

Capital Regional District

Bylaw No. 3681

A BYLAW TO AMEND BYLAW NO. 3297, "JUAN DE FUCA ELECTORAL AREA SOIL REMOVAL AND DEPOSIT BYLAW NO. 1, 2006"

- A. **WHEREAS** the Capital Regional Board wishes to amend the "Juan de Fuca Electoral Area Soil Removal or Deposit Bylaw No. 1, 2006";
- B. **NOW THEREFORE** the Capital Regional Board in open meeting assembled, hereby enacts as follows:
 - 1. Bylaw No. 3297 being the "Juan de Fuca Electoral Area Soil Removal or Deposit Bylaw No. 1, 2006," is hereby amended as follows:

DEFINITIONS

- a) Amend the definition for "**Applicant**" by deleting the word "forms" and replacing with the word "form", and by deleting the word "schedules" and replacing with the word "schedule" and deleting the words "or "C".
- b) Amend the definition for "**Application**" by deleting the word "forms" and replacing with the word "form", and by deleting the word "schedules" and replacing with the word "schedule" and deleting the words "or "C".
- c) Amend the definition of "**Electoral Area**" by deleting the words ", as outlined upon Map 1, attached to and forming a part of this bylaw".
- d) Amend the definition for "**General Manager**" by deleting the words "Environmental Services" and replacing with the words "Planning and Protective Services".
- e) Amend the definition for "**Permit**" by deleting the words "or "D".

3.0 INCORPORATION OF MAPS, TABLE AND SCHEDULES

- a) Delete the words "Map 1" and the words "'C" and "D".

6.0 PERMIT EXEMPTIONS

- a) Delete section 6.1 in its entirety and replace with the following:

"6.1 A person may remove or deposit soil from a parcel of land in the Electoral Area without a permit provided at least one of the following conditions is satisfied:

 - (a) On parcels less than 4,000 m² in size the removal or deposit does not exceed a total of 60 cubic metres in any calendar year; or
 - (b) On parcels greater than 4,000 m² in size the removal or deposit of soil does not exceed a total of 200 cubic metres in any calendar year; or
 - (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 is from or to parcels of land owned or leased by one of these authorities; or
 - (d) The removal or deposit is from land owned or leased by the federal or provincial government."
- b) Delete section 6.2 in its entirety.
- c) Renumber section 6.3 as section 6.2 and delete the word "sections" and replace with the word "section" and delete the words "and 6.2".
- d) Add a new section 6.3 which states:

"6.3 Only one removal or deposit permit is required if both actions occur within the same parcel of land."

- e) Add a new section 6.4 which states:
“6.4 Where the removal or deposit of up to 200 cubic metres of soil is for the construction of basements and foundations or installation of works and services e.g. septic fields and driveways associated with the construction of a building, the soil removal or deposit permit will be issued as part of the building permit process.”

7.0 PERMIT APPLICATION REQUIREMENTS

- a) Amend 7.1 (j) by deleting the word “250m³” and replacing it with the word “200m³” and adding after the word “plan” the words “may be required,”.

10.0 PERMIT CONDITIONS

- a) Amend section 10.2 by deleting the words “9 a.m.” and replacing with the words “8 a.m.”
- b) Add a new section 10.8 which states:
“10.8 A permit issued for the Removal or Deposit of Soil does not authorize:
 - (a) Damage to drainage facilities, roads, or lands, or other property or natural water courses.
 - (b) Obstructions to drainage facilities or natural water courses with silt, clay, sand, gravel, rubble, debris. Or any other matter or thing originating from any deposit or removal of fill.
 - (c) The operations by which fill is deposited or removed to encroach upon, under or physically damage any property.
 - (d) Alteration or diversion of natural water courses, except with the approval of the Ministry of Environment.
 - (e) The size and configuration of the fill depositor removal shall not adversely affect the air, light or view of adjoining or adjacent properties, or to alter the appearance or nature of the surrounding area.
 - (f) Fill to be deposited or permitted to remain within eight metres of any road right of way.
 - (g) Fill to be deposited or permitted to remain or removed from any area within 30 metres from the natural boundary of a stream unless supported by an environmental report prepared by a qualified professional and a development permit is issued.”

