 of the *LGA* requires that all bylaws adopted by a regional district board after the board has adopted a Regional Growth Strategy (RGS) be consistent with the RGS. Proposed Bylaw No. 4435 does not affect the growth, density and servicing objectives of the RGS, and helps to achieve Policy 2.1.4 by providing additional tools to identify, protect, enhance and restore healthy ecosystems. Staff are of the opinion that the proposed Bylaw is consistent with the RGS.

#### *Financial Implications*

The proposed soil deposit application fees are based on the level of staff resources required to review and evaluate a given soil deposit permit type. The associated soil quantity fee has been estimated to cover the costs of monitoring and enforcement.

The proposed fine amounts included in the amended schedule to the CRD Ticket Information Authorization Bylaw consider the cost of ongoing enforcement and encourage voluntary compliance with the Bylaw. Reduced fine amounts have been added, in accordance with the *Charter*.

#### *Service Delivery Implications*

In keeping with current practice, applications for soil deposit permits will be received and processed by JdF Community Planning. The proposed Bylaw provides clearer direction to applicants and staff regarding the information that must be submitted for each soil permit application type, and removes ambiguity related to the purpose of the public consultation process. Permit applications will be referred by JdF Community Planning to CRD Bylaw Enforcement and Building Inspection staff, as well as to the Ministry of Transportation and Transit and the Ministry of Environment and Parks for comment and information. It is anticipated that there will be an increase in the staff time required to review the additional information and deliver this service.

Given the new requirement for landowners to obtain Type 'A' Soil Deposit Permits for quantities under 250 m<sup>3</sup>, it is anticipated that the overall number of permit applications will increase. However, staff time is currently required to review information submitted in support of soil permit exemptions. Therefore, no significant changes in the amount of staff time are anticipated in relation to the administration of Type 'A' permits.

The proposed Bylaw includes an increase in the application fees, as well as incremental volumetric fees. These fees will offset the additional staff time required to process applications and monitor and enforce deposit activity.

### **CONCLUSION**

The purpose of Bylaw No. 4435 is to repeal and replace Bylaw No. 3941, JdF Soil or Removal Bylaw, 2015, Bylaw No. 1. Staff have prepared Bylaw No. 4435 based on a review of soil bylaws adopted by other municipalities and regional districts, consultation with developers, operators and provincial staff, as well as experience administering Bylaw No. 3941 and regulating soil deposit activity under the current bylaw. The purpose of Bylaw No. 4672 is to amend Bylaw No. 1857 by replacing Schedule 7 with a new Schedule 7 that reflects the regulations in Bylaw No. 4435. Staff recommend that Bylaw Nos. 4435 and 4672 be read a first, second and third time, and that the Bylaws be returned to the Board for adoption upon Ministerial approval of Bylaw No. 4435.

**Electoral Areas Committee – February 12, 2025**

**Bylaw No. 4435: Juan de Fuca Soil Removal or Deposit Bylaw No. 2, 2025 and Bylaw No. 4672: CRD Ticket Information Authorization Bylaw, 1990, Amendment Bylaw No. 83, 2025**

**RECOMMENDATION**

The Electoral Areas Committee recommends to the Capital Regional District Board:

1. That Bylaw No. 4435, “Juan de Fuca Soil Removal or Deposit Bylaw No. 2, 2025” be introduced and read a first, second, and third time.
2. That Bylaw No. 4435 be forwarded to the Ministry of Environment and Parks for Ministerial approval prior to adoption.
3. That Bylaw No. 4672, “Capital Regional District Ticket Information Authorization Bylaw 1990, Amendment Bylaw No. 83, 2025” be introduced and read a first, second, and third time; and
4. That Bylaw No. 4672 be returned with Bylaw No. 4435 for adoption.

Submitted by:	Iain Lawrence, MCIP, RPP, Senior Manager, JdF Local Area Services
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Housing, Planning and Protective Services
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Ted Robbins, B.Sc., C.Tech., Chief Administrative Officer

**ATTACHMENTS:**

Appendix A: Proposed Bylaw No. 4435: JdF Soil Removal or Deposit Bylaw No. 2, 2025

Appendix B: Proposed Bylaw No 4672: Ticket Information Authorization (Schedule 7)

Appendix C: Bylaw No. 3941: JdF Soil Removal or Deposit Bylaw No. 1

**CAPITAL REGIONAL DISTRICT  
BYLAW NO. 4435**

\*\*\*\*\*  
**A BYLAW TO REGULATE THE REMOVAL OR DEPOSIT OF SOIL ON LANDS  
WITHIN THE JUAN DE FUCA ELECTORAL AREA**  
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**WHEREAS:**

- A. Under the Supplementary Letters Patent issued on February 12, 1973 (Division XI), as amended by the Supplementary Letters Patent dated August 25, 1986, the Capital Regional District (CRD) was granted authority to undertake the function of regulating the *removal* and *deposit* of *soil*;
- B. Subject to Section 9 of the Community Charter, Section 327 of the Local Government Act authorizes a regional district to regulate or prohibit the *removal* of *soil* from and *deposit* of *soil* and other materials on any land within the regional district or in any area of the regional district, to make different regulations and prohibitions for different areas, and to require permits and impose fees;
- C. The *Board* of the Capital Regional District wishes to regulate both the *removal* of *soil* and the *deposit* of *soil* and other materials within the Juan de Fuca Electoral Area of the Capital Regional District;
- D. The Capital Regional District recognizes that within areas designated as Agricultural Land Reserve (ALR) under the Agricultural Land Commission Act (ALC Act) this Bylaw has no force or effect unless the *soil deposit* or extraction is authorized under the ALC Act or Regulations, or approval from the Agricultural Land Commission for *soil deposit* or extraction has been obtained through an application or notification process;
- E. The Capital Regional District acknowledges that within areas classified as *private managed forest land*, this Bylaw and any permits issued under this Bylaw must not have the effect of restricting, directly or indirectly, a forest management activity listed under Schedule A of the Private Managed Forest Land Regulation.

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

**REPEAL AND REPLACEMENT OF BYLAWS**

The following bylaw is hereby repealed in its entirety:

- (a) Capital Regional District Bylaw No. 3941, cited as the "Juan de Fuca Soil Removal or Deposit Bylaw No. 1, 2015".

and replaced by this Bylaw.

**TITLE**

- 1 This Bylaw may be cited for all purposes as the "Juan de Fuca Soil Removal or Deposit Bylaw No. 2, 2025".

**DEFINITIONS**

- 2 In this Bylaw, the following definitions apply:

**AGENT** means a person who has been authorized in writing by an owner to apply for a *permit* or to act on the owner's behalf on matters regulated by this Bylaw or authorized by a *permit*.

**AGRICULTURAL LAND COMMISSION (ALC)** means the provincial Agricultural Land Commission established under Section 4 of the ALC Act.

**AGRICULTURAL LAND RESERVE (ALR)** means agricultural land designated as an agricultural land reserve under the ALC Act and includes an agricultural land reserve under a former Act.

**APPLICANT** means an owner, or their *agent*, who has submitted an *application*.

**APPLICATION** means an application for a *permit* to *deposit* *soil*.

**AUTHORIZED PERSON** has the same meaning as under the Sewerage System Regulation, B.C. Reg. 326/2004, as amended or replaced from time to time.

**BOARD** means the Capital Regional District Board.

**BUILDING OFFICIAL** means a Registered Building Official employed by the CRD to administer and enforce CRD Building Regulation Bylaw, 2010, Bylaw No. 3741, as amended or replaced from time to time.

**BUILDING PERMIT** means a permit issued under the authority of CRD Building Regulation Bylaw, 2010, Bylaw No. 3741, as amended or replaced from time to time.

**BYLAW ENFORCEMENT OFFICER** means a person designated by the *Board* to administer and enforce bylaws within the CRD.

**COMPOST** means a product which is:

- (a) a stabilized earthy matter having the properties and structure of humus;
- (b) beneficial to plant growth when used as a *soil* amendment;
- (c) produced by composting; and
- (d) only derived from organic matter.

**CONTAMINATED SITES REGULATION** means the Province of British Columbia's Contaminated Sites Regulation, B.C. Reg. 375/96, as amended or replaced from time to time.

**DEPOSIT** means the act of moving *soil* or other material and placing it upon a *parcel* of land where such *soil* or other material did not previously exist or stand.

**DRAINAGE COURSE** means a well-defined, natural or artificial channel that conveys stormwater, whether it usually contains water or not.

**ELECTORAL AREA** means the Juan de Fuca Electoral Area of the Capital Regional District.

**GENERAL MANAGER** means the General Manager responsible for the administration and enforcement of this Bylaw, or a person authorized to act on his or her behalf.

**HIGH-VOLUME SITE** means a site in relation to which section 55.1 (2) [high volume receiving sites] of the Environmental Management Act applies.

**HOLIDAY** means:

- (a) Sunday;
- (b) Christmas Day, Good Friday and Easter Monday;
- (c) Canada Day, Victoria Day, British Columbia Day, Labour Day, National Day for Truth and Reconciliation, Remembrance Day, Family Day and New Year's Day;
- (d) December 26; and
- (e) a day set by the Parliament of Canada or by the Legislature, or appointed by proclamation of the Governor General or the Lieutenant Governor, to be observed as a day of general prayer or mourning, a day of public rejoicing or thanksgiving, a day for celebrating the birthday of the reigning Sovereign, or as a public holiday.

**LANDSCAPE MATERIAL** means gravel, rock, stone, sand, bark mulch, topsoil, *compost* and similar materials used for *landscaping* purposes and obtained from a commercial landscape supplier.

**LANDSCAPING** means preserving or changing the natural features of a parcel by the application of *landscape material*, but does not include changes in grade, stockpiling and excavation.

**LAND USE BYLAW** means the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040; the Malahat Land Use Bylaw, 1982, Bylaw No. 980; the Land Use Bylaw for the Rural Resource Lands, 2009, Bylaw No. 3602; the Comprehensive Community Development Plan for Port Renfrew, 2003, Bylaw No. 3109, and the Comprehensive Community Plan for Willis Point, 2002, Bylaw No. 3027;

**LAND USE COMMITTEE** means the Committee established by the *Board* in accordance with Bylaw No. 3166 to make land use recommendations to the *Board*.

**MINE** means a mine operating under the authorization of a permit issued under the Mines Act.

**PARCEL** means a lot, block or other area in which real property is held or into which real property is subdivided, and includes a strata lot created under the Bare Land Strata Regulations pursuant to the Strata Property Act, but specifically excludes any other strata lot created pursuant to the Strata Property Act or a highway or portion thereof.

