

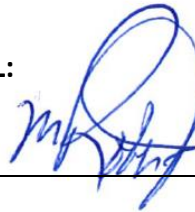
Staff Report to Council

Engineering Department

FILE: 09-3900-02/25

REPORT DATE: January 23, 2025 **MEETING DATE:** February 25, 2025
TO: Mayor and Council
FROM: Ashley Seed, Manager of Engineering & Facilities
SUBJECT: Proposed Soil Bylaw – Repeal and Replacement

CHIEF ADMINISTRATIVE OFFICER REVIEW/APPROVAL:



RECOMMENDATION(S):

THAT Council:

- A. Grant first, second and third readings to Soil Deposit and Removal Bylaw No. 3000, 2024 as presented at the February 25, 2025 Council Meeting; OR
- B. Other.

PURPOSE

To present Council with the repeal and replacement of the City of Pitt Meadows Soil Removal and Fill Deposit Regulation Bylaw No. 2593, 2013, to improve clarity, align with current legislative requirements, and enhance regulatory effectiveness. Updates include revisions to ambiguous wording, refined permitting and compliance processes, increased fees and levies, and adjustments to align with Agricultural Land Commission (ALC) regulations. Additional housekeeping amendments related to definitions, document structure, and formatting have been made to ensure consistency with current City bylaw standards.

☐ Information Report ☒ Decision Report ☐ Direction Report

DISCUSSION

Background:

The City has the authority to regulate the deposit and removal of soil within its jurisdiction. In Pitt Meadows, these activities are currently governed by the Soil Removal and Fill Deposit

Regulation Bylaw No. 2593, 2013. Like any bylaw, it requires periodic review to ensure it remains relevant, reflects current conditions, and accounts for legislative changes.

Updates to the existing Soil Bylaw was an initiative identified in Engineering's 2024 Business Plan, specifically including:

- Clarity on renewal authority;
- Clarity on exemptions and processes;
- Review of volume thresholds and associated levies/fees;
- Requirement for dust mitigation plans; and
- Review limiting the exportation of cultivable soil from the City.

An in-depth review was conducted by various departments and the City's solicitor. Many revisions and clarifications were recommended and for this reason, a full repeal and replacement of the bylaw is proposed. See Attachment A - Soil Deposit And Removal Bylaw No. 3000, 2024.

Additionally, the draft Bylaw was forwarded to the Ministry of Agriculture and input was sought from the Agricultural Land Commission (ALC).

A summary of the main changes are outlined in the Analysis section below.

Relevant Policy, Bylaw or Legislation:

The City's Soil Removal and Fill Deposit Regulation Bylaw No.2593, 2013 was last revised in 2015.

The Highway and Traffic Bylaw No. 2260, 2006 regulates traffic and the use of highways and other areas in the City.

The ALC's Act, Regulations and policies in relation to soil inform the City's bylaw. Together, they set the legislative framework for the establishment and administration of the agricultural land preservation. The ALC Act takes precedence over, but does not replace other legislation and bylaws that may apply to the land.

Municipal bylaws relating to the removal or deposit of soil and other materials are subject to the Community Charter, Section 9, which requires concurrent authority approval. Once Council grants first, second, and third readings of Soil Deposit and Removal Bylaw No. 3000, 2024, approval must be obtained from the responsible Minister(s) before final adoption.

ANALYSIS

The following sections outline how the proposed Soil Deposit And Removal Bylaw addresses previously identified issues and enhances the City's overall approach to regulating soil deposit and removal.

Definitions and Interpretation:

Definitions have been revised, clarified or added, such as:

- ALC and ALR references, environmental laws, floodplain, performance standards, and top soil definitions added.
- Permittee and person responsible added and clarity between roles of each and the applicant and Owner;
- Highway, Other Material, Professional Engineer, Qualified Professional, and Wood Waste revised to align with other City bylaws and regulations.

Agricultural Land Reserve Act and Regulations

In 2019 and 2020, the ALC amended the regulations regarding the deposit of soil or other material within the ALR. Following the amended regulations, one of the major changes was that there are now two separate processes available for property owners located in the ALR desiring to deposit soil or other material. Clarity has been added throughout the bylaw in relation to process and relations to the ALC and ALR regulations (Section 7: Restrictions, Section 9: Permit Exemptions, and other).

