

The Corporation of the District of Central Saanich

Bylaw No. 1544

A bylaw to regulate the removal and deposit of Soil from lands within the
District of Central Saanich

CONSOLIDATED
(Amended By Bylaw No. 1719/2010, 1776/2012 and 1934/2018)

WHEREAS the *Community Charter* S.B.C. 2003, c. 26 permits the Council of the District of Central Saanich to regulate, prohibit and impose requirements in relation to the removal of Soil and the deposit of Soil or other material, sand, gravel, rock and other substance and to make different regulations and prohibitions for different areas and to require permits and impose rates or levels of fees;

AND WHEREAS the Council of the District of Central Saanich wishes to regulate or prohibit the movement of Soils within the District of Central Saanich;

AND WHEREAS THE Council wishes to collect fees for the movement of Soil within the District of Central Saanich:

NOW THEREFORE, pursuant to the above-recited and other authority, the Council of the District of Central Saanich, in open meeting assembled, enacts as follows:

Citation

1. This Bylaw may be cited for all purposes as "Soil Removal and Deposit Bylaw 2006, No. 1544".

Repeal

2. "Central Saanich Soil Deposit Prohibition Bylaw 968, 1990" as amended, and "Central Saanich Soil Removal Prohibition Bylaw 967, 1990" as amended, are hereby repealed.

Definitions

3. In this bylaw,

"ALC" means the Provincial Agricultural Land Commission established under the Agricultural Land Commission Act; {Bylaw No. 1776, 2012}

"ALR Land" means land in the Agricultural Land Reserve, other than parcels less than 2 acres in area existing on December 21, 1972; {Bylaw No. 1719, 2010}

"Buffer Zone" means the area of land between the boundaries of a parcel and the Soil Deposit or Removal Area;

"District" means the District of Central Saanich;

"Engineer" means the Municipal Engineer for the District as appointed by the Council (as the title of that person may be changed from time to time) and includes his designate;

"Farm Use" means an occupation or use of land for farm purposes, including farming of land, plants and animals, and includes the uses set out in Parts 1 and 2 of Schedule H, and Part 3 of Schedule H to the extent that the uses are permitted by the Land Use Bylaw; {Bylaw No. 1719, 2010}

"Notice of Intention" means notice in writing to the ALC of the owner's intention to remove or deposit Soil and any amended notice required under the Agricultural Land Reserve Use, Subdivision and Procedure Regulation; {Bylaw No. 1776, 2012}

"Permit" means a valid permit for the removal or deposit of Soil under this bylaw; "Professional Engineer" means a person registered as a professional engineer with the Association of Professional Engineers and Geoscientists of British Columbia;

"Removal or Deposit Fee" means the fee payable to the District by a Permit holder for the removal or deposit of Soil pursuant to this bylaw;

"Security" means the letter of credit, certified cheque or cash deposit required by section 17 of this bylaw;

"Soil" means soil, sand, gravel, rock, silt, clay, peat, or any other substance of which land is composed, or any combination of them, whether or not it is in or put in a stockpile or storage facility, and does not include any compost or biosolids placed on land as a soil amendment or conditioner; {Bylaw No. 1719, 2010}

"Soil Removal or Deposit Area" means the specific area of a parcel of land on which Soil may be deposited or from which Soil may be removed, pursuant to a Permit under this bylaw;

"Works" means any structure or building that would require a building permit pursuant to the District of Central Saanich Building Bylaw No. 1470, 2003 as amended.

Requirement for Soil Removal and Deposit Permit

4. Subject to the other terms of this bylaw, no person shall remove, deposit, or cause to be removed or deposited any Soil from or on any land in the District unless the person:
 - a. has applied for and been issued a valid and subsisting Permit for such removal or deposit; and
 - b. carries out the removal or deposit in accordance with this bylaw and the terms and conditions set out in the Permit.

Permit Exemptions

- 5.1. Despite section 4, no Permit is required pursuant to this bylaw for the removal or deposit of Soil in any part of the District where the removal or deposit of Soil:
 - a. totals less than 40 cubic metres from or on a parcel of land up to one hectare in area in any period of 12 consecutive months, provided that any deposit of soil must not exceed 200 mm in depth from the finished grade;
 - b. totals less than 40 cubic metres per hectare for the first hectare, plus no more than 20 cubic metres for each additional hectare, from or on a parcel of land greater than one hectare in area in any period of 12 consecutive months, provided that any deposit of soil must not exceed 200 mm in depth from the finished grade;
 - c. is on land used for commercial landscape supply, horticultural use or as a nursery in compliance with the Land Use Bylaw and the *Agricultural Land Commission Act*, and such deposit or removal is necessary as part of the landscape supply, horticultural or nursery operation; {Bylaw No. 1719, 2010}
 - d. is on ALR Land and totals in any period of 12 consecutive months less than 40 cubic metres from or on a parcel of land up to one hectare in area plus 20 cubic metres for each additional hectare of parcel area; {Bylaw No. 1719, 2010}
 - e. is required for the construction of a utility service or ditch on behalf of the District;
 - f. is required for the landfill operations, Soil composting or solid waste transfer stations operated by, or on behalf of, the District;
 - g. is relocated within the boundaries of the parcel from which it originates;
 - h. is from or on parks and municipally-owned lands and is conducted on behalf of the District;
 - i. is approved by a permit issued under the Mines Act;
 - j. is necessary to install a septic servicing system installed in accordance with the Health Act and its regulations;