**PERMIT** means the written authority issued by the *General Manager* for the *deposit of soil* on any *parcel*.

**PERMIT AREA** means the area of land over which the *soil deposit* occurs, or is proposed to occur, within the subject *parcel*.

**PRIVATE MANAGED FOREST LAND** means private land in respect of which there is a management commitment in accordance with the Private Managed Forest Land Act and that is classified as managed forest land under the Assessment Act.

**PROFESSIONAL REPORT** means a report, or reports, prepared by a *qualified professional* in compliance with this Bylaw.

**QUALIFIED PROFESSIONAL (QP)** may include an engineer, geoscientist, hydrogeologist, agrologist, biologist, soil scientist or land surveyor who is working within their field of expertise and is in good standing with the applicable professional organization.

**RECYCLED ASPHALT PAVEMENT** means asphalt that has been recovered from a demolition process, and that does not include, or is not combined with metal, plastic, rubber, wood, glass, paper, organic materials or other contaminants.

**RECYCLED CONCRETE AGGREGATE** means concrete that has been recovered from a demolition process, and that does not include, or is not combined with metal, plastic, rubber, wood, glass, paper, organic materials or other contaminants.

**REMOVAL** means the act of removing *soil* from any *parcel* on which it exists and includes the removal of *soil* which has been placed into a *stockpile* or storage facility.

**RIPARIAN ASSESSMENT AREA** means:

- (a) for a *stream*, the 30-metre strip on both sides of the *stream*, measured from the *high-water mark*;
- (b) for a ravine less than 60 metres wide, a strip on both sides for the *stream* measured from the *high-water mark* to a point that is 30 metres beyond the top of the ravine bank; and
- (c) for a ravine 60 metres wide or greater, a strip on both sides of the *stream* measured from the *high-water mark* to a point that is 10 metres beyond the top of the ravine bank.

**SECURITY DEPOSIT** means a cash deposit, certified cheque or irrevocable letter of credit provided by the *applicant* to ensure all works will be carried out in compliance with the conditions of the Bylaw.

**SOIL** means unconsolidated mineral or organic material, rock, fill, and sediment that is *deposited* on land, but does not include sewage sludge and *compost* that is applied to land for a beneficial purpose in compliance with the Organic Matter Recycling Regulation or an authorization given under the Environmental Management Act, manure from animals, or farm *compost* material placed on land as a soil amendment or conditioner; or minerals as defined in the Mineral Tenure Act or Regulation.

**SOIL DEPOSIT LOGBOOK** means a record of all *soil deposited* to which an exemption under Section 13 or a permit under Sections 21, 23, 24 or 26 apply and includes the following information:

- (a) the date, time and origin of each delivery of *soil*;
- (b) the contact information (name and phone number) for each project site or property from which the *soil* originated;
- (c) the total *volume soil deposited*;
- (d) the company that delivered the *soil*; and
- (e) the name of the person entering the *soil deposit logbook* information.

**STOCKPILE** means an artificial accumulation of *soil* or other material held in reserve for future use, distribution or *removal*.

**STREAM** means any of the following:

- (a) a *watercourse* or body of water, whether or not it usually contains water; and
- (b) any of the following that is connected by surface flow to a watercourse or body of water referred to in paragraph (a):
  - (i) a ditch, whether or not it usually contains water,
  - (ii) a spring, whether or not it usually contains water; or
  - (iii) a wetland.

**TYPE 'A' SOIL DEPOSIT PERMIT** means a *permit* authorizing the *deposit* of *soil* on a *parcel* where the *volume* of *soil* is less than or equal to 250 m<sup>3</sup> per calendar year.

**TYPE 'B' SOIL DEPOSIT PERMIT** means a *permit* authorizing the *deposit* of *soil* on a *parcel* where the *volume* of *soil* is greater than 250 m<sup>3</sup> and less than or equal to 2,000 m<sup>3</sup> per calendar year.

**TYPE 'C' SOIL DEPOSIT PERMIT** means a *permit* authorizing the *deposit* of *soil* on a *parcel* where the *volume* of *soil* is greater than 2,000 m<sup>3</sup> and less than or equal to 4,000 m<sup>3</sup> per calendar year.

**TYPE 'D' SOIL DEPOSIT PERMIT** means a permit authorizing the *deposit* of *soil* on a *parcel* where the *volume* of *soil* is greater than 4,000 m<sup>3</sup> per calendar year.

**UNSUITABLE MATERIAL** means:

- (a) construction, reconstruction, renovation, building, demolition and road works wastes of any nature, except *recycled asphalt pavement* and *recycled concrete aggregate* in accordance with the requirements of this Bylaw;
- (b) *wood waste* derived from any commercial or industrial activity; and
- (c) *soil* known to contain species identified under the *Weed Control Act*.

**WATERCOURSE** means a permanent or non-permanent (containing water at least six months of the year) source of water supply that is natural or man-made, including a pond, lake, river, creek, brook, ditch, spring or wetland that is integral to a *stream*, with well-defined banks and a bed of 0.6 m or more below the surrounding land serving to give direction to or containing a current of water but does not apply to a man-made pond that does not connect to a *stream*.

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

**VOLUME** means the volume of uncompacted *soil* measured for the purpose of transport to a property before it is *deposited*.

## PURPOSE

**3** This Bylaw has been enacted for the purpose of regulating the *removal* and *deposit* of *soil* within the Juan de Fuca Electoral Area of the CRD in the general public interest.

**4** The purpose of this Bylaw does not extend:

- (a) to the protection of owners, occupiers or persons involved in the *removal* or *deposit* of *soil* from economic loss;
- (b) to the assumption of the CRD or any officer or employee of the CRD of any responsibility for ensuring compliance by any person involved in the *removal* or *deposit* of *soil* on land under this Bylaw, or any other enactments applicable to the *removal* or *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, any other enactment or create any nuisance of any type;
- (d) to relieving *applicants* from the responsibility for removing any *soil* that has been *deposited* contrary to this Bylaw or a *permit* issued under this Bylaw;
- (e) to lands within the ALR except where authorized under the *ALC Act* or *Regulations* or as approved by the ALC through an application/notification process; or

- (f) to forest management activity on lands classified as Managed Forest Land under the Private Managed Forest Land Act; and
- (g) any liability relating to damaging highways or *depositing* materials on a highway.

## BYLAW APPLICATION

- 5 This Bylaw applies within the *Electoral Area*, except when in conflict with the ALC Act or Regulations or the Private Managed Forest Land Act.

## SEVERABILITY

- 6 If any section, subsection, sentence, paragraph, or schedule forming part of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the section, subsection, paragraph, or schedule may be severed from the Bylaw without affecting the validity of the Bylaw or any portion of the Bylaw or remaining schedules.

## INCORPORATION OF SCHEDULES

- 7 Schedules 'A' and 'B', attached hereto, are hereby made a part of this Bylaw.

## GENERAL REGULATIONS

- 8 No person shall do any of the following anywhere in the *Electoral Area*:
- (a) *deposit soil* or cause, permit or allow the *deposit of soil* on any *parcel*, unless or until a *permit* allowing the *deposit* has first been obtained or unless the *deposit* does not require a *permit* under Section 13 of this Bylaw;
  - (b) *deposit a volume of soil* in excess of 4,000 m<sup>3</sup>, except in accordance with Section 13 or where specifically authorized or permitted by a *land use bylaw* and under a *Type 'D' Soil Deposit Permit*;
  - (c) *deposit unsuitable material* or cause, permit or allow the *deposit of unsuitable material* on any *parcel*, unless specifically authorized or permitted by a *land use bylaw*;
  - (d) *remove or deposit soil* in or around a *watercourse* unless in compliance with the provincial Riparian Areas Protection Regulation, the Water Sustainability Act, or Part 9 of the Health Safety and Reclamation Code;
  - (e) *remove or deposit any soil material* on land in the ALR unless authorized by the ALC Act or Regulations or as approved by the ALC; or
  - (f) *deposit soil* contrary to any *permit* issued under this Bylaw.
- 9 The owner of land from which *soil* is to be *removed* or on which *soil* is to be *deposited* is responsible for ensuring compliance with the provisions of this Bylaw.
- 10 The owner of land from which *soil* is to be *removed* or on which *soil* is to be *deposited* is responsible to contact the relevant Provincial and Federal ministries or agencies in order to determine the requirements of those ministries or agencies in relation to any *soil deposit* or *removal* undertaken under the authority of this Bylaw, and the *owner* is responsible to comply with those requirements.

## SOIL REMOVAL REGULATIONS

- 11 The *removal of soil* from land in the *Electoral Area* is subject to the following regulations:
- (a) No person shall engage in the *removal of soil*, or in the excavation or moving of *soil* associated with *soil removal* operations:
    - (i) on a *holiday*, or
    - (ii) outside the hours of 7 am to 7 pm.
  - (b) Despite Section 11(a)(ii), no person shall engage in the *removal of soil*, or in the excavation or moving of *soil* associated with *soil removal* operations on a Residential, Rural Residential,

- Multiple Family Residential or Community Residential zoned *parcel* as defined in a *land use bylaw*:
- (i) outside the hours of 8 am and 5 pm.
  - (c) Where the *soil removal* is within a development permit area designated by a CRD official community plan bylaw under Section 488(1)(a) (protection of the natural environment) or Section 488(1)(b) (protection of development from hazardous conditions) of the Local Government Act, a development permit must be issued prior to the *removal* of any *soil*.
  - (d) Where the *soil removal* is within an area for which a development permit has been issued, the *soil removal* must comply with the development permit.
  - (e) Where the *removal of soil* is proposed within 5 m of a *riparian assessment area* boundary, no person shall remove soil unless the person has first installed sediment control fencing adjacent to any *riparian assessment area*, unless otherwise authorized in a development permit.
  - (f) Where both the *soil removal* site and *soil deposit* site are located in the *Electoral Area*, a *permit* must be approved for the *deposit* site prior to any *soil removal*.
  - (g) Any *soil removal* in excess of 100 m<sup>3</sup> in a calendar year requires approval of the Ministry of Transportation and Transit.
  - (h) Public highway rights-of-way, including travelled surfaces and roadside ditches, must remain free of *soil*, gravel, rock or other material during *soil removal* operations.

