

**THE CORPORATION OF THE DISTRICT OF SAANICH**

**BYLAW NO. 5576**

**TO REGULATE OR PROHIBIT THE REMOVAL OF SOIL, SAND, GRAVEL ROCK  
OR OTHER SUBSTANCE OF WHICH LAND IS COMPOSED FROM LANDS  
WITHIN THE CORPORATION OF THE DISTRICT OF SAANICH**

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The Municipal Council of the The Corporation of the District of Saanich in open meeting assembled enacts as follows:

**DEFINITIONS**

1. In this bylaw:

**BUFFER ZONE** shall mean a natural strip of land to screen view and sound.

**CORPORATION** shall mean The Corporation of the District of Saanich.

**COUNCIL** shall mean the Municipal Council of The Corporation of the District of Saanich.

**DIRECTOR OF ENGINEERING** shall mean the Director of Engineering for The Corporation of the District of Saanich or his appointee.

**FENCING** shall mean a continuous height barrier.

**LANDSCAPE SCREEN** shall mean an opaque visual barrier formed by a row of shrubs, trees, a wooden fence or a masonry wall or combination thereof.

**MANAGER OF INSPECTION SERVICES** shall mean the Manager of Inspection Services of The Corporation of the District of Saanich or any person authorized to act on his behalf.

**MUNICIPALITY** shall mean the geographic area of the District of Saanich or any part thereof.

**PERMIT** shall mean the written authority granted by the Director of Engineering for the removal of soil, sand, gravel, rock or other substance of which land is composed from specified area(s) within the Municipality upon the terms, conditions and plans and specifications applicable to the application for such removal.

**PERSON** shall mean an individual, a body corporate, a firm, partnership, association or any other legal entity or an employee or agent thereof.

**SOIL** shall mean soil, sand, gravel, rock or other substance of which land is composed.

**TOPSOIL** shall mean all the substance of which land is composed from the surface of the land to a depth of .30 metres.

2. No person shall remove or cause to be removed from any lands within the Municipality any soil until a permit for such removal is first had and obtained from the Director of Engineering pursuant to the provisions of this bylaw.
3. No permit shall be issued to authorize the removal of soil from:
  - a) Land designated as an Agricultural Land Reserve pursuant to the *Agricultural Land Commission Act*, 1979, R.S.B.C. c.9, or
  - b) Land designated as "Floodplain" pursuant to the Deposit of Fill Bylaw of the Municipality as amended from time to time,

unless prior approval is first obtained from the Council of the Municipality and in the case of land in the Agricultural Land Reserve, the provisions of the *Soil Conservation Act* have been complied with.

4. No permit shall be issued until the plans, data and specifications required by this bylaw to be filed with the Director of Engineering have been approved by the Director of Engineering. Application for the said permit shall be in the form in Schedule "A" and the permit shall be in the form in Schedule "B".
5. Every applicant for a permit shall file with his application detailed plans, data and specifications prepared by a registered professional engineer for the Province of British Columbia to a scale of 1 to 2500 and show the contour of the ground in its current state with contour intervals of not more than 2 metres using Saanich datum or with contours according to reasonable engineering standards, and the application shall contain information with respect to the following matters:
  - i) All pertinent topographic features, buildings, structures and tree cover.
  - ii) The proposed methods of drainage control during and after the excavation of fill.
  - iii) The proposed methods of access to the site during the excavation.
  - iv) The proposed methods of fencing, signing, enclosing and clearing to assure that no hazard to human or animal life exists.
  - v) The proposed progressive stages of excavation in terms of development during the permit period showing contours specified above, grades and slopes on