- k. is required as part of a soil remediation process approved under the Environmental Management Act;
 - l. is required for the construction or repair of works, roads, highways or services by or on behalf of the District, the Capital Regional District, or the Ministry of Transportation and Highways;
 - m. is carried out in conformity with the composting regulations found in section 25A of the District's Land Use Bylaw, No. 1309 as amended;
 - n. is carried out as an agricultural soil amendment, the owner or lessee of the land on which the soil is to be deposited has provided to the District, prior to the deposit of any soil, the written opinion of an agrologist or other qualified professional acceptable to the District that the deposit will be beneficial to the agricultural use of the land, and the District has advised the owner or lessee in writing that it accepts the opinion; or {Bylaw No. 1719, 2010}
 - o. is otherwise carried out by the District.
- 5.2 No Permit is required for the deposit or removal of wood waste on or from land on which it has been lawfully produced.
- 5.3 If any removal or deposit of Soil is to be done in conjunction with a building permit, development permit, development variance permit, driveway permit; temporary use permit, or subdivision, then: {Bylaw No. 1776, 2012}
- a. no Permit application fee shall be payable pursuant to this bylaw; {Bylaw No. 1776, 2012}
 - b. the applicant for the permit shall also apply for a Permit under this bylaw at the same time as the application for the other permit; {Bylaw No. 1776, 2012}
 - c. upon being granted a Permit, the applicant shall otherwise comply with this bylaw. {Bylaw No. 1776, 2012}
- 5.4 Despite section 4, no Permit is required pursuant to this Bylaw for the removal or deposit of Soil from or on ALR Land where the removal or deposit of Soil is approved by the ALC on or before November 7, 2011 unless: {Bylaw No. 1776, 2012}
- a. the scope of work approved by the ALC has changed; {Bylaw No. 1776, 2012}
 - b. the Soil removal and deposit activities are not occurring in compliance with the terms of the approval issued by the ALC; or {Bylaw No. 1776, 2012}
 - c. the Soil removal and deposit activities do not comply with the intent of this Bylaw. {Bylaw No. 1776, 2012}
- 5.5 Despite section 4, no Permit is required pursuant to this Bylaw for the removal or deposit of Soil from or on ALR Land where an owner has provided a Notice of Intention to the ALC in respect of the Soil removal or deposit activities on or before November 7, 2011 unless: {Bylaw No. 1776, 2012}
- a. the scope of Soil removal or deposit activities for which the Notice of Intention was provided by the ALC has changed; {Bylaw No. 1776, 2012}
 - b. the owner is not in compliance with any restrictions or any terms and conditions ordered by the Chief Executive Officer of the ALC in respect of the Soil removal or deposit activities; or {Bylaw No. 1776, 2012}
 - c. the Soil removal and deposit activities do not comply with the intent of this Bylaw. {Bylaw No. 1776, 2012}

Permit Application

6. All applications for the deposit or removal of more than 1000 cubic meters of Soil per 12 month period shall be considered by Council.

7. All applications other than those made under section 6 shall be considered by the Engineer.
8. Before Council considers any application under section 6, notice in writing of such an application must be mailed to every registered owner of a parcel that lies within 100 meters of the perimeter of the parcel that is subject to the application or such greater distance as the Engineer may specify based on the anticipated impact of the proposed soil deposit or removal. The applicant must also post a sign on the parcel in compliance with Schedule "G". {Bylaw No. 1719, 2010}
9. An application for a Permit shall comply with Section 11 of this bylaw, and shall:
 - a. include a completed and signed application form as set out in Schedule "A" to this bylaw; and
 - b. except in the case of an application for deposit or removal of Soil from ALR Land for a Farm Use, be accompanied by a non-refundable Permit fee of \$250.00 for any application for the removal or deposit of up to or less than 1,000 cubic meters of Soil, or \$500.00 for any application for the removal or deposit of more than 1,000 cubic meters of Soil. {Bylaw No. 1719, 2010}
10. An application that does not comply with section 9 and section 11 of this bylaw shall be considered incomplete, and the Engineer or Council shall be under no obligation to process an incomplete application.

Permit Application Required Information

11. Every application for a Permit shall be accompanied by detailed plans, data, and specifications for the proposed site prepared by a Professional Engineer to a scale of not more than 1:1000, showing the contour of the ground in its current state with vertical contours at such intervals as the Engineer may determine, according to reasonable engineering standards, and shall contain the following information regarding the proposed Soil Removal or Deposit Area, the form and sufficiency of which must be to the satisfaction of the Engineer, {Bylaw No. 1776, 2012} except to the extent that the Engineer determines that the information is not reasonably necessary in view of the scale or location of the proposed soil removal or deposit: {Bylaw No. 1934, 2018}
 - a. all pertinent features including buildings, structures, tree cover, roads, lanes, bridges, and natural watercourses;
 - b. the proposed slopes which will be maintained upon completion of the Soil deposit or removal operation, including information on the angle of repose of finished slopes; {Bylaw No. 1719, 2010}
 - c. the proposed methods to control the erosion of the banks of the excavation or fill;
 - d. the proposed methods of drainage control during the excavation or fill;
 - e. the proposed methods and locations of access to the site during the excavation or fill;
 - f. the proposed contour of the ground in its final state upon completion of the operation with vertical contours as specified above and showing the method of access and methods of permanent drainage on a separate plan, including an analysis of the impact of the proposed work on local drainage patterns and the consistency of the proposed work with the District's Integrated Stormwater Management Plan, prepared by a certified hydrologist or other professional specified by the Engineer; {Bylaw No. 1719, 2010}
 - g. the proposed location of machinery, buildings, scales, and all other proposed structures and improvements;
 - h. the proposed location of Buffer Zones and tree cover, and the location and grade width of berms;
 - i. water table elevations;