## SOIL DEPOSIT REGULATIONS

- 12** In addition to any conditions specified in a *permit* under this Bylaw, the *deposit* of any *soil* on land in the *Electoral Area* must comply with the following regulations:
- (a) No person shall engage in the *deposit* of *soil*, or in the excavation, grading or moving of *soil* associated with *deposit* operations:
    - (i) on a *holiday*,
    - (ii) or outside the hours of 7 am to 7 pm,except as authorized or further restricted in a *permit*.
  - (b) Despite Section 12(a)(ii), no person shall engage in the *deposit* of *soil*, or in the excavation, grading or moving of *soil* associated with *deposit* operations on a Residential, Rural Residential, Multiple Family Residential or Community Residential zoned *parcel* as defined in a *land use bylaw*:
    - (i) outside the hours of 8 am and 5 pm,except as authorized or further restricted in a *permit*.
  - (c) Where the *soil deposit* is within a development permit area designated by a CRD official community plan bylaw under Section 488(1)(a) (protection of the natural environment) or Section 488(1)(b) (protection of development from hazardous conditions) of the Local Government Act, a development permit must be issued prior to the *deposit* of any *soil*.
  - (d) Where the *soil deposit* is within an area for which a development permit has been issued, the *soil deposit* must comply with the development permit.
  - (e) Where the *deposit* of *soil* is proposed to be located within 5 m of a *riparian assessment area* boundary, no person shall *deposit* or permit the *deposit* of *soil* unless they have installed sediment control fencing along the boundary of the *riparian assessment area* prior to the commencement of the *soil deposit*, except as otherwise specified in a *permit* under this Bylaw.
  - (f) A person *depositing soil* shall ensure that all *streams*, *watercourses*, wetlands, and drainage facilities are kept free of silt, clay, sand, debris and other material attributable to the *soil deposit* activity that could obstruct, impair, or impede drainage facilities and *watercourses*, except as authorized by the Province.

- (g) A person that has *deposited* or is *depositing soil* shall ensure that the slope of any exposed face of *deposited soil* is greater than the angle of repose necessary for stability of the *deposited* material, except that:
  - (i) The slope of any exposed face of *deposited soil* within 10 m of a property boundary must not be greater than 4:1 (4 vertical to 1 horizontal) or than the angle of repose necessary for stability of the *deposited* material, whichever is less.
- (h) A person that has *deposited* or is *depositing soil* shall ensure that the *soil* is graded so that positive gravity drainage is assured.
- (i) A person that has *deposited* or is *depositing soil* shall install and a drainage system of sufficient capacity and extent to ensure that runoff onto adjacent lands will be no greater than prior to commencement of the *soil deposit*.
- (j) *Soil* must not be *deposited* over a well or other water source or sewage disposal systems without prior approval by a *qualified professional*.
- (k) Any *soil deposit* in excess of 250 m<sup>3</sup> in a calendar year requires approval of the Ministry of Transportation and Transit.
- (l) Public highway rights-of-way, including travel surfaces and roadside ditches, shall remain free of *soil*, gravel, rock or other material during *soil deposit* operations, except with written approval of the Ministry of Transportation and Transit.
- (m) *Soil* must not be *deposited* over any statutory right-of-way without first obtaining written approval of the authority having jurisdiction over the statutory right-of-way.
- (n) Where *soil* is *deposited* under a *permit* required by this Bylaw, the *volume* is the cumulative amount of *soil deposited* over a 5-year period starting from the completion or expiration of the most recent *permit*.

### PERMIT EXEMPTIONS

- 13** Notwithstanding Section 12, a *permit* is not required if at least one of the following conditions is satisfied:
- (a) the *deposit* consists of *landscape material* or of aggregate that is sourced from a *mine*, for the sole purpose of *landscaping a parcel* where the total *volume deposited* does not exceed 250 m<sup>3</sup> in any calendar year;
  - (b) all of the *soil* to be *deposited* is necessary for the construction of basements, footings and foundations, or for the installation of works and services including septic fields and driveways in conjunction with the construction of a building or structure under a valid *building permit* while such *building permit* remains in force where the total *volume deposited* under Section 13(b) does not exceed 2,000 m<sup>3</sup>;
  - (c) all of the *soil* to be *deposited* is necessary for the construction of works and services including septic fields and future public highways in conjunction with the subdivision of land under an active application with the Ministry of Transportation and Transit;
  - (d) all of the *soil* to be *deposited* is, in the written opinion of an *authorized person*, required for the maintenance, repair, or replacement of a sewerage system and associated works where the total *volume deposited* under Section 13(d) does not exceed 2,000 m<sup>3</sup>;
  - (e) the *deposit* is required for the construction or repair of works, roads, highways or services by or on behalf of the CRD, or the Ministry of Transportation and Transit, and the *deposit* is onto a *parcel* owned or leased by one of these authorities;
  - (f) the *deposit* is to a *parcel* owned or leased by the federal or provincial government provided that this exemption does not apply to the *deposit* on a *parcel* that is leased or licensed by the provincial or federal government to a third party;
  - (g) the *soil* is being relocated within the boundaries of the *parcel* from which it originates;

- (h) the *deposit of soil* is on land used for authorized industrial uses or for commercial landscape supply, horticultural use or as a nursery in compliance with a *land use bylaw* and the *ALC Act*, and such *deposit* is necessary to create a *stockpile* for re-sale or is otherwise necessary as part of the routine business operations of a landscape supply, horticultural or nursery operation;
  - (i) the *deposit of soil* is authorized by a permit or other explicit approval under the *Mines Act*;
  - (j) the *deposit of soil* is on land that is designated as *private managed forest land* and the *deposit* is a forest management activity in accordance with the *Private Managed Forest Land Act and Regulation*; or
  - (k) the *deposit of soil* is registered as a *high-volume site* by the Province on land located within the Rural Resource Lands Official Community Plan area;
  - (l) the *deposit* or import of aggregate that is sourced from a *mine* in connection with the operation of farm, horse stable, or other agricultural use, and where the land is within the *Agricultural Land Reserve*, the *deposit* or import is also designated as a farm use under the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*; and
  - (m) the *deposit* is undertaken to resolve an emergency situation that presents an immediate danger related to flooding, erosion, land slide or other immediate threat to life or property.
- 14** Where the *Building Official* is of the opinion that *soil* being *deposited*, or to be *deposited*, under Section 13(b) or 13(c) of this Bylaw is not necessary for the construction of basements, footings, and foundations, or for the installation of works and services including septic fields and driveways, the *Building Official*, *Bylaw Enforcement Officer* or *General Manager* may order the immediate cessation of *soil deposit* until a *permit* has been applied for and issued under this Bylaw.
- 15** Where the *General Manager* is of the opinion that *soil* being *deposited*, or to be *deposited*, under Section 13(m) of this Bylaw is not necessary to resolve an emergency situation that presents an immediate danger related to flooding, erosion, land slide or other immediate threat to life or property, the *General Manager* may order the immediate cessation of *soil deposit* until a *permit* has been applied for and issued under this Bylaw.
- 16** The onus of demonstrating compliance with Section 13 is at all times on the owner of the land undertaking the *deposit of soil*, who must provide to the CRD sufficient documentation, including but not limited to a *soil deposit logbook*, to the satisfaction of the *General Manager* to confirm that the person meets the conditions for granting an exemption under Section 13 and the regulations specified under Section 12.
- 17** A person who intends to *deposit soil* under Section 13 must submit to the CRD, at least 5 days prior to the proposed *deposit*, a Contaminated Site Waiver (Schedule 'B') or a Site Disclosure Statement, as set out in Schedule 1 of the *Contaminated Sites Regulation* of the *Environmental Management Act* of British Columbia, for the site from which the *soil* originated.

#### PERMIT APPLICATION REQUIREMENTS

- 18** Every *application* must be made by the owner of the *parcel* on which the *soil* is to be *deposited*, or by the *agent* of the owner.
- 19** If the *applicant* is not the owner of the *parcel* of land, the *applicant* must provide a signed owner authorization from all owners of the *parcel* of land authorizing the *applicant* to carry out the works on behalf of the owner.
- 20** All plans, specifications and *professional reports* forming part of an *application* in respect of which a *permit* is issued forms part of and will be incorporated in the *permit* unless otherwise specified, and without limiting the foregoing, a *permit* issued is limited to the *volume* of *soil* that is to be *deposited*.

#### APPLICATION REQUIREMENTS – TYPE 'A' SOIL DEPOSIT PERMIT

- 21** Unless exempt under Section 13, any person intending to *deposit* a *volume* of up to 250 m<sup>3</sup> of *soil* on a *parcel* of land must first obtain a *Type 'A' Soil Deposit Permit*.
- 22** Every *application* for a *Type 'A' Soil Deposit Permit* must include the following:

- (a) a completed *Type 'A' Soil Deposit Permit application* form, including all required signatures and authorizations;
- (b) a title search, and copies of all registered encumbrances obtained no more than 30 days prior to the date of submission of the *application*;
- (c) the applicable *security deposit* and *permit fees* (Schedule 'A');
- (d) a Contaminated Site Waiver (Schedule 'B'), or a Site Disclosure Statement, as set out in Schedule 1 of the *Contaminated Sites Regulation* of the *Environmental Management Act* of British Columbia, completed by the owner, or agent, of the site from which the *soil* originated;
- (e) a scaled and dimensioned site plan of the property where the *soil* is to be *deposited* showing:
  - (i) the location of property boundaries;
  - (ii) the specific location on the property where the *soil* is to be *deposited*;
  - (iii) the location of the proposed crest of a fill slope and the proposed toe of a fill slope and their elevations;
  - (iv) the location of driveway accesses, internal roadways, buildings and structures located on the property;
  - (v) the location of wells and septic fields; and
  - (vi) the location of any *stream*, lake, pond, wetland, *drainage course* or the sea on the subject property or within 30 m of the *soil deposit* area.
- (g) Where a Steep Slope, as defined by the applicable Official Community Plan Development Permit designation, is created as a result of *soil deposit* activity, a Soil Assessment and Deposit Plan prepared by a *qualified professional*, including:
  - (i) plans drawn to a scale of not less than 1:1,000, showing the existing contours with contour intervals of not more than 1 m; and the location of buildings or structures; *watercourses*, tree cover, wells, known aquifers; sewage disposal fields, public utilities; the proposed *permit area*; driveways; and ingress and egress points from the proposed *permit area* to a highway;
  - (ii) the proposed contours of the *parcel* in its final state upon completion of the *permit* activities with contour intervals of not more than 1 m; and
  - (iii) the proposed total *volume* of *soil* to be *deposited*.