11.0 ADMINISTRATION

- a) Amend section 11.1 subsection (b) by deleting the words “The Term for any permit shall not exceed one (1) year.”

14.0 FEES AND SECURITY DEPOSITS

- a) Delete section 14.1 in its entirety.
- b) Renumber section 14.2 as section 14.1.
- c) Renumber section 14.3 as 14.2 and add to the end of the last sentence the words “or upon compliance with the terms of the permit”.

MAP 1

- a) Delete Map 1 from the Bylaw.

TABLE A

a) Delete Table A and replace with new "Table A" as follows:

"TABLE A

SOIL QUANTITY¹	PERMIT FEE²	SECURITY DEPOSIT³	RENEWAL FEE⁴
60 – 500 m³	\$250	A deposit may be required depending upon site conditions	\$100
501- 5,000 m³	\$1,000	\$1,000 per hectare or part thereof of the parcel upon which soil is deposited or removed	\$100
Over 5,000 m³	\$2,500	\$1,000 per hectare or part thereof of the parcel upon which soil is deposited or removed	\$500

1. The applicant is responsible for ensuring that any conditions governing Removal or Deposit of Soil as defined in the *Mines Act* are adhered to.
2. The permit fee must be provided prior to the issuance of a permit.
3. The security deposit is required prior to issuance of a permit and must be renewed and in effect prior to renewal of any permit. The security deposit will continue in effect for six months after the permit has expired.
4. The renewal fee is required prior to an extension to the permit."

SCHEDULE "A"

a) Delete Schedule "A" and replace with new Schedule "A".

SCHEDULE "B"

a) Delete Schedule "B" and replace with new Schedule "B".

SCHEDULE "C"

a) Delete Schedule "C".

SCHEDULE "D"

a) Delete Schedule "D".



Applicant Name:

Telephone Number:

Mailing Address:

I/We being the registered owners of:

Lot:

District Lot:

Section:

Land District:

Plan:

Located at:

The purpose of the Soil Deposit/Soil removal is as follows:

The area upon which Soil is to be deposited/removed is as shown on the attached plan and consists of _____ hectare(s) and the maximum depth to which the Soil will be deposited/removed is _____ metre(s).

Upon approval of this Application, I/We hereby guarantee to fulfill the following conditions prior to the issuance of a Permit:

- Supply a Security Deposit in the amount of \$ _____ (see Table A)
- Submit the Permit fee in the amount of \$ _____ (see Table A)

Filed herewith are the plans, data and specifications required by Bylaw Number 3297.

I hereby certify that, to my knowledge, the Soil to be deposited/removed is not contaminated under the Contaminated Site Regulation.

Signature of Applicant:

Date:





Schedule B | Soil Deposit/Removal Permit

FILE NUMBER:

Permit Number: _____ Receipt Number: _____

Date of Issue: _____ Expiry Date: _____

Issued to: _____ Telephone Number: _____

Mailing Address: _____

Security Deposit: _____ Cash Certified Cheque Letter of Credit

Permit Fee: _____

This Permit authorizes the Deposit/Removal of Soil on:

Lot: _____ District Lot: _____ Section: _____ Land District: _____ Plan: _____

Located at: _____

Maximum depth to which Soil may be deposited or removed: _____

Special Conditions: _____

The holder of the Permit shall at all times bear full responsibility for any accident which may occur, or damage which may be done to any person or property whatsoever, caused directly or indirectly by the work authorized by the Permit, and shall save harmless and keep indemnified the Capital Regional District from all claims and demands whatsoever in respect of the work.

Approved by: _____

Please note: This does not automatically authorize a health permit or building permit.

2. This bylaw may be cited as Bylaw No. 3681, "Juan de Fuca Soil Removal or Deposit Bylaw, No. 1, 2006, Amendment No. 1, 2010".

READ A FIRST TIME THIS DAY OF 2010

READ A SECOND TIME THIS DAY OF 2010

READ A THIRD TIME THIS DAY OF 2010

APPROVED by the Minister of Transportation and Infrastructure
THIS DAY OF 2010

ADOPTED THIS DAY OF 2010

CHAIR

CORPORATE OFFICER