- j. the proposed method of extraction and processing, including sorting, washing, crushing, and any other proposed processing activities;
- k. the proposed schedule for the removal or deposit of soil, indicating the amounts to be either removed or deposited on a weekly basis;
- l. the proposed routes over District highways (roads) to and from a Soil Removal or Deposit Area;
- m. a Traffic Management Plan, prepared by a Professional Engineer or other professional specified by the Engineer, which would include but not be limited to a description of the frequency of trucks, signage, placement of safety control devices, traffic control measures that will minimize the disruption created and other information related to traffic safety in the surrounding area as determined by the Engineer, taking into account the scale and location of the proposed soil removal or deposit; and {Bylaw No. 1934, 2018}
- n. in the case of proposed deposit on or removal from ALR Land, information on the past and proposed farming activity of the applicant, the relationship of the deposit or removal to existing or proposed farming activity on the land including an assessment of the origin of any deposited soil and its impact on the agricultural capability of the land, and including a farm plan or similar report specified by the Engineer prepared by a certified agrologist or other professional specified by the Engineer, identifying the positive benefit of the proposed deposit or removal to agriculture. {Bylaw No. 1719, 2010}

Permit Issuance Conditions

- 12. The Engineer or Council may r a Permit any conditions that relate to matters listed in section 11 or 13, including any requirement to provide a certification described in section 19, and the Permit holder shall strictly comply with those conditions. {Bylaw No. 1719, 2010}
- 13. The Engineer may consult with the Agricultural Land Commission with regard to whether application requirements should be imposed under section 11 of this bylaw and the Engineer or the Council, as applicable, may consult with the Commission with regard to whether proposed soil deposit or removal is necessary for a Farm Use and what conditions ought to be imposed under section 12. {Bylaw No. 1719, 2010}
- 14. The Engineer or Council may refuse to issue a permit to an applicant if, in the opinion of the Engineer or Council, the proposed removal or deposit of Soil will or is reasonably likely to: {Bylaw No. 1934, 2018}
 - a. foul, pollute the water quality of, obstruct, divert, impede the flow of, damage or destroy any watercourse, ditch, drain, sewer or water utility;
 - b. damage or destroy amenities on the lands or adjacent lands including, without limitation, any utilities, works or services, structures, buildings or improvements;
 - c. contravene any bylaw of the District;
 - d. result in the use of the lands in a manner inconsistent with the zoning for the lands;
 - e. result in Soil on the lands or on adjacent lands becoming susceptible to erosion, slippage, landslides, slumping or settling;
 - f. in the case of deposit or removal of Soil from ALR Land, fail to provide a positive benefit to agriculture; {Bylaw No. 1719, 2010}
 - g. impair the agricultural capability of adjacent ALR Land; {Bylaw No. 1719, 2010}
 - h. permit dust, dirt or noise to escape so as to constitute a private or public nuisance; or
 - i. compromise the hydrological function or drainage capacity of the subject property or an adjoining or reasonably adjacent property. {Bylaw No. 1934, 2018}

Environmental Management Act

15. The Engineer or Council shall not issue a Permit unless potential issues of Soil contamination have been resolved under section 946.2 of the *Local Government Act* or other applicable legislation.

Agricultural Land Reserve

16. The Engineer or Council shall not issue a Permit authorizing Soil removal or deposit on ALR Land, unless the Soil removal or deposit is:
 - a. Necessary for a Farm Use, as set out in Part 1 or Part 2 of Schedule H, which Parts may be amended from time to time by the *Farm Practices Protection (Right to Farm) Act*, RSBC 1996, c. 131 or the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* B.C. Reg. 171/2002; {Bylaw No. 1934, 2018}
 - b. Necessary for a Non-Farm use, as set out in Part 3 of Schedule H, which may be amended from time to time by the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* B.C. Reg. 171/2002, unless the non-farm use is otherwise prohibited on the ALR land in question by a bylaw of the District; {Bylaw No. 1934, 2018}
 - c. Authorized by an order of the Agricultural Land Commission approving a non-farm use. {Bylaw No. 1719, 2010}
17. The Engineer shall provide to the Agricultural Land Commission a copy of every permit issued under this bylaw in respect of ALR Land and every permit application in respect of ALR Land that is refused. {Bylaw No. 1719, 2010}

Form of Permit

18. Permits may be issued in the form attached as Schedule B.
19. If required under the terms of the Permit, upon completion of the Soil removal and deposit authorized by a Permit, the Permit holder shall deliver to the Engineer a certificate from a Professional Engineer or other consultant or person specified by the Engineer stating that all Soil removed or deposited was removed or deposited in substantial compliance with the requirements of the Permit and good environmental and engineering practices. {Bylaw No. 1719, 2010}

