

To: Chief Administrative Officer **Date:** November 20, 2023
From: Alfred Knox, Engineering Technologist I - Development
Subject: **Soil Management Bylaw 6133-2022**

Recommendations

1. That Soil Deposit Bylaw 5506-2015 and Soil Removal Bylaw 3088-1997 be repealed and replaced with new Soil Management Bylaw 6133-2022 as shown in Attachment A of the Engineering Technologist's report dated November 20, 2023;
2. That Bylaw Notice Enforcement Bylaw 5700-2018 and Ticket Information Bylaw 2646-1993 be amended as shown in Attachments E and F of the Engineering Technologist's report dated November 20, 2023; and
3. That the new draft Soil Management Bylaw, Bylaw Notice Enforcement and Ticket Information Amending Bylaws be considered for first, second and third readings.

Purpose

The purpose of this report is to replace the City of Mission's existing Soil Removal Bylaw and Soil Deposit Bylaw with a new Soil Management Bylaw (Attachment A). This Bylaw serves to update the City's current bylaws by consolidating both existing bylaws and updating conditions to meet current regulating standards.

Background

The City of Mission currently regulates soil activities through the Soil Removal Bylaw 3088-1997 and Soil Deposit Bylaw 5506-2015. Both bylaws have been established in a way so that homeowners have some property improvement freedom, provided they are not infringing on environmental regulations or commence works that would require some other form of permitting or authorization. Both bylaws contain fundamentally similar text, however, they contain different exemptions and run on different calendars. A soil removal permit expires at the end of the calendar year, while a soil deposit permit is valid for one year from date of issuance.

The Soil Removal Bylaw has an exemption limit of 100 cubic metres, whereas the Soil Deposit Bylaw has a limit of 200 cubic metres. Any volumes above the noted exemptions typically require a formal Soil Removal or Deposit Permit. In the case of proposed works that contravene the Environment Management Act or any other Provincial or Federal Act or regulation, exemption limits are set aside, and the project would require a permit from the City and likely some form of authorization from the Province and/or the Federal Government.

There are conditions when a permit is not required even if the proposed soil works are above the exemption limits. These conditions include works within a statutory road right-of-way and work by or on behalf of the City of Mission, Provincial or Federal Government. A Soil Removal Permit is also not required if it is incidental to a Building Permit for a single family or duplex dwelling. A Soil Deposit Permit is not required if the site has a Building Permit or an active

subdivision where Engineered Drawing Acceptance has been issued and a Pre-Construction Meeting with the Municipality has been held.

Should soil works require a permit, the soil bylaws outline the requirements for a submission that includes signed schedules, required documents, a permit fee and security deposit. Staff reviews the documents for completeness, checks the fill plan against the bylaw requirements and reviews historical property data to ensure site constraints are controlled. This is particularly important when staff is reviewing files that have impacts to neighbours, public resources and infrastructure.

If a permit is granted to the applicant, a monthly "Soil Remittance Fee" is collected and based on the volume of soils managed on site. These monthly volumetric remittance fees cover administrative costs related to project tracking, non-compliance investigations, and random quantity checks for active permits and include an annual transfer to the Arterial Road Reserve fund. Lands designated as Commercial, Industrial, or Institutional are not required to pay the Remittance Fee for Soil Deposits. The same exemption does not apply to soil removal.

The Soil Deposit Bylaw has a provision for annual permit renewal whereas the Soil Removal Bylaw does not, resulting in the need for a new application year after year.

Discussion and Analysis

The City of Mission is rapidly growing while also producing more urbanized and industrialized areas to support the increase in population. While the existing soil bylaws are effective in managing soil movements within the City of Mission, staff is proposing to develop an updated Soil Management Bylaw that speaks to current regulations and better reflects the demands of the growing city. The proposed bylaw would also remove the redundancies and inconsistencies created from the existing two similar yet different bylaws.

The two existing bylaws, Soil Removal Bylaw 3088-1997 and Soil Deposit Bylaw 5506-2015 contain very similar context for soil management. As an option to provide more clarity to homeowners and stakeholders, the proposed bylaw would combine removal and deposit bylaws into a single Soil Management Bylaw. The update would also see that Schedules A and B will both be included as well as updating the application content so that a formal project team is identified for administration purposes. A consolidated bylaw would be beneficial for projects that require both deposit and removal permits, particularly for lands requiring preload before development. The consolidation would also allow staff to issue a Soil Management Permit that identifies both removal and deposit volumes in a single permit, whereas current projects may require two permits.