#### **APPLICATION REQUIREMENTS – TYPE 'B' AND TYPE 'C' SOIL DEPOSIT PERMIT**

- 23** Unless exempt under Section 13, any person intending to *deposit* a *volume* of more than 250 m<sup>3</sup> but less than or equal to 2,000 m<sup>3</sup> of *soil* on a *parcel* of land must first obtain a *Type 'B' Soil Deposit Permit*.
- 24** Unless exempt under Section 13, any person intending to *deposit* a *volume* of more than 2,000 m<sup>3</sup> but less than or equal to 4,000 m<sup>3</sup> of *soil* on a *parcel* of land must first obtain a *Type 'C' Soil Deposit Permit*.
- 25** Every *application* for a *Type 'B' or Type 'C' Soil Deposit Permit* must include the following:
- (a) a completed *Type 'B' and Type 'C' Soil Deposit Permit application* form, including all required signatures and authorizations;
  - (b) a title search, and copies of all registered encumbrances obtained no more than 30 days prior to the date of submission of the *application*;
  - (c) the applicable *security deposit* and *permit fees* (Schedule 'A');
  - (d) a Contaminated Site Waiver (Schedule 'B') or a Site Disclosure Statement, as set out in Schedule 1 of the *Contaminated Sites Regulation* of the *Environmental Management Act* of British Columbia, completed by the owner, or agent, of the site from which the *soil* originated;

- (e) a scaled and dimensioned site plan prepared by a *qualified professional* showing the following:
  - (i) the location of property boundaries;
  - (ii) the specific location on the property where the *soil* is to be *deposited*;
  - (iii) the location of the proposed crest of a fill slope and the proposed toe of a fill slope and their elevations;
  - (iv) the location of driveway accesses, internal roadways, buildings and structures located on the property;
  - (v) the location of wells and septic fields;
  - (vi) the location of any *stream*, lake, pond, wetland, *drainage course* or the sea on the subject property or within 30 m of the *soil deposit* area; and
  - (vii) the proposed contours of the *parcel* in its final state upon completion of the *permit* activities with contour intervals of not more than 1 m.
- (f) Where a Steep Slope, as defined by the applicable the Official Community Plan Development Permit designation, is created as a result of *soil deposit* activity, a Soil Assessment and Deposit Plan prepared by a *qualified professional*, including:
  - (i) plans drawn to a scale of not less than 1:1,000, showing the existing contours with contour intervals of not more than 1 m; and the location of buildings or structures; *watercourses*, tree cover, wells, known aquifers; sewage disposal fields, public utilities; the proposed *permit area*; driveways; and ingress and egress points from the proposed *permit area* to a highway;
  - (ii) the proposed contours and cross-sections of the *parcel* in its final state upon completion of the *permit* activities with contour intervals of not more than 1 m; and
  - (iii) the proposed total *volume* of *soil* to be *deposited*, including any pertinent information used to calculate the *soil deposit volume*.

#### APPLICATION REQUIREMENTS – TYPE ‘D’ SOIL DEPOSIT PERMIT

- 26** Any person intending to *deposit* a *volume* of more than 4,000 m<sup>3</sup> of *soil* on a *parcel* of land specifically authorized or permitted by a *land use bylaw*, must first obtain a *Type ‘D’ Soil Deposit Permit*, unless exempt under Section 13.
- 27** Every *application* for a *Type ‘D’ Soil Deposit Permit* must include the following:
- (a) a completed *Type ‘D’ Soil Deposit Permit application* form, including all required signatures and authorizations;
  - (b) a title search, and copies of all registered encumbrances, including water licenses, obtained no more than 30 days prior to the date of submission of the *application*;
  - (c) the applicable *security deposit* and *permit* fees (Schedule ‘A’);
  - (d) a Site Disclosure Statement, as set out in Schedule 1 of the *Contaminated Sites Regulation* of the *Environmental Management Act* of British Columbia, completed by the owner, or agent of the site from which the *soil* originated;
  - (e) a Soil Assessment and Deposit Plan prepared by a *qualified professional*, including:
    - (i) plans drawn to a scale of not less than 1:1,000, showing the existing contours with contour intervals of not more than 1 m; and the location of buildings or structures; *watercourses*, tree cover, wells, known aquifers; sewage disposal fields, public utilities; the proposed *permit area*; driveways; and ingress and egress points from the proposed *permit area* to a highway;
    - (ii) the proposed contours and cross-sections of the *parcel* in its final state upon completion of the *permit* activities with contour intervals of not more than 1 m;

- (iii) the proposed total *volume of soil* to be *deposited*, including any pertinent information used to calculate the *soil deposit volume*;
  - (iv) the estimated schedule and phasing of *soil deposit* activity;
  - (v) a description of procedures for controlling access to the site; and
  - (vi) a description of procedures for documenting the origin and composition of *soil* to be *deposited*, including preliminary fill source assessments, *soil* source Site Disclosure Statements, and truck tracking receipts.
- (f) an Environmental Assessment and Protection Plan prepared by a *qualified professional*, including:
- (i) measures to control *soil* erosion and sedimentation;
  - (ii) measures for managing on-site drainage and ensuring that adjacent properties will not be negatively impacted by water runoff from the *soil deposit* site;
  - (iii) measures for protecting *riparian assessment areas* and for ensuring that *watercourses*, wells and aquifers, flowing through or under the *parcel*, will not be negatively impacted by the *soil deposit* activity or by storm water runoff from the *soil deposit* site (this may be combined with a Riparian Areas Protection Regulation Assessment where required);
  - (iv) measures for controlling noxious weeds and invasive species; and
  - (v) measures to control: dust, noise, odour, smoke, vibration and visual impacts caused by the *deposit* on adjacent *parcels*, and the tracking of *soil* or other material onto highways.

#### GENERAL APPLICATION REQUIREMENTS

- 28** In addition to the *application* requirements under Sections 25 and 27, the *General Manager* may require the following information prior to considering issuance of a *permit*:
- (a) a survey of the *parcel*, or in the case of a *parcel* exceeding 1 ha a survey of that part of the *parcel* that is the subject of the *application*, prepared by a British Columbia Land Surveyor (BCLS), including:
    - (i) the location of property boundaries, and any easements, statutory rights-of-way and covenant areas;
    - (ii) the specific location on the property where the *soil* is to be *deposited*;
    - (iii) the location of driveway accesses and internal roadways, buildings and structures located on the property;
    - (iv) the location of wells and septic fields;
    - (v) the location of all public infrastructure within 20 m of the property;
    - (vi) the location of any *stream*, lake, pond, wetland, *drainage course* or the sea on the subject property or within 30 m of the subject property; and
  - (b) a Site Remediation Plan prepared by a *qualified professional*, including:
    - (i) reclamation measures to stabilize, landscape and restore the land upon completion of the *soil deposit* activity;
    - (ii) measures for permanent drainage and storm water management; and
    - (iii) measures to address noxious weeds and invasive species after completion the of *soil deposit* activity; and
  - (c) for land that, in the opinion of the *General Manager*, may be susceptible to flooding, a Hydrology Report prepared by a *qualified professional* certifying that adjacent property and infrastructure will not be subject to increased flooding and hydraulic impacts caused by the reduced absorptive capacity of the land, reduced flood capacity, or the blockage or re-direction of flood water flows; and

- (d) for land that is located within an aquifer that is highly vulnerable to contamination by surface sources as classified by the Province of British Columbia or a study of the CRD, written authorization from the Ministry responsible.

## PERMIT CONDITIONS

- 29 A *permit* constitutes written authority under this Bylaw to conduct only those activities described in the *permit*. All *deposit* activity must comply with the conditions of the *deposit permit* and this Bylaw.
- 30 All plans, specifications and *professional reports* forming part of an *application* in respect of which a *permit* is issued forms part of and will be incorporated into the *permit* as conditions unless otherwise specified by the *General Manager* and, without limiting the foregoing, a *permit* issued may specify the maximum *volume* of *soil* that is to be *deposited*.
- 31 In addition to the conditions specified under Section 30, a *permit* may include one or more conditions pertaining to the regulations of this Bylaw.
  - (a) Every *permit* holder must keep a daily record of all *soil deposited* on the *permit* site in the form of a *soil deposit logbook*.
  - (b) Every *permit* holder must, no later than twenty-four hours after a request to review the *soil deposit logbook*, submit the *soil deposit logbook* to the *General Manager* for review and inspection.
  - (c) Where information in the *soil deposit logbook* is incomplete or determined to be false, the *permit* may be suspended and the *permit* holder or owner must undertake one or more of the following measures, as determined by the *General Manager*, to renew work under the *permit*:
    - (i) Submit a *soil* quality assessment, including laboratory analysis of contamination for a specified *soil deposit* footprint, completed by a *qualified professional*;
    - (ii) Complete the *soil deposit logbook*;
    - (iii) Correct any false *soil deposit logbook* records; and
    - (iv) Agree to submit monthly *soil deposit logbook* records for all subsequent *soil deposits* under the *permit*.
  - (d) Prior to the *deposit* of any *soil* under a *Type 'B'*, *Type 'C'* or *Type 'D' Soil Deposit Permit*, the holder must post a copy of the *permit*, or otherwise post a clear and legible sign, in English, indicating the duration and extent of the *soil deposit* at the point of entry to the property from the main road. The sign is to be 1 m x 1 m square and must include the *permit* number on it.
  - (e) The holder of the *permit* must contact the Ministry of Transportation and Transit and comply with its requirements for road maintenance and cleanup during and after the *soil deposit* works.
  - (f) The *General Manager* may require a post-*deposit* report prepared by a *qualified professional* confirming compliance with the *permit* conditions and certifying that the land is safe for the use intended.
  - (g) Where a Site Remediation Plan is required, the *General Manager* may require a post-*deposit* report prepared by a *qualified professional* one year after the date of completion of *soil deposit* activity certifying that any recommendations of the Plan have been satisfied.
  - (h) Where the *General Manager* has reason to believe that *soil* being *deposited* under this Bylaw is contaminated, the *General Manager* may order the immediate cessation of *soil deposit* until the person *depositing* the *soil* provides satisfactory evidence that the *deposit* is subject to and is in accordance with an authorization, certificate of compliance, order, or exemption under the *Environmental Management Act*.

## AUTHORITY TO ISSUE THE PERMIT

- 32 The *Board* hereby delegates to the *General Manager* the authority to refer an *application* and to issue a *permit*.