Security

20. Prior to the issuance of a Permit, the applicant for the Permit shall, except in the case of an application for deposit or removal of Soil from ALR Land for a Farm Use, deposit with the Engineer either a letter of credit in the form of Schedule "F", a certified cheque, or cash in the amount of \$500.00, plus \$2.00 for each cubic metre of soil to be deposited or removed under the proposed permit, up to a maximum of \$10,000.00, as security for full compliance with all provisions of this bylaw, including payment of all Removal and Deposit Fees. {Bylaw No. 1719, 2010}

Renewal of Security

21. The holder of the Permit shall renew such Security, other than cash, before it expires by either allowing for the automatic renewal of the Letter of Credit according to the terms in Schedule "F", depositing a fresh letter of credit at least two weeks before the expiry date of any then subsisting letter of credit, or providing a new certified cheque at least two weeks prior to the passage of one year from the date the last certified cheque was deposited. In the event the Security is not so renewed, the District may, without notice to the Permit holder, draw upon the then subsisting Security, without any obligation to pay interest.

Compliance and Use of Security

22. If at any time the Permit holder fails or refuses to comply with any obligation under this bylaw or the Permit or any direction given by the Engineer, including any obligation under section 29,

30 or 36, then the District may, at its discretion, enter on the land that is the subject of the Permit, carry out the work at the cost of the owner, and deduct from the Security the cost incurred by the District as a result of the failure or refusal or recover the cost from the owner as a debt. In cases where the work is within the scope of section 258 of the *Community Charter*, the District may, at its option, recover such costs wholly or in part in the same manner and with the same remedies as property taxes. {Bylaw No. 1719, 2010}

Replenishment of Security

23. In the event that the District uses all or part of the Security, the Permit holder shall forthwith deposit new Security on the terms as set out above, so that the amount of Security held by the District is the full amount required by this bylaw.

Return of Security

24. When the Permit holder completes all reclamation and other work and conditions required by the Permit to the satisfaction of the Engineer and the Permit holder has paid to the District all fees payable under this bylaw, the District will return the Security, or whatever amount of it remains, to the Permit holder who provided the Security.

Quantity Reports

25. The Permit holder shall, in the case of removal or deposit of Soil for which a fee is payable under section 26: {Bylaw No. 1719, 2010}
- a. submit to the Engineer in the form of Schedule C a monthly report prior to the end of each month showing the volume of Soil removed or deposited during the preceding month;
 - b. maintain accurate and up-to-date records of all Soil removed and deposited and make these records available for inspection by the Engineer on request; and
 - c. submit to the Engineer an annual declaration as per Schedule "E" by December 31 of each year, certified by a Professional Engineer, detailing all quantities of Soil removed and deposited in the preceding calendar year, whether or not counted under clause (a), and signed by the Permit holder indicating compliance with the provisions of this bylaw and the Permit.

Soil Removal or Deposit Fee

26. Every person who removes or deposits Soil within the District pursuant to a Permit, other than removal or deposit of Soil on ALR Land for a Farm Use, shall pay to the District a Removal or Deposit Fee in the amount of fifty cents (\$0.50) for each and every cubic metre of Soil removed from or deposited pursuant to the Permit. If Soil is removed or deposited without a Permit, and the Soil removal or deposit required a Permit under this bylaw, the person who caused the Soil to be removed or deposited shall pay the District a Removal or Deposit fee in the amount of one dollar (\$1.00) for each and every cubic meter of Soil removed or deposited. {Bylaw No. 1719, 2010}

Timing of Payment and Use of Security

27. The Soil Removal or Deposit Fee shall be paid to the District on or before the last day of each month for the amount of Soil removed or deposited in the preceding month. The District may recover unpaid Soil Removal or Deposit Fees from the Security provided under section 20. {Bylaw No. 1719, 2010}

Conversion Chart

28. Where Soil is quantified in terms of tonnes, cubic yards, or both, the conversion chart contained in Schedule "D" of this bylaw applies for the purpose of the calculation of Removal or Deposit Fees.

Repair of Damage

29. All damage to District drainage facilities, roads, lanes, or other District property resulting from the removal or deposit of Soil shall be repaired immediately by the Permit holder.
30. In the event that the Engineer determines that the transport of Soil on a District highway is causing damage to the highway beyond what is reasonable and ordinary in view of the nature or existing condition of the highway, the Engineer may, by providing written notice to the person transporting Soil and by posting appropriate highway signage, prohibit such traffic on the highway, and the District may enter into an agreement under Section 42 of the *Community Charter* with any person wishing to transport Soil on the highway despite the prohibition. The Council delegates to the Engineer the authority to determine the amount of compensation that is reasonable for the damage to the highway and the resulting expense to the District, for inclusion in an agreement under Section 42, and to execute such agreements on behalf of the District. Notice may be provided under this section by serving a copy on the holder of the business licence for the transport business, on the holder of the Permit authorizing the deposit or removal of the Soil, on the owner of the land to or from which soil is being transported, or on any person operating a vehicle transporting the Soil. Nothing in this section applies to the transport of soil on an arterial highway. {Bylaw No. 1719, 2010}

Watercourses

31. All drainage facilities and natural watercourses contiguous to or near a Soil Removal or Deposit Area shall be kept free of silt, clay, sand, rubble, debris, gravel, and any other matter or thing originating from any removal or deposit of Soil or excavation or filling of any lands, which is causing or may cause obstruction to such drainage facilities or natural watercourses. Drainage facilities or natural watercourses shall not be polluted.
32. No natural watercourse shall be altered or diverted except with the written permission of the appropriate provincial and federal authorities and the District.
33. Any soil deposit or removal must comply with section 28(3) and section 28(5) of the Land Use Bylaw No. 1309, as amended.