The proposed bylaw will provide updated regulations for homeowners and stakeholders to be aware of when completing soil works on-site. The update will continue to reference the Environmental Management Act and Mines Act; however, it will also now formally acknowledge the Agriculture Land Commission.

As the City of Mission is experiencing growth, there has been an increased number of urbanized and industrialize zoning changes resulting in a substantial increase in construction activity. The proposed bylaw speaks to the challenges of unpermitted soil activities that would be compliant with the existing bylaws. In urbanized zoning, 200 cubic metres of fill could have a significant impact to the community. As a result, the proposed bylaw is recommending a new volume threshold of 100 cubic metres. The resulting 10 truck loads per year allowance would allow Rural Properties to continue to allow site modifications, minor landscaping, and maintenance works without requiring a soil permit, while also ensuring urban projects receive the appropriate

reviews for substantial earthwork projects. As a comparison, the following nearby municipalities have their respective permit volume exclusions:

- City of Abbotsford – No Volume Exemption, Permit Required
- City of Chilliwack – No Volume Exemption, Permit Required
- City of Maple Ridge – 100 m³ Removal, 25 m³ Deposit
- District of Squamish – 30 m³ Exemption
- FVRD – Regulation for Commercial Gravel Operations Only

The consolidated bylaw will also offer a renewal option for those with valid permits which will reduce administration and cost for both the permit holder and City staff, particularly for the local gravel pits and quarries.

As part of the yearly amendments, staff is requesting to update fees to better align with the neighbouring municipalities. Similar to the volumetric allowance, the City of Mission will continue to have one of the lowest fees and highest allowances within the Fraser Valley Regional District. However, staff is proposing to remove the soil deposit remittance fee exemption for Commercial, Industrial and Institutional Lands as most site preparation is completed with a Building Permit or Subdivision Application.

Since first presenting the draft Soil Management Bylaw, staff with support of council have engaged in a survey for residents to voice their comments regarding the draft bylaw. The results of public engagement included three major changes to the structure of the bylaw including: a volumetric exemption change from 50 m³ to 100 m³, a physical permit to be made available at the access entrance (like a Building Permit) and the introduction of new fines for non-compliance.

Financial Implications

There are no financial implications associated with this report.

Communication

No further communication is required. Staff conducted public engagement through a survey to inform the development of the proposed Bylaw. The number of survey respondents were less than anticipated as only 11 participants responded between the active survey date of March 20 to April 10, 2023.

While staff received limited sample data, the responses received did provide clarity for the direction of the Bylaw. The feedback received included the concern that decreasing the volumetric exemption limits will impact homeowners. There was limited support for the 200 m³ and 50 m³ exemption limits. The current soil removal exemption limit of 100 m³ appeared to be the most supportable. The consolidation of both current soil bylaws were also found to be favoured based on the survey results. After consolidating the changes from the engagement survey, the bylaw final draft was reviewed by the City's legal consultant resulting in minor housekeeping edits.

Summary and Conclusion

Mission's Soil Removal and Deposit Bylaws were last updated in 1997 and 2015. Since that time, the City has seen a rapid increase in development and we are seeing more soil movement within the City as a result. Staff are recommending the repeal of Soil Removal Bylaw 3088-1997 and Soil Deposit Bylaw 5506-2015 and that the first three readings are given to the new Soil Management Bylaw 6133-2022.

Report Prepared by: Alfred Knox, Engineering Technologist I - Development
Reviewed by: Jay Jackman, Manager of Development Engineering
Reviewed by: Tracy Kyle, Director of Engineering & Public Works
Approved for Inclusion: Mike Younie, Chief Administrative Officer

Attachment(s)

Attachment A: Soil Management Bylaw 6133-2022
Attachment B: Wheel Wash Standard Drawing
Attachment C: Soil Management Bylaw Survey Summary May 2023
Attachment D: Sample Soil Management Permit
Attachment E: Bylaw Notice Enforcement Amending 6234-2023-5700(10)
Attachment F: Ticketing Information Amending 6235-2023-2646(39)