- 33** The *General Manager* or *Board* may refuse to issue a *permit* where the *applicant* has not provided sufficient evidence that the *deposit of soil* can be carried out in compliance with this Bylaw and all other statutory, regulatory, bylaw and other requirements, and without creating a hazard to persons or property, damage to the environment, or irreparable damage to highways or other public property.

### REFERRAL AND NOTICE

- 34** The CRD shall refer *applications* for a *Type 'B', Type 'C' or Type 'D' Soil Deposit Permit* as follows:
- (a) Staff will refer *applications* to the Ministry of Transportation and Transit, the Ministry of Environment and Parks and to any other agency or service provider whose interests the CRD deems may be affected by the *soil deposit* and to relevant CRD departments for comment.
  - (b) Each agency and department has 20 working days after the referral date to provide comments.
  - (c) If after 20 working days an agency or department has not provided a response, the agency or department will be considered to have no concerns.
  - (d) Where an agency or department has advised that additional time will be required to review the *application*, an extension to the referral period may be considered.
- 35** An *application* for a *Type 'D' Soil Deposit Permit* may be referred by the *General Manager* or *Board* to the *Land Use Committee* for comment and a recommendation to the *General Manager* or *Board* with respect to the terms and conditions of the *permit*.
- 36** The CRD will provide a notice of intent to issue a *Type 'B' or Type 'C' Soil Deposit Permit* as follows:
- (a) The CRD will provide notice in writing by regular mail to the owners and occupiers of land immediately adjacent to the *parcel* subject to the *permit application* a minimum of 10 working days prior to the date that issuance of the *permit* will be considered.
- 37** The CRD will provide a notice of intent to recommend or issue a *Type 'D' Soil Deposit Permit* as follows:
- (a) Where an *application* has been referred to the *Land Use Committee* under Section 35, the CRD will provide notice of the *Land Use Committee* meeting at which a recommendation will be considered, the CRD, by regular mail, to the owners and occupiers of land within 500 m of the *parcel* subject to the *permit application* a minimum of 10 working days prior to the date of the *Land Use Committee* meeting; or
  - (b) Where the *General Manager* or *Board* has not referred an *application* to the *Land Use Committee*, the CRD will provide notice in writing by regular mail to the owners and occupiers of land within 500 m of the *parcel* subject to the *permit application* a minimum of 10 working days prior to the date that issuance of the *permit* will be considered.

### INSPECTION

- 38** The CRD *Bylaw Enforcement Officer* or *Building Official* is authorized, at all reasonable times, to enter and inspect any property to:
- (a) determine if the owner of a property upon which a proposed *deposit* operation is required to obtain a *permit*;
  - (b) determine if a *deposit* or *removal* has occurred on a property without a valid *permit* or approval, or is being carried out in accordance with the regulations of this Bylaw; and
  - (c) inspect a *soil deposit logbook*.
- 39** The owner of any property on which *soil* is *deposited* must maintain sufficient up-to-date records and physically identify and mark on the ground the outermost extents and elevation of the *soil deposit* activity to allow the progress of the *deposit* operation to be monitored by the CRD. Such records must be made available to the *Bylaw Enforcement Officer* or *Building Official* upon request.

## TERM OF PERMIT

- 40** Every *permit* issued under this Bylaw expires upon the earlier of:
- (a) the time at which the *deposit* of the total amount of *soil* authorized to be *deposited* by the *permit* has been completed;
  - (b) for a *Type 'A' or 'B' Soil Deposit Permit*, one year after the date of *permit* issuance;
  - (c) for a *Type 'C' Soil Deposit Permit*, two years after the date of *permit* issuance; or
  - (d) the expiry date expressly stated in the *permit*.

## PERMIT RENEWAL

- 41** If the *deposit* authorized by a *Type 'A', 'B' or 'C' Soil Deposit Permit* is not completed before the *permit* expires under Section 40, the *General Manager* may renew the *permit* provided that:
- (a) the *applicant* makes a written request to the *General Manager* for a renewal or extension a minimum of 10 days prior to the expiry date;
  - (b) the *applicant* has paid the required renewal and security fees;
  - (c) the *applicant* has submitted a title search and owner authorization, obtained no more than 30 days prior to the date of submission of the renewal;
  - (d) the *deposit* is being carried out in compliance with the original *permit*, including any conditions of a *professional report* that may apply; and
  - (e) there is no change in scope from the original *application*.
- 42** There is no limit on the number of times an *applicant* may apply for renewals, but no *applicant* has a vested right to receive any renewals. The CRD reserves the right to require that the terms and conditions of the *permit* may be revised prior to the renewal of the *permit*.
- 43** Requests for renewal that include a change in the scope of the original *application* will require a new *deposit application* and fees to be submitted.
- 44** A *Type 'D' Soil Deposit Permit* may not be renewed. Further *soil deposit* will require a new *application* and *permit*.

## FEES AND SECURITY DEPOSITS

- 45** The *application* and volumetric fee for the *permit* is set out in Schedule 'A' and is based upon the *volume* of material to be *deposited* and, except as otherwise noted on Schedule 'A', must be paid in full before issuance of the *permit*.
- 46** To ensure the due and proper compliance with all the requirements and conditions of this Bylaw, including but not limited to the non-payment of *soil deposit* fees, the *applicant* must, before receiving a *permit* for the *deposit* of *soil*, provide a *security deposit* in the amount as set out in Schedule 'A'. Where the *security deposit* is provided in the form of an irrevocable letter of credit, such letter of credit must be clean and unconditional, automatically renewing and drawn on a charter bank in Canada.
- 47** The CRD shall not be required to pay any interest on a *security deposit*.
- 48** The CRD may draw upon the *security deposit* to remedy any breach of the Bylaw or *permit* conditions, including but not limited to:
- (a) failure to adhere to the conditions and plans attached to the *permit*, including but not limited to the submission of reports from a *qualified professional*;
  - (b) causing or permitting any damage or adverse effect to the environment, public health or safety, or neighbouring properties as a result of *soil deposit* activities; or
  - (c) failure to complete the *soil deposit* within the specified time or to obtain an extension from the CRD.

- 49** Where a *security deposit* is required under this Bylaw, the CRD will hold the *security deposit* for a minimum of six (6) months after the *permit* has expired or the works authorized by the *permit* have been completed and certified by a *qualified professional*.
- 50** Where the CRD undertakes remedial action to remedy any contravention of this Bylaw or the conditions of a *permit*, the full costs will be borne by the *applicant*.

#### **PERMIT SUSPENSION, CANCELLATION AND AMENDMENT**

- 51** If there is a contravention of any term or condition of the *permit*, or the *permit* was issued on the basis of statements made in an *application*, report, declaration or record required under this Bylaw that were false or misleading with respect to a material fact, or that omitted to state a material fact, the omission of which made the statement false or misleading, the *General Manager* may:
- (a) suspend in whole or in part the rights of the *applicant* under the *permit*;
  - (b) expire the *permit*;
  - (c) amend the *permit*; or
  - (d) attach new conditions to a *permit* without the consent of the *applicant*.
- 52** For any proposed material changes to the *permit*, the *General Manager* may require one or more of the following:
- (a) the submission of amended information under Section 22, 25, 27 or 28;
  - (b) referral under Section 34 and 35;
  - (c) notice under Section 34 and 35; and
  - (d) the submission of a new *application*, along with applicable fees.

#### **OFFENCES AND PENALTIES**

- 53** An offence is committed against this Bylaw by any person who:
- (a) contravenes a regulation or requirement of this Bylaw;
  - (b) causes, allows or permits a regulation or requirement of this Bylaw to be contravened; or
  - (c) fails to comply with any term or condition of a *permit*.
- 54** Any person violating any provision of this Bylaw or any person allowing a violation of this Bylaw is liable on summary conviction to a maximum fine of \$50,000.
- 55** A separate offence shall be deemed to be committed on each day during, or on which, a violation occurs or continues.
- 56** The penalties imposed under Section 54 are in addition to and not in substitution for any other penalty or remedy imposed by this Bylaw or any other statute, law or regulation.

#### **INDEMNIFICATION**

- 57** The holder of the *permit* 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 the *deposit of soil*.
- 58** The holder of a *permit* must save harmless, indemnify and keep indemnified the CRD, its officers, employees, contractors, and elected officials from any and all claims, demands, damages, losses, costs, expenses, fees, fines, actions, proceedings whatsoever brought by any person arising from the issuance of a *permit* under this Bylaw with respect to the *deposit of soil* authorized under a *permit*.

**MINISTERIAL APPROVAL**

**59** Recognizing the provincial interest in matters related to the *deposit of soil* and other material, making reference to the quality of *soil* or material or to contamination, this Bylaw has been reviewed and approved by the minister responsible.

READ A FIRST TIME            THIS        \_\_\_\_\_    DAY OF            \_\_\_\_\_            2025

READ A SECOND TIME        THIS        \_\_\_\_\_    DAY OF            \_\_\_\_\_            2025

READ A THIRD TIME         THIS        \_\_\_\_\_    DAY OF            \_\_\_\_\_            2025

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Ministry of Environment and Parks

ADOPTED                        THIS        \_\_\_\_\_    DAY OF            \_\_\_\_\_            2025

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
CORPORATE OFFICER

**SCHEDULE "A": FEES AND SECURITY DEPOSIT**

PERMIT TYPE	PERMIT VOLUME	APPLICATION AND VOLUMETRIC FEE	SECURITY DEPOSIT	RENEWAL FEE
A	Up to 250 m <sup>3</sup>	\$25	N/A	\$25
B	251 m <sup>3</sup> to 2,000 m <sup>3</sup>	\$550 <i>application</i> fee plus \$0.93 per cubic metre of <i>soil deposited</i>	\$5,000	\$550
C	2,001 m <sup>3</sup> to 4,000 m <sup>3</sup>	\$2,000 <i>application</i> fee plus \$1.11 per cubic metre of <i>soil deposited</i>	\$10,000	\$2,000
D	Greater than 4,000 m <sup>3</sup>	\$3,000 <i>application</i> fee plus \$1.24 per cubic metre of <i>soil deposited</i>	\$15,000 per hectare, or part thereof, on which <i>soil</i> is to be <i>deposited</i>	Not Applicable

1. Prior to the issuance of a *Type 'B' or Type 'C' Soil Deposit Permit*, payment of the *application* fee, volumetric fee based on the estimated *volume* of *soil* to be *deposited*, and *security deposit* is required.
2. Prior to the issuance of a *Type 'D' Soil Deposit Permit*, payment of the *application* fee, 50% of the volumetric fee, and the *security deposit* is required. The remaining 50% of the volumetric fee is due upon the *deposit* of 50% of the *volume* of *soil* authorized to be *deposited* by the *permit*, as reported by the *qualified professional* and/or *soil deposit logbook*.