Buffer Zone

34. A Buffer Zone of at least 7 metres shall be maintained at all times around each Soil Deposit or Removal Area.

Stockpiling

35. The Permit holder shall confine stockpiles of Soil to the Soil Removal or Deposit Area to which the Permit relates and shall maintain them so that they do not adversely affect or damage adjacent properties or Buffer Zones.

No Encroachment

36. The Permit holder shall ensure that the operation by which Soil is removed or deposited does not encroach upon, undermine, or physically damage any adjacent property.

Reclamation

37. At the expiry or revocation of a Permit, the permit holder shall complete such grading and other reclamation works as are specified in the Permit.

Revocation of Permit

38. If the Permit holder fails to comply with any requirement of this bylaw or any requirement or condition of the Permit, the Engineer may by written notice to the Permit holder immediately revoke the Permit. Notice to the Permit holder is sufficient if a letter is mailed or delivered to the address of the Permit holder as shown on the Permit.
39. If the land to which a Permit relates is sold such that the Permit holder is no longer the owner of the land or the Permit holder no longer has the right to use the land for removal or deposit of

Soil, the Permit is automatically revoked unless the Permit is transferred or assigned pursuant to the terms of this bylaw.

Permit Renewal

40. If a Permit holder applies for a renewal of a Permit, the Engineer shall issue the renewal if:
- a. all applicable drawings and specifications for the Soil Removal or Deposit Area are updated as necessary to identify any material changes to site conditions and to demonstrate compliance with current bylaws and regulations;
 - b. Security has been deposited with the District pursuant to section 20 of this bylaw to cover the cost of any reclamation requirements associated with any material changes; and
 - c. except in the case of an application for deposit or removal of Soil from ALR Land for a Farm Use, a fee of \$100.00 has been paid to the District for the renewal of the Permit. {Bylaw No. 1719, 2010}

Transfer of Permit

41. The Engineer may approve a transfer or assignment of a Permit by the Permit holder to another person who has the right to remove or deposit the Soil to which the Permit relates.
42. All applications for Permit transfers or assignments must be in writing and accompanied by a non-refundable application fee of \$200, except in the case of an application for deposit or removal of Soil from ALR Land for a Farm Use. {Bylaw No. 1719, 2010}
43. The Engineer may refuse to approve a Permit transfer or assignment if the Permit Holder does not provide evidence satisfactory to the Engineer that any Soil removal or deposit that has occurred pursuant to the Permit is in compliance with the provisions of this bylaw and the Permit.
44. If a Permit is transferred or assigned, the new Permit holder must provide the Security to the District, at which time the existing Security will be returned to the original Permit holder.

Term of Permit

45. A Permit shall remain valid until the earlier of:
- a. the completion of the Soil removal or deposit authorized by the Permit;
 - b. the arrival of the expiry date specified in the Permit, which shall not be more than one year from the date of issue; or
 - c. revocation of the Permit under this bylaw.

Right to Enter and Inspect

46. The Engineer may, subject to the Community Charter:
- a. enter on and inspect land for which an application for a Permit has been made;
 - b. enter on and inspect land for which a Permit has been issued to determinate compliance with the Permit and this bylaw; and
 - c. inspect accounts maintained by the Permit holder in respect of its Soil removal or deposit activities.

Stop Work Notice

47. The Engineer may order the cessation of any Soil removal or deposit activities that are proceeding in contravention of this Bylaw by posting a Stop Work notice.

48. Where a Stop Work notice has been posted on a property, the Permit holder and every other person shall cease all Soil removal or deposit activities on that property immediately and shall not undertake any Soil removal or deposit activities on that property until all applicable provisions of this Bylaw have been substantially complied with and the Stop Work notice has been rescinded in writing by the Engineer. {Bylaw No. 1776, 2012}

Severability

49. If any section, subsection, clause or phrase of this bylaw is for any reason held to be invalid or illegal by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses or phrases of this bylaw.

Repeal

50. The Central Saanich Soil Deposit Prohibition Bylaw No. 968, 1990, as amended and the Central Saanich Soil Removal Regulation Bylaw No. 967, 1990, as amended are hereby repealed.

Appendices

51. The appendices attached to this bylaw form a part of this bylaw.

Contraventions

52. Every person who violates, contravenes, or commits any breach of a provision of this bylaw, including a contravention of a Permit, shall be guilty of an offence punishable on summary conviction pursuant to the Offence Act, and shall be liable to pay a maximum fine of Ten Thousand Dollars (\$10,000.00) and costs, and in no case shall the fine be for an amount less than One Thousand Dollars (\$1,000.00). Each day of any violation, contravention or breach of this bylaw shall be deemed to be a separate and distinct offence.