- separate plans for each stage, including specific completion dates for each stage.
- vi) The proposed contour of the ground in its final stage upon completion of the operation with contours as specified above and showing the method of access and positive methods of permanent drainage on a separate plan.
  - vii) The proposed location of buffer zones and tree cover and location and grade and width of Berms.
  - viii) The proposed landscape plan for the reclamation of the permit area showing all plantings (including ground cover and trees), and the commencement and completion date for each restoration stage.
6. If an application is in respect of lands designated as Gravel Pits on the plan attached hereto and marked Schedule "C", it shall contain information with respect to the following additional matters:
- i) The proposed slopes which will be maintained upon completion of the operation.
  - ii) The methods proposed to control the erosion of the banks of the excavation or fill.
  - iii) The proposed location of machinery, buildings, scales and all other proposed structures and improvements.
7. A permit shall allow the holder thereof to remove soil from the area described in the permit for a period of twelve (12) months from the date of issuance of the permit. The fee for each permit shall be the sum of \$300.00 for each half (.500) hectare or part thereof contained in the area described in the permit and shall be paid upon the issuance of the permit.
8. Permits will be issued only on application in writing from persons having a registered interest in the land in respect of which the permit is applied for. Application shall be made to the Director of Engineering for a permit and payment for the permit shall be made according to paragraph 7 hereof. The Director of Engineering shall refuse to issue a permit if the plans, data and specifications do not meet satisfactory engineering standards and the requirements of this bylaw.
9. Each and every permit issued pursuant to this bylaw shall be subject to the following conditions:
- a) The excavation of lands shall be such that positive gravity drainage is assured. The elevation of the bottom of any excavation shall be such that the lowest point is being drained by gravity to a natural water course or a public drainage facility adequate for the purpose. This clause shall not be construed to prevent the operator from establishing a settling pool.

- b) All damage to municipal or privately owned drainage facilities, roads, or lane, or other municipally or privately owned property, or natural water course, resulting from the excavation or the removal of soil, shall be repaired. All drainage facilities and natural water course shall be kept free of silt, clay, sand, rubble, debris, gravel and any other matter or thing originating from any excavation of any lands and causing obstruction to such drainage or natural water course. Drainage facilities or natural water courses shall not be polluted.
  - c) Stockpiles of soil shall be confined to lands and same shall be maintained so that they do not adversely affect or damage adjacent properties, landscape screens, buffer zones or fences.
  - d) The operation by which soil is removed shall not encroach upon, undermine or physically damage any property or make impracticable the future subdivision or development of the lands for which the permit has been issued on neighbouring lands.
  - e) No natural water course shall be altered or diverted, except with the approval of the Comptroller of Water Rights as provided for in the *Water Act* of the Province of British Columbia.
  - f) All excavation of lands for which a permit has been issued and all other hazards shall have adequate fencing and be provided with suitable buffer zones or landscape screens, and suitable weather proof signs shall be mounted and maintained on the fence at linear distances not to exceed 150 metres with wording to indicate the danger, the nature of the operation, the presence of the excavation and prohibiting the presence of the public.
  - g) Excavations below the benchmarks established in the plans accompanying the permit may be permitted on written approval of the Director of Engineering for a period not exceeding six (6) months where the excavation is to be filled with suitable material to allow for natural drainage within the said period of six (6) months from the date of issuance of the written approval.
10. Each and every permit with respect to lands designated as Gravel Pits on the attached Schedule "C" shall be subject to the following additional condition:
- The finished slope of the excavation shall have a maximum slope of one (1) metre rise in one and one-half (1½) metre of run.
11. Each and every permit with the exception of permits for lands designated as Gravel Pits on the attached Schedule "C" shall be subject to the following additional conditions:
- a) The permit holder shall, by no later than 90 days following the expiration of the permit, restore the land from which soil has been removed in accordance with the following standards:

- i) The land shall be graded, levelled or filled so that its surface has an elevation no more than 0.30 metres above or below the surface of the land prior to the removal of the soil.
    - ii) The land shall be covered with not less than 0.30 metres of topsoil.
    - iii) The land shall be sown with a type of vegetation providing a protective cover for the soil.
  - b) No soil or any part thereof shall be deposited or be permitted to remain within eight metres minimum of any road allowance and all vehicles and machinery on lands within the said areas shall be kept within the confines of a buffer area or berm.
12. In the event a person desires to construct a development on the lands from which the soil is to be removed, he may submit plans of such a development with the application for a permit; provided the Director of Engineering is satisfied that the development could be legally implemented, a permit shall be issued in which the provisions of section 11(a) do not apply; in such case the final grade of the lands shall be as shown on the development plan.
13. A permit applies only to the removal of soil from the area(s) specifically set out and described in the permit.
14. Where the holder of a permit owns or acquires further land from which he proposes to remove soil, then he must before any such removal notify the Director of Engineering and make application for and obtain a further permit.
15. All machinery and vehicles used in soil removal operations shall be in good and proper working order and contain sound reducing and dust elimination equipment wherever reasonably possible.
16. No soil removal excavation or operation of any kind whatsoever shall occur on any Sunday or Statutory Holiday. No soil removal excavations or operations shall occur except between the hours of 7:00 a.m. and 9:00 p.m. on those days excavations or operations are not prohibited. Nothing in this clause shall restrict any manufacturing operations now, or in the future to be carried on in any part of the Municipality which is presently zoned for industrial use, or which may in the future be zoned for industrial use.
17. Notwithstanding anything contained elsewhere in this bylaw, no person shall remove or cause to be removed from any lands within the Municipality or within any area or areas within the Municipality, any topsoil, except as it may be necessary to gain access to the land beneath, in which case, the topsoil shall be left as close as it is reasonable to its original location, and in no event moved over the lot boundary of the land of which it originally composed a part.

18. a) The Manager of Inspection Services shall have the right at all reasonable times to enter upon and inspect any property for the purpose of administering and enforcing this bylaw.
  - b) The Manager of Inspection Services may give notice to any person of a breach of any of the provisions of this bylaw or a permit issued pursuant thereto and such person shall forthwith cease and desist from removing any further soil from either stockpiles or natural locations or any other place whatsoever until such breach is remedied.
  - c) No person shall prevent or obstruct, or attempt to prevent or obstruct, entry of the Manager of Inspection Services upon any property as authorized under this bylaw.
19. Nothing in this bylaw shall be construed so as to apply to:
- a) Any person lawfully engaged in the erection of buildings or the installation or construction of works or services on lands where the removal of soil or topsoil is necessary for the construction of basements and foundations of the said buildings or the installation or construction of the said works or services.
  - b) Any florist, nurseryman, or horticulturist requiring soil or topsoil for the purpose of his bona fide business as a florist, nurseryman or horticulturist, as it pertains to his said business on lands owned or occupied by him, provided however, that in such cases no soil, or topsoil shall be removed to a depth below the established grade of the street or streets, which abut the property, unless a permit is first had and obtained pursuant to the provisions herein contained.
20. As security for the due and proper compliance of all the requirements and conditions of this bylaw, every person shall before receiving a permit for the removal of soil, provide a cash deposit or irrevocable Letter of Credit drawn upon a chartered bank, in a form acceptable to the Director of Engineering in the amount of \$1,000.00 for each half (.500) hectare or part thereof of site from or upon which soil is to be removed, which security shall be maintained in full force and effect throughout the permit period.
21. Every person who violates, contravenes or commits any breach of the provisions of this bylaw shall be guilty of an offence punishable on summary conviction and shall be liable to forfeit and pay a fine of not less than \$150.00.
22. Bylaw No. 4046 being the "Soil Removal Bylaw, 1978", is hereby repealed except insofar as it repeals any other bylaw.
23. This bylaw may be cited for all purposes as the "**SOIL REMOVAL BYLAW, 1986, NO. 5576**".

**Note: Schedules A - C that are attached to and form part of this bylaw can be made available by contacting the Office of the Municipal Clerk at (250) 475-1775.**

**Includes Bylaw Amendments No. 6609 and 9045**