**SCHEDULE 'B': CONTAMINATED SITE WAIVER**



Juan de Fuca Community Planning  
 3 – 7450 Butler Road  
 Sooke, BC V9Z 1N1  
 T: 250.642.1500 | F: 250.642.5274

Date Received
---------------

**SOIL DEPOSIT | CONTAMINATED SITE WAIVER**

**PROPERTY INFORMATION**

<b>Land from which soil is to be removed:</b>					
PID: _____		Folio: _____			
Legal Description: _____					
Lot: _____	Section: _____	Block: _____	Township: _____	Plan: _____	
Land District: _____					
Civic Address: _____					
<b>Land on which soil is to be deposited:</b>					
PID: _____		Folio: _____			
Legal Description: _____					
Lot: _____	Section: _____	Block: _____	Township: _____	Plan: _____	
Land District: _____					
Civic Address: _____					

**OWNER/APPLICANT INFORMATION**

<b>Name of Registered Owners:</b>	
(If more than two, please list on a separate page.)	1. _____
	2. _____
<b>Name of Applicant:</b> _____	
<b>Applicant Contact Information:</b>	
Mailing Address:	
Street: _____	City: _____
Province: _____	Postal Code: _____
Tel (work): _____	Tel (home): _____
Tel (mobile): _____	
Email: _____	

**OWNER DECLARATION**

I, the owner of the land described above, hereby represent to the Capital Regional District, that to best of my knowledge, having done due and diligent inquiry, knowing that the Capital Regional District relies on this representation and warranty, the property described above has not been used for any of the industrial or commercial purposes and activities specified in Schedule 2 of the Contaminated Sites Regulation of the British Columbia Environmental Management Act.

Accordingly, I elect not to complete and submit a Schedule 1 Site Disclosure Statement in accordance with Section 40 (1)(b) of the Environmental Management Act.

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
 Signature of Owner                      dd mm yy

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
 Signature of Owner                      dd mm yy

CAPITAL REGIONAL DISTRICT  
BYLAW NO. 4672

\*\*\*\*\*

A BYLAW TO AMEND BYLAW NO. 1857, THE "CAPITAL REGIONAL DISTRICT  
TICKET INFORMATION AUTHORIZATION BYLAW, 1990"

\*\*\*\*\*

WHEREAS:

- A. Under Bylaw No. 4435, "Juan de Fuca Soil Removal or Deposit Bylaw No. 2, 2025", the Regional Board replaced Bylaw No. 3941, "Juan de Fuca Soil Removal or Deposit Bylaw, 2015";
- B. The Board wishes to amend Bylaw No. 1857, "Capital Regional District Ticket Information Authorization Bylaw, 1990", to permit enforcement of certain contraventions of Bylaw No. 4435 by means of a ticket in the form prescribed for the purpose of Division 3 of Part 8 of the *Community Charter* and to establish fine rates;

**NOW THEREFORE**, The Board of the Capital Regional District, in open meeting assembled, enacts as follows:

- 1. Bylaw No. 1857, "Capital Regional District Ticket Information Authorization Bylaw 1990", is amended as follows:
  - (a) In Schedule 1, section 6, by replacing the reference to "Juan de Fuca Soil Removal or Deposit Bylaw, 2015, Bylaw No. 3941" with "Juan de Fuca Soil Removal or Deposit Bylaw, 2021, Bylaw No. 4435".
  - (b) By replacing Schedule 7 with a new Schedule 7 attached to this Bylaw as Appendix A.
- 2. This Bylaw may be cited for all purposes as "Capital Regional District Ticket Information Authorization Bylaw 1990, Amendment Bylaw No. 83, 2024".

READ A FIRST TIME THIS	day of	202_
READ A SECOND TIME THIS	day of	202_
READ A THIRD TIME THIS	day of	202_
ADOPTED THIS	day of	202_

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
CORPORATE OFFICER

**APPENDIX A**

**SCHEDULE 7 TO BYLAW NO. 1857**

**JUAN DE FUCA SOIL REMOVAL OR DEPOSIT BYLAW NO. 2, 2024**

<b>WORDS OR EXPRESSIONS DESIGNATING OFFENCE</b>	<b>SECTION</b>	<b>FINE if Paid on or before the 30<sup>th</sup> day from the date on which the ticket is served</b>	<b>FINE if Paid after the 30<sup>th</sup> day from the date on which the ticket is served</b>
1. Deposit or cause, permit or allow deposit of soil without permit	8 (a)	\$550	\$750
2. Deposit or cause, permit or allow deposit greater than 20,000 m <sup>3</sup> of soil	8 (b)	\$750	\$1,000
3. Deposit or cause, permit or allow deposit of unsuitable material	8 (c)	\$750	\$1,000
4. Remove/deposit soil in or around a watercourse	8 (d)	\$750	\$1,000
5. Unlawful removal/deposit of soil on ALR land	8 (e)	\$750	\$1,000
6. Deposit contrary to a permit	8 (f)	\$750	\$1,000
7. Remove soil on a holiday	11 (a)(i)	\$375	\$500
8. Remove soil outside permitted hours	11 (a)(ii) or 11(b)(i)	\$375	\$500
9. Removal of soil without development permit	11 (c)	\$750	\$1,000
10. Removal of soil not in compliance with development permit	11 (d)	\$550	\$750
11. Removal of soil without sediment control	11 (e)	\$550	\$750
12. Removal of soil without deposit permit	11 (f)	\$250	\$500
13. Removal of soil without Ministry of Transportation and Transit approval	11 (g)	\$125	\$250
14. Soil or other material on public highway right-of-way	11 (h)	\$125	\$250
15. Deposit soil on a holiday	12 (a)(i)	\$125	\$250
16. Deposit soil outside permitted hours	12 (a)(ii) or 12 (b)(i)	\$125	\$250
17. Deposit of soil without development permit	12 (c)	\$275	\$550
18. Deposit of soil not in compliance with development permit	12 (d)	\$275	\$550
19. Deposit of soil without sediment control	12 (e)	\$250	\$500
20. Deposit activity obstructs, impairs or impedes drainage facility or watercourse	12 (f)	\$750	\$1,000

21. Deposit of soil on or to create an over-steepened fill slope	12 (g) or 12 (g)(i)	\$250	\$500
22. Insufficient drainage	12 (h)	\$250	\$500
23. Increased drainage over adjacent property	12 (i)	\$250	\$500
24. Soil deposited over well/water source/sewage disposal system	12 (j)	\$550	\$750
25. Deposit of soil without Ministry of Transportation and Transit approval	12 (k)	\$125	\$250
26. Soil or other material within public highway right-of-way	12 (l)	\$125	\$250
27. Soil deposited over statutory right-of-way	12 (m)	\$250	\$500
28. Deposit of Soil without Type 'A' Permit	21	\$250	\$500
29. Deposit of Soil without Type 'B' Permit	23	\$550	\$750
30. Deposit of Soil without Type 'C' Permit	24	\$750	\$1,000
31. Deposit of Soil without Type 'D' Permit	26	\$1,000	\$1,250
32. Failure to keep soil deposit logbook	31 (a)	\$250	\$500
33. Failure to produce soil deposit logbook upon request	31 (b)	\$250	\$500
34. Incomplete soil deposit logbook	31 (c)	\$125	\$250
35. Failure to post soil deposit permit/sign	31 (d)	\$125	\$250
36. Failure to clean road	31 (e)	\$125	\$250
37. Failure to comply with deposit cessation order	31 (h)	\$750	\$1,000
38. Failure to produce soil deposit records	39	\$125	\$250
39. Failure to identify and mark the soil deposit extents	39	\$125	\$250

CAPITAL REGIONAL DISTRICT  
BYLAW NO. 3941

\*\*\*\*\*

A BYLAW TO REGULATE THE REMOVAL OR DEPOSIT OF SOIL ON LANDS  
WITHIN THE JUAN DE FUCA ELECTORAL AREA

\*\*\*\*\*

**WHEREAS:**

- A. Under the Supplementary Letters Patent issued on February 12, 1973 (Division XI), as amended by the Supplementary Letters Patent dated August 25, 1986, the Capital Regional District was given authority to undertake the function of regulating the removal and deposit of soil;
- B. Section 723 of the *Local Government Act* authorizes a Regional District to regulate or prohibit the Removal of Soil, including sand, gravel, and rock, and the Deposit of Soil and other materials on any land within the electoral areas, to make different regulations and prohibitions for different areas, and to require permits and impose fees;
- C. The Board of the Capital Regional District wishes to regulate both the Removal of Soil and the Deposit of Soil and other materials within the Juan de Fuca Electoral Area of the Capital Regional District;
- D. The Capital Regional District recognizes that within areas designated as Agricultural Land Reserve (ALR) under the *Agricultural Land Commission Act (ALC Act)* this bylaw has no force or effect unless the soil deposit or extraction is permitted under the *ALC Act or Regulations*, or approval from the Agricultural Land Commission for soil deposit or extraction has been obtained through an application or notification process.

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

**1.0 DEFINITIONS**

In this bylaw, the following definitions apply:

**AGENT** means a person who has been authorized in writing by an owner to apply for a permit and to act on the owner's behalf.

**AGRICULTURAL LAND COMMISSION (ALC)** means the Provincial Agricultural Land Commission established under Section 4 of the *ALC Act*.

**AGRICULTURAL LAND RESERVE (ALR)** means agricultural land designated as an agricultural land reserve under the *ALC Act* and includes an agricultural land reserve under a former Act.

**APPLICANT** means an owner, or their agent, who has submitted an application.

**APPLICATION** means an application for a permit to deposit or remove soil.

**BOARD** means the Capital Regional District Board.

**COMPOST** means a product which is:

- (a) a stabilized earthy matter having the properties and structure of humus;
- (b) beneficial to plant growth when used as a soil amendment;
- (c) produced by composting; and
- (d) only derived from organic matter.

**DEPOSIT** means the act of moving soil and placing it upon a parcel of land on which such soil and other material did not previously exist or stand.

**ELECTORAL AREA** means the Juan de Fuca Electoral Area of the Capital Regional District.

**GENERAL MANAGER** means the General Manager, Planning and Protective Services, Capital Regional District, or a person authorized to act on his or her behalf.