Headings

53. The headings to the provisions of this bylaw are inserted for convenience of reference only and shall neither form part of nor affect the interpretation of this bylaw.

List of Schedules

Schedule A – Soil Removal or Deposit Permit Application
 Schedule B – Form of Permit
 Schedule C – Monthly Volume Report
 Schedule D – Conversion Chart
 Schedule E – Declaration of Soil Removal or Deposit Quantities
 Schedule F – Letter of Credit
 Schedule G – Signs
 Schedule H – Farm Uses {Bylaw No. 1719, 2010}

ADOPTED: November 19, 2007

AMENDMENT: Bylaw No. 1719, 2010 {November 7, 2011}

AMENDMENT: Bylaw No. 1776, 2012 {September 4, 2012}

AMENDMENT: Bylaw No. 1934, 2018 {March 5, 2018}

SCHEDULE A

DISTRICT OF CENTRAL SAANICH
SOIL REMOVAL OR DEPOSIT PERMIT APPLICATION

Applicant Information
(filled out by applicant)

Name of applicant _____
(if company, insert company name and individual representative applying on behalf of company)

Applicant's address _____

Applicant's telephone number _____

Applicant's fax number (if available) _____

Applicant's email address (if available) _____

Land Identification Information

Legal description of Soil removal Location _____

Municipal address _____

Legal description of Soil Deposit Location _____

Municipal address _____

Land Ownership of Soil Removal Location

Registered owner _____

Address of owner _____

Lease holder (if applicable) _____

Address of lease holder (if applicable) _____

Land Ownership of Soil Deposit Location

Registered owner _____

Address of owner _____

Lease holder (if applicable) _____

Address of lease holder (if applicable) _____

Soil Removal or Deposit Information

Prepared by Professional Engineer: _____

	Type of Material	Quantity	Location
Estimated quantity of Soil			
1) to be removed		m ³	
2) to be deposited		m ³	

Estimate prepared by: _____
(signature and seal required)

Date _____

Professional Engineer's Reports

Attached, as part of this Application, are the following reports:

- | | (Title) | (Author) | (Date) |
|----|---------|----------|--------|
| 1) | | | |
| 2) | | | |
| 3) | | | |

I, _____, as applicant on my own behalf, or as authorized signatory of the applicant
_____, _____ (print company name), make this Application.

I confirm that the applicant has the authority to remove or deposit Soil on this land.

Declared the ____ day of _____, 20__.

(Signature of Applicant)

(Authorized Signature of Owner)

SCHEDULE B

DISTRICT OF CENTRAL SAANICH
SOIL REMOVAL OR DEPOSIT PERMIT NO. _____

DATE OF ISSUE _____ AND EXPIRY DATE _____
(maximum one year)

Land Identification Information

Legal description _____

Municipal address _____

Land Ownership

Registered owner _____

Address of owner Lease holder (if applicable) _____

Address of lease holder (if applicable) _____

Soil Removal or Deposit Information

	Type of Material	Quantity	Location
Amount authorized			
1) to be removed		m ³	
2) to be deposited		m ³	

Professional Engineer’s Reports

This Permit is subject to compliance with the following reports, which form part of this Permit:

- 1) _____
(Title) (Author) (Date)
- 2) _____
- 3) _____

Date which Statutory Declaration as per Schedule E is to be submitted by _____

Date Monthly Reports are due per this bylaw

1. 7.
2. 8.
3. 9.
4. 10.
5. 11.
6. 12.

NOTE: The issuance of this permit does not relieve the permit holder from complying with all applicable Federal and Provincial laws.

This Soil Removal or Deposit Permit No. is issued pursuant to the District of Central Saanich "Soil Removal and Deposit Bylaw 2006, No. _____".

Engineer

Date

SCHEDULE C

**DISTRICT OF CENTRAL SAANICH
MONTHLY VOLUME REPORT**

THIS SCHEDULE TO BE FILLED OUT MONTHLY AND SIGNED BY THE PERMIT HOLDER AND RETURNED TO THE DISTRICT OF CENTRAL SAANICH AS PER SECTION 25 OF THIS BYLAW:

Permit Information

Soil Removal or Deposit Permit No. _____ Date of Issue _____

Land Identification Information

Legal description _____

Municipal address _____

Land Ownership

Registered owner _____

Address of owner _____

Lease holder _____

Address of lease holder _____

I hereby declare that during the period _____ to _____ inclusive, the volume of Soil removed was _____ cubic metres and that the volume of Soil deposited was _____ cubic metres.

Signed: _____ Date: _____

(address)

(position title, owner, lessee or signing officer of limited company)

SCHEDULE D

DISTRICT OF CENTRAL SAANICH
CONVERSION CHART

[Note: The bylaw will need to be amended to reflect this conversion from banked deposits to stock piled deposits, assuming the District wishes this conversion.]