**HOLIDAY** means:

- (a) Sunday, Christmas Day, Good Friday and Easter Monday;
- (b) Canada Day, Victoria Day, British Columbia Day, Labour Day, Remembrance Day, Family Day and New Year's Day;
- (c) December 26; and
- (d) a day set by the Parliament of Canada or by the Legislature, or appointed by proclamation of the Governor General or the Lieutenant Governor, to be observed as a day of general prayer or mourning, a day of public rejoicing or thanksgiving, a day for celebrating the birthday of the reigning Sovereign, or as a public holiday.

**LAND USE BYLAW** means the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Malahat Land Use Bylaw, 1982, Bylaw No. 980, Rural Resource Lands, Land Use Bylaw No. 3602, Port Renfrew Comprehensive Community Plan, Bylaw No. 3109 and the Willis Point Comprehensive Community Plan, Bylaw No. 3027.

**LAND USE COMMITTEE** means the individuals from the Juan de Fuca Electoral Area appointed by Board, to advise the Board on matters associated with Part 26 of the *Local Government Act*.

**PARCEL** means a lot, block or other area in which real property is held or into which real property is subdivided, and includes a strata lot created under the *Strata Property Act*, with the exception of a strata plan that contains strata lots, all the boundaries of which are coterminous with the walls of a building, with the exception of a balcony or a private exterior space that does not exceed 20% of the total floor area of the strata lot.

**PERMIT** means the written authority issued by the General Manager for the removal from or deposit of soil to any parcel.

**PERMIT AREA** means the area of land over which the soil removal or soil deposit occurs, or is proposed to occur, within the subject parcel.

**PROFESSIONAL REPORT** means a report, or reports, prepared by a Qualified Professional in compliance with this bylaw.

**QUALIFIED PROFESSIONAL (QP)** may include a landscape architect, qualified environmental professional, a registered professional biologist, a professional geologist or hydro-geologist, a registered professional agrologist or a registered professional engineer, who is working within their field of expertise and is in good standing with the applicable professional organization.

**REMOVAL** means the act of removing soil from any parcel on which it exists and shall include the removal of soil which has been placed into a stockpile or storage facility.

**SECURITY DEPOSIT** means a cash deposit, certified cheque or irrevocable letter of credit provided by the applicant to ensure all works will be carried out in compliance with the conditions of the bylaw.

**SOIL** means topsoil, sand, gravel, rock and other substances of which land is composed, or any other combination of these substances, but does not include minerals as defined in the *Mineral Tenure Act or Regulation*; or manure from animals, or household or farm compost material placed on land as a soil amendment or conditioner.

**UNSUITABLE MATERIAL** means any rubbish, derelict vehicle, metals, demolition wastes, garbage or waste materials, including containers, packages, bottles, cans or parts thereof; or any abandoned or discarded article, product or goods of manufacture.

**WATERCOURSE** means a permanent or non-permanent (containing water at least six months of the year) source of water supply that is natural or man-made, including a pond, lake, river, creek, brook, ditch, spring or wetland that is integral to a stream, with well-defined banks and a bed of 0.6 m or more below the surrounding land serving to give direction to or containing a current of water but does not apply to a man-made pond that does not connect to a stream.

## 2.0 PURPOSE

This bylaw has been enacted for the purpose of regulating the removal and deposit of soil within the Juan de Fuca Electoral Area of the Capital 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 removal or deposit of soil from economic loss;
- (b) to the assumption of the Capital Regional District or any officer or employee of the Capital Regional District of any responsibility for ensuring compliance by a person involved in the removal or deposit of soil on land, his or her representatives, or any employees, contractors, or agents with this bylaw, or any other enactments applicable to the removal or 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, any other enactment or create any nuisance of any type;
- (d) to relieving applicants from any liability relating to damaging highways or depositing materials on highways; or
- (e) to lands within the ALR except where allowed under the *ALC Act or Regulations* or as approved by the ALC through an application/notification process.

## 3.0 BYLAW APPLICATION

This bylaw applies within the Juan de Fuca Electoral Area except when in conflict with the *ALC Act or Regulations*.

## 4.0 SEVERABILITY

If any section, subsection, sentence, paragraph, or schedule forming part of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the section, subsection, paragraph, or schedule may be severed from the bylaw without affecting the validity of the bylaw or any portion of the bylaw or remaining schedules.

## 5.0 INCORPORATION OF SCHEDULES

Schedule "A", attached hereto is hereby made a part of this bylaw.

## 6.0 REPEAL AND REPLACEMENT OF BYLAWS

The following bylaw is hereby repealed in its entirety:

- (a) Capital Regional District Bylaw No. 3297, cited as the "Juan de Fuca Electoral Area Soil Removal and Deposit Bylaw No. 1, 2006".

and replaced by this bylaw.

## 7.0 PROHIBITIONS

No person shall do any of the following anywhere in the Electoral Area:

- (a) cause or permit the removal of soil from any parcel, unless or until a permit allowing the removal has first been obtained or unless the removal does not require a permit as set out in Section 8.0;
- (b) cause or permit the deposit of soil on any parcel, unless or until a permit allowing the deposit has first been obtained or unless the deposit does not require a permit as set out in Section 8.0;
- (c) cause or permit the deposit of unsuitable material or soil contaminated with invasive species on any parcel;
- (d) remove or deposit soil in or around a watercourse unless in compliance with the provincial *Riparian Area Regulation* and the *Water Act*, or Part 9 of the *Health Safety and Reclamation Code*; or
- (e) remove or deposit any soil material on land in the ALR unless permitted by the *ALC Act or Regulations* or as approved by the ALC through an application/notification process.

## 8.0 PERMIT EXEMPTIONS

- 8.1 Subject to meeting the requirements set out in Sections 8.2 and 8.3, a person may remove soil from a parcel or deposit soil onto a parcel without a permit provided the parcel is located outside of the ALR, and that at least one of the following conditions is satisfied:
- (a) on a parcel less than 0.4 ha (1 acre) in area, where the total quantity of soil removed or deposited does not exceed 60 m<sup>3</sup> in any calendar year;
  - (b) on a parcel 0.4 ha (1 acre) or greater in area, where the total quantity of soil removed or deposited does not exceed 250 m<sup>3</sup> in any calendar year;
  - (c) the removal or deposit is required for the construction or repair of works, roads, highways or services by or on behalf of the Capital Regional District, or the Ministry of Transportation and Infrastructure, and the removal is from or the deposit is onto a parcel owned or leased by one of these authorities;
  - (d) the removal is from a parcel owned or leased by the federal or provincial government provided that this exemption does not apply to the removal of soil on a parcel that is leased or licensed by the provincial or federal government to a third party;
  - (e) the deposit is to a parcel owned or leased by the federal or provincial government provided that this exemption does not apply to the deposit on a parcel that is leased or licensed by the provincial or federal government to a third party;
  - (f) the removal or deposit of soil is necessary for the construction of basements and foundations or installation of works and services including septic fields and driveways associated with the construction of a building under a valid building permit;
  - (g) the soil is being relocated within the boundaries of the parcel from which it originates;
  - (h) the removal or deposit of soil is on land used for commercial landscape supply, horticultural use or as a nursery in compliance with the Land Use Bylaw and the *ALC Act*, and such deposit or removal is necessary as part of the landscape supply, horticultural or nursery operation.
- 8.2 The onus of demonstrating compliance with Section 8.1 shall be at all times on the person undertaking the removal and/or deposit of soil, who shall provide to the Capital Regional District sufficient documentation to confirm that the person meets the conditions for granting an exemption. Such documentation must be received by the CRD at least 10 days prior to the commencement of the deposit or removal.
- 8.3 A person who intends to deposit soil under Section 8.1 must submit to the CRD, at least 10 days before the proposed deposit, a site profile, as set out in Schedule 1 of the Contaminated Sites Regulation of the *Environmental Management Act* of British Columbia, of the site from which the soil originated.

## 9.0 PERMIT APPLICATION REQUIREMENTS

- 9.1 Every applicant for a permit must file with their application the following information about the parcel on which the permit area is located, as follows:
- (a) the street address;
  - (b) the legal description;
  - (c) a title search, and copies of all registered encumbrances, including water licenses obtained within 30 days of application;
  - (d) the name of the registered owner;
  - (e) the signature of the applicant and the owner if the owner is not the applicant;
  - (f) the applicable security deposit and permit fees (see Schedule "A");
  - (g) a plan of the property showing the location of any structures, the area where soil is to be removed or deposited, and the access points to and from the property;
  - (h) the volume of soil to be removed or deposited;

- (i) the proposed completion dates for stages of soil deposit or removal, if applicable;
  - (j) for soil deposit, a site profile, as set out in Schedule 1 of the Contaminated Sites Regulation of the *Environmental Management Act* of British Columbia, of the site from which the soil originated; and
  - (k) for soil removal, except soil removal related to a *Mines Act* Permit, the location (address and/or legal description) where the soil is to be deposited.
- 9.2 Subject to Section 10.3 for soil volumes that are 500 m<sup>3</sup> or more in a calendar year, every applicant shall provide with their application a Professional Report and site remediation plan, which address the following:
- (a) plans, drawn to a scale of not less than 1:1,000, showing the existing contours with contour intervals of not more than 2 m; and the location of buildings or structures; watercourses, tree cover, wells, known aquifers; sewage disposal fields, public utilities; the proposed permit area; driveways; and ingress and egress points from the proposed permit area to a highway.
  - (b) the applicant is to provide certification by a British Columbia Land Surveyor, if in the opinion of the General Manager, the nature or type of deposit or removal requires accurate topographic information or the determination of the location of natural features, structures, services and property lines;
  - (c) the proposed contours of the parcel in its final state upon completion of the permit activities with contour intervals of not more than 2 m;
  - (d) the proposed slopes, which will be maintained upon completion of the removal or deposit;
  - (e) the method proposed to control the erosion of the banks of the soil;
  - (f) the proposed completion dates for stages of deposit or removal, if applicable;
  - (g) the proposed methods to control: dust, noise, odour, smoke, vibration and visual impacts caused by the deposit or removal on adjacent parcels, and the tracking of soil or other material onto highways;
  - (h) plans to ensure that no silt seeps or flows into any watercourse, well or aquifer on, under or flowing through the parcel;
  - (i) the proposed methods of drainage control and protection of connecting or nearby watercourses, wells or aquifers during the proposed deposit or removal; and
  - (j) methods to stabilize the slopes of the soil, including any revegetation upon completion of the removal or deposit.
- 9.3 If the applicant is not the owner of the parcel of land, the applicant must include with his application a signed letter from the owner of the parcel of land authorizing the applicant to carry out the works on behalf of the owner.
- 9.4 Subject to Section 14.2, an applicant may provide the reports, plans and documents submitted in support of a *Mines Act* Permit for a parcel in satisfaction of the requirements set out in Section 9.2.
- 10.0 AUTHORITY TO ISSUE THE PERMIT**
- 10.1 The Board hereby delegates to the General Manager, Planning and Protective Services the authority to issue a soil deposit or removal permit.
- 10.2 The General Manager may require the application be referred to the Juan de Fuca Land Use Committee for consideration and recommendation to the Board.
- 10.3 The General Manager may request that the applicant provide a Professional Report, which shall certify at the applicant's expense that:
- (a) the plans, specifications and reports for the proposed soil removal or deposit have been prepared in compliance with good engineering practices; and

- (b) upon completion of the soil removal or deposit, the works substantially comply with the terms of the permit and the conditions specified in the plans, specifications and the Professional Report prepared by the Qualified Professional; and
- (c) the land within the permit area after the soil removal or deposit is completed is safe for the intended use, and has been suitably stabilized to mitigate impacts of erosion, sloughing and instability.