Sand and Gravel

BANK DEPOSIT	STOCK PILE DEPOSIT
1 Cubic Meter	1.18 Cubic Meters
1 Cubic Meter	1.54 Cubic Yards
1 Cubic Meter	2.17 Metric Tonnes
STOCK PILE DEPOSIT	BANK DEPOSIT
1 Metric Tonne	0.462 Cubic Meter
1 Cubic Yard	0.650 Cubic Meter
1 Cubic Meter	0.850 Cubic Meter

SCHEDULE E

DISTRICT OF CENTRAL SAANICH
DECLARATION OF SOIL REMOVAL OR DEPOSIT QUANTITIES

Information

Soil Removal or Deposit Permit No. _____ Date of Issue _____

Land Identification Information

Legal description _____

Municipal address _____

Land Ownership

Registered owner _____

Address of owner _____

Lease holder _____

Address of lease holder _____

I hereby declare that during the period _____ to _____ inclusive, the volume of Soil removed was _____ cubic metres and that the volume of Soil deposited was _____ cubic metres.

I declare that I have personal knowledge of these matters and I make solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Signed: _____ Date: _____

(address)

(position title, owner, lessee or signing officer of limited company)

SWORN BEFORE ME at the City of _____)
_____, in the Province of British Columbia, this ____ day of _____)
20____.)

A Commissioner for Taking Affidavits)
in the Province of British Columbia)

Name:

SCHEDULE F

DISTRICT OF CENTRAL SAANICH
LETTER OF CREDIT

TO BE ON BANK LETTERHEAD

_____ day of _____, A.D. 20__

District of Central Saanich

Dear Sir:

IRREVOCABLE COMMERCIAL LETTER OF CREDIT NO. _____

We hereby authorize you to draw on _____ (NAME OF BANK),
_____ (ADDRESS OF BANK), Province of British Columbia, for account of
_____ (NAME OF TENDERER), up to an aggregate amount of
_____ available by drafts at sight for 10% of
tender value;

- 1. Drawings are to be made in writing to _____ (NAME OF BANK).
- 2. Partial drawings may be made.
- 3. The Bank will not inquire as to whether or not the District has a right to make demand on this Letter of Credit.
- 4. It is a condition of this Letter of Credit that it shall be deemed to be automatically extended without amendment from year to year from the present or any future expiration date, unless at least thirty (30) days prior to the present or any future expiration date we notify the District in writing by courier or registered mail that we elect not to consider this Letter of Credit renewed.

DRAFTS MUST BE DRAWN AND NEGOTIATED NOT LATER THAN _____

The drafts under this Credit are to be endorsed hereon and shall state on their face that they are drawn under _____ (NAME OF BANK), _____ (ADDRESS OF BANK),
Vancouver, B. C. Letter of Credit No. _____

Yours truly,

Manager
On Behalf of _____
(NAME OF BANK)

SCHEDULE G

The District will provide the required sign.

The sign remains the property of the District and must be returned to the District.

The sign must be posted for a period of no less than 7 consecutive days.

The sign must be posted in a prominent place no further than 4 meters from the parcel's lot line.

SCHEDULE H
{Bylaw No. 1719, 2010}

USES DEFINED AS FARM USES UNDER THE AGRICULTURAL LAND COMMISSION ACT

**PART 1 – USES THAT ARE PERMITTED IN THE AGRICULTURAL LAND RESERVE AS “FARM OPERATIONS”
DEFINED IN THE *RIGHT TO FARM ACT***

- (a) growing, producing, raising or keeping animals or plants, including mushrooms, or the primary products of those plants or animals;
- (b) clearing, draining, irrigating or cultivating land;
- (c) using farm machinery, equipment, devices, materials and structures;
- (d) applying fertilizers, manure, pesticides and biological control agents, including by ground and aerial spraying;
- (e) conducting any other agricultural activity on, in or over agricultural land;

including:
 - (f) intensively cultivating in plantations, any specialty wood or fibre crops prescribed by the Minister of Agriculture;
 - (g) conducting turf production with the approval under the *Agricultural Land Commission Act* of the Provincial Agricultural Land Commission;
 - (h) aquaculture as defined in the *Fisheries Act* if carried on by a person licensed, under Part 3 of that Act, to carry on the business of aquaculture;
 - (i) raising or keeping game, within the meaning of the *Game Farm Act*, by a person licensed to do so under that Act;
 - (j) raising or keeping fur bearing animals, within the meaning of the *Fur Farm Act*, by a person licensed to do so under that Act;
 - (k) processing or direct marketing by a farmer of one or both of
 - (i) the products of a farm owned or operated by the farmer, and
 - (ii) within limits prescribed by the Minister of Agriculture; products not of that farm,
 - (iii) to the extent that the processing or marketing of those products is conducted on the farmer’s farm;

but not including:

- (l) an activity, other than grazing or hay cutting, if the activity constitutes a forest practice as defined in the *Forest and Range Practices Act*;
- (m) breeding pets or operating a kennel;
- (n) growing, producing, raising or keeping exotic animals, except types of exotic animals prescribed by the Minister of Agriculture.

**PART 2 – USES THAT ARE PERMITTED IN THE AGRICULTURAL LAND RESERVE UNDER B.C. REG.
171/2002**

- (a) farm retail sales if
 - (i) all of the farm product offered for sale is produced on the farm on which the retail sales are taking place, or
 - (ii) at least 50% of the retail sales is limited to the sale of farm products produced on the farm on which the retail sales are taking place and the total area, both indoors and outdoors, used for the retail sales of all products does not exceed 300m²;
- (b) a British Columbia licensed winery or cidery and an ancillary use if the wine or cider produced and offered for sale is made from farm product and
 - (i) at least 50% of that farm produce is grown on the farm on which the winery or cidery is located, or
 - (ii) the farm that grows the farm products used to produce wine or cider is more than 2 ha. in area, and, unless otherwise authorized by the commission, at least 50% of the total farm product for processing is provided under a minimum 3 year contract from a farm in British Columbia;
- (c) storage, packing, product preparation or processing of farm products, if at least 50% of the farm product being stored, packed, prepared or process is produced on the farm or is feed required for farm production purposes on the farm;
- (d) land development works including clearing, levelling, draining, berming, irrigating and construction of reservoirs and ancillary works if the works are required for farm use of that farm;
- (e) agri-tourism activities, other than accommodation, on land that is classified as a farm under the *Assessment Act*, if the use is temporary and seasonal, and promotes or markets farm products grown, raised or processed on the farm;
- (f) timber production, harvesting, silviculture and forest protection;
- (g) agroforestry, including botanical forest products production;
- (h) horse riding, training and boarding, including a facility for horse riding, training and boarding, if
 - (i) the stables do not have more than 40 permanent stalls, and
 - (ii) the facility does not include a racetrack licensed by the British Columbia Racing Commission;
- (i) the storage and application of fertilizers, mulches and soil conditioners;
- (j) the application of soil amendments collected, stored and handled in compliance with the Agricultural Waste Control Regulation, B.C. Reg. 131/92;
- (k) the production, storage and application of compost from agricultural wastes produced on the farm for farm purposes in compliance with the Agricultural Waste Control Regulation, B.C. Reg. 131/92;
- (l) the application of compost and biosolids produced and applied in compliance with the Organic Matter Recycling Regulation, B.C. Reg. 18/2002;
- (m) the production, storage and application of Class A compost in compliance with the Organic Matter Recycling Regulation, B.C. Reg. 18/2002, if all the compost produced is used on the farm;

- (n) soil sampling and testing of soil from the farm;
- (o) the construction, maintenance and operation of farm buildings including, but not limited to, any of the following:
 - (i) a greenhouse;
 - (ii) a farm building or structure for use in an intensive livestock operation or for mushroom production;
 - (iii) an aquaculture facility.

PART 3 – USES THAT ARE PERMITTED IN THE AGRICULTURAL LAND RESERVE UNDER B.C. REG. 171/2002 UNLESS PROHIBITED BY THE LAND USE BYLAW

- (a) accommodation for agri-tourism on a farm if
 - (i) all or part of the parcel on which the accommodation is located is classified as a farm under the *Assessment Act*,
 - (ii) the accommodation is limited to 10 sleeping units in total of seasonal campsites, seasonal cabins or short term use of bedrooms including bed and breakfast bedrooms under paragraph (d), and
 - (iii) the total developed area for buildings, landscaping and access for the accommodation is less than 5% of the parcel;
- (b) for each parcel,
 - (i) one secondary suite within a single family dwelling, and
 - (ii) one manufactured home, up to 9 m in width, for use by a members of the owner's immediate family;
- (c) a home occupation use, that is accessory to a dwelling, of not more than 100 m² or such other area as specified in a local government bylaw, or treaty first nation government law, applicable to the area in which the parcel is located;
- (d) bed and breakfast use of not more than 4 bedrooms for short term tourist accommodation or such other number of bedrooms as specified in a local government bylaw, or treaty first nation government law, application to the area in which the parcel is located;
- (e) operation of a temporary sawmill if at least 50% of the volume of timber harvested from the farm or parcel on which the sawmill is located;
- (f) biodiversity conservation, passive recreation, heritage, wildlife and scenery viewing purposes, as long as the area occupied by any associated buildings and structures does not exceed 100 m² for each parcel;
- (g) use of an open land park established by a local government or treaty first nation government for any of the purposes specified in paragraph (f);
- (h) breeding pets or operating a kennel or boarding facility;
- (i) education and research except schools under the *School Act*, respecting any use permitted under the Act and this regulation as long as the area occupied by any buildings or structures necessary for the education or research does not exceed 100 m² for each parcel;
- (j) production and development of biological products used in integrated pest management programs as long as the area occupied by any buildings or structures necessary for the production or development does not exceed 300 m² for each parcel;

- (k) aggregate extraction if the total volume of materials removed from the parcel is less than 500 m³, as long as the cultivatable surface layer of soil is salvaged, stored on the parcel and available to reclaim the disturbed area;
- (l) force mains, trunk sewers, gas pipelines and water lines within an existing dedicated right of way;
- (m) telecommunications equipment, buildings and installations as long as the area occupied by the equipment, buildings and installations does not exceed 100 m² for each parcel;
- (n) construction and maintenance, for the purpose of drainage or irrigation or to combat the threat of flooding, of
 - (i) dikes and related pumphouses, and
 - (ii) ancillary works including access roads and facilities;
- (o) unpaved airstrip or helipad for use of aircraft flying non-scheduled flights;
- (p) the production, storage and application of Class A compost in compliance with the Organic Matter Recycling Regulation, B.C. Reg. 18/2002, if at least 50% of the compost measured by volume is used on the farm.