10.4 The General Manager or the Board, where a permit has been referred to the Board, may refuse to issue a permit where the applicant has not provided to the Capital Regional District sufficient evidence that the deposit or removal of soil can be carried out without creating a hazard to persons or property, damage to the environment, or irreparable damage to highways or other public property.

## 11.0 CONSULTATION

11.1 Staff will provide notice in writing, by regular mail, to the owner of a parcel that abuts a parcel with a pending soil removal/deposit application a minimum of 10 working days prior to a decision on the permit application.

11.2 Except for a pending soil removal/deposit application related to an existing *Mines Act* Permit, staff will refer applications for amounts greater than 250 m<sup>3</sup> to the Ministry of Transportation and Infrastructure, the provincial Archaeological Branch and the Ministry of Environment for comment. Each agency has 20 working days after the application has been referred to them, to provide any comments. If after 20 working days the agency has not notified the Regional District in writing about their concerns, the agency, will be considered to have no concerns.

11.3 The General Manager may call for or receive public comment upon any permit or renewal application. If the General Manager decides that the community should have an opportunity to comment, then the General Manager may:

- (a) refer the application to the Juan de Fuca Land Use Committee for its consideration and recommendation to the Board; and/or
- (b) require notice to be placed in two consecutive local newspaper publications, paid for at the applicant's expense.

11.4 The CRD will provide notice in writing, by regular mail, to the owner of a parcel that abuts a parcel subject to a soil permit, when the CRD receives a request for a renewal of a soil removal /deposit permit a minimum of 10 working days prior to a decision on the permit renewal.

11.5 The General Manager may make a decision regarding the renewal of a permit if he or she is satisfied that the CRD made reasonable efforts to provide notice in accordance with Section 11.3.

## 12.0 PERMIT CONDITIONS

12.1 The permit may include one or more conditions pertaining to Subsections 9.1(g) to (k) of this bylaw.

12.2 No person shall engage in the removal or deposit of soil:

- (a) on any Sunday or Holiday; or
- (b) between 7 o'clock p.m. and 7 o'clock a.m. on any day not referred to in Subsection 12.2 (a).

12.3 A permit constitutes written authority under this bylaw to conduct only those activities described in the permit.

12.4 All plans, specifications and Professional Reports forming part of an application in respect of which a permit is issued shall form part of and be incorporated in the permit unless otherwise specified by the General Manager and, without limiting the foregoing, a permit issued shall be limited to the volume of soil that is to be deposited or removed.

12.5 The holder of the permit shall post a copy of the permit, or otherwise shall post a clear and legible sign, in English, indicating the duration and extent of the soil removal/deposit at the point of entry to the property from the main road. The sign is to be 1 m x 1 m square and must include the permit number on it.

- 12.6 The holder of the permit shall contact the Ministry of Transportation and Infrastructure and comply with its requirements for road maintenance and cleanup during and after the works.
- 12.7 The General Manager may require a report prepared by a Qualified Professional indicating compliance with the permit conditions.
- 12.8 The holder will comply with the provisions of the *Heritage Conservation Act*, if and when archeological evidence is uncovered.

### **13.0 ADMINISTRATION**

- 13.1 Every permit issued under this bylaw, with the exception of permits noted in 13.2, expires upon the earlier of:
- (a) the removal or deposit of the total amount of soil authorized to be removed or deposited by the permit has occurred; or
  - (b) the expiry date expressly stated in the permit; or
  - (c) one year after the date of permit issuance.
- 13.2 In the case of a soil permit for a parcel which has an active *Mines Act* Permit, the soil permit under this bylaw will only be renewed in accordance with renewals to the *Mines Act* Permit.
- 13.3 If the removal or deposit authorized in a permit is not completed before the permit expires under Section 13.1, the General Manager may renew the permit provided that:
- (a) the applicant makes a written request to the General Manager for a renewal or extension a minimum of one month prior to the expiry date;
  - (b) the applicant has paid the required renewal and security fees;
  - (c) the removal or deposit is being carried out in compliance with the original permit, including any conditions of a Professional Report which may apply;
  - (d) there is no change in scope from the original application; and
  - (e) adjacent land owners are notified as outlined in Subsection 11.3.
- 13.4 There is no limit on the number of times an applicant may apply for renewals, but no applicant has a vested right to receive any renewals. The terms and conditions that come into being at renewal time of the permit shall be those that are current at that time; there shall be no grandfathering of terms and conditions.
- 13.5 Requests for renewal which include a change in the scope of the original application will require a new removal or deposit application and fees to be submitted.

### **14.0 PERMIT SUSPENSION, CANCELLATION AND AMENDMENT**

- 14.1 If there is a contravention of any term or condition of the permit, or the permit was issued on the basis of statements made in an application for a permit, report, declaration or record required under this bylaw that were false or misleading with respect to a material fact, or that omitted to state a material fact, the omission of which made the statement false or misleading, the General Manager may:
- (a) suspend in whole or in part the rights of the applicant under the permit;
  - (b) expire the permit;
  - (c) amend the permit; or
  - (d) attach new conditions to a permit without the consent of the applicant.
- 14.2 For any proposed material changes to the permit, the General Manager may require:
- (a) the submission of further, amended, or new information referred to in Section 9.1 or 9.2;
  - (b) further community consultation as outlined in Section 11.0; and
  - (c) the submission of a new application for a permit, along with applicable fees.

**15.0 FEES AND SECURITY DEPOSITS**

- 15.1 The fee for the permit shall be as set out in Schedule "A", based upon the quantity of material to be deposited or removed, and shall be paid in full before issuance of the permit.
- 15.2 As security deposit for the due and proper compliance with all the requirements and conditions of this bylaw, the applicant shall, before receiving a permit for the removal or deposit of soil, provide a cash deposit, certified cheque, or irrevocable letter of credit drawn upon a chartered bank, in the amount as set out in Schedule "A", based upon the permit area within the subject parcel designated for soil deposit or removal. The security provided under this section must remain valid from the date of issuance of a permit to a date that is not less than six months after expiration date of the permit with confirmation of compliance with the permit conditions.
- 15.3 Should an applicant not comply with the Professional Report provided in the permit, the Capital Regional District may undertake the necessary remedial actions and the full costs shall be borne by the applicant.
- 15.4 In the case of an application for a permit for a parcel in respect of which a permit issued under the *Mines Act* has also been issued, where a security deposit has been provided to the Ministry of Energy and Mines for the purpose of site reclamation, Section 15.3 shall not apply.

**16.0 VIOLATIONS AND PENALTIES**

- 16.1 An offence is committed against this bylaw by a person who:
  - (a) contravenes a provision of this bylaw;
  - (b) allows or permits a contravention of this bylaw; or
  - (c) fails to comply with any terms or conditions of a permit.
- 16.2 Every person guilty of an offence is liable, on summary conviction, to a fine of not less than \$2,000.
- 16.3 A separate offence shall be deemed to be committed upon each day during and in which the contravention occurs or continues.
- 16.4 The penalties imposed under Subsection 16.2 hereof shall be in addition to and not in substitution for any other penalty or remedy imposed by this bylaw or any other statute, law or regulation.

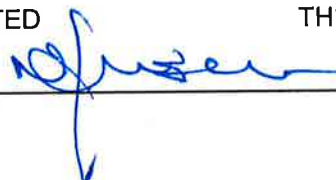
**17.0 INDEMNIFICATION**


- 17.1 The holder of the permit 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 removal or deposit of soil.
- 17.2 The holder of a permit shall save harmless, indemnify and keep indemnified the Capital Regional District, its officers, employees, contractors, and elected officials from any and all claims, demands, damages, losses, costs, expenses, fees, fines, actions, proceedings whatsoever brought by any person arising from the issuance of a permit under this bylaw with respect to the removal or deposit of soil authorized under a permit.

**18.0 TITLE**

This bylaw may be cited for all purposes as the "Juan de Fuca Soil Removal or Deposit Bylaw No. 1, 2015".

READ A FIRST TIME	THIS	12 <sup>th</sup>	DAY OF	August	2015
READ A SECOND TIME	THIS	12 <sup>th</sup>	DAY OF	August	2015
READ A THIRD TIME	THIS	14 <sup>th</sup>	DAY OF	October	2015
ADOPTED	THIS	14 <sup>th</sup>	DAY OF	October	2015

CHAIR 

CORPORATE OFFICER 

**SCHEDULE "A": FEES AND SECURITY DEPOSIT**

<b>PERMIT QUANTITY</b>	<b>PERMIT FEE</b>	<b>SECURITY DEPOSIT</b>	<b>RENEWAL FEE</b>
Greater than 60 m <sup>3</sup> but less than 250 m <sup>3</sup>	\$250	\$2,000 per hectare, or part of, in Permit Area to have soil removed from or deposited to	\$100
250 m <sup>3</sup> or greater but less than 500 m <sup>3</sup>	\$550 Plus advertising costs, if required	\$3,000 per hectare, or part of, in Permit Area to have soil removed from or deposited to	\$200
500 m <sup>3</sup> or greater	\$1,000 plus advertising costs, if required	\$5,000 per hectare, or part of, in Permit Area to have soil removed from or deposited to	\$500