Permit Exemptions

The existing bylaw permits the deposit of soil up to 50m³ or 0.5m in depth, whichever is less, on a property annually without a permit. However, due to the significant variation in property sizes—particularly between rural and urban areas—staff determined that this standardized volume could pose challenges. For smaller urban parcels, it represents a considerable amount of soil, while for larger rural properties, it is relatively insignificant. Additionally, staff found that, under the new Agricultural Land Reserve (ALR) regulations, the existing exemption threshold in the Soil Bylaw is more restrictive than the ALR regulations, leading to a significant allocation of staff resources for an activity that is exempt under the ALR regulations. Subject to compliance with the relevant provisions of the proposed Bylaw and the provisions of the ALC, Section 9.1 (k) in the proposed Bylaw exempts deposit and removal activities that involve less than 1m³ per 100m² each year that does not exceed 0.25m in height.

Council Authorization

The existing bylaw mandates that all soil applications requiring preload or that are over 500m³ in volume require Council authorization. Since 80% of the land in Pitt Meadows is located within

an established floodplain, most structures must be built on grade elevated to meet the Flood Construction Level (FCL). Also, the predominant subgrade material in Pitt Meadows is prone to settlement when subjected to significant weight from site fills and building loads. Consequently, preload is often recommended as a geotechnical measure for subsurface preparation and often exceeds the threshold. To streamline the process, the proposed Bylaw removes this automatic trigger of Council authorization.

Under Section 11 – Council and Committee Resolutions, Council’s and the AAC’s roles were clarified and are now proposed to be more in line with other cities soil approval processes. Instead of the majority of soil permits being brought to Council, the proposed process will give more authority to staff for routine applications and only require Council’s approval when it is:

- Required by the ALC (will also be presented to the AAC beforehand);
- Is for activities that would exceed the City’s FCL (same as previous bylaw); and
- When the application requests a specific exemption.

Applications for volumes over 5000m³ will also be presented to Council for information purposes (not approval, unless the ALC requires it) as they can involve more truck activity and may be of interest to Council and the community. This threshold represents about 40% of applications and could also be changed in the future.

In addition to the changes regarding Council authorization, the previous practice of rejecting a permit based on subjective approval (as outlined in Section 7.7 of the existing bylaw) has been replaced with clear, positive obligations specifying when a permit will be issued. Based on legal feedback, this approach is considered more appropriate and defensible within the bylaw process.

For comparison, a summary of other cities Council authorization thresholds are summarized below in Table 1.

City	Council Authorization	Year
Maple Ridge	When required by the ALC, or soil volume > 20,000 c.m.	2018
Richmond	> 600 m3	2021
Twonp of Langley	When required by the ALC or renew permit > 12 months	2021
Mission	When required by the ALC	2022
Surrey	> 500 m3	2017
Abbotsford	When required by the ALC	2022
Chilliwack	When required by the ALC	2010
Saanich	When required by the ALC	2022
Pitt Meadows	> 500 m3 or Preload	2015 (existing)

TABLE 1: REGIONAL BYLAW COMPARISON FOR COUNCIL AUTHORIZATION

Application Requirements and Process

Requirements for permit applications have been revised into three main tiers to accommodate routine applications and increasing levels of information/ professional reports based on the specific site activities proposed. This gives discretion to the Director, but also allows for a clear and consistent approach that isn't overly extensive unless necessary:

- Section 12.1: Typical requirements for all applications.
- Section 12.2: Additional requirements for applications that are more complex.
- Section 12.4: Additional requirements for application that are more complex and may have adverse impacts on agricultural, the environmental or highways.
- Section 12.6: Given the City's experience with lengthy applications and to remain consistent with other applications in the City, such as a building permit, a clause was added requiring an application to be complete within 6 months, or otherwise require re-submission and additional application fees. This change is intended to help streamline the process and associated staff efforts.

Soil Deposit and Removal Permit Fees and Security Deposit

Permit Fees

The City's application fees are low when compared to the region (See Figure 1). Application fees are proposed to be increased to better align with other cities and staff effort, and are dependent on volume, ALC involvement and the type of application. A comparison of the existing bylaw to the new Bylaw is outlined in the Table 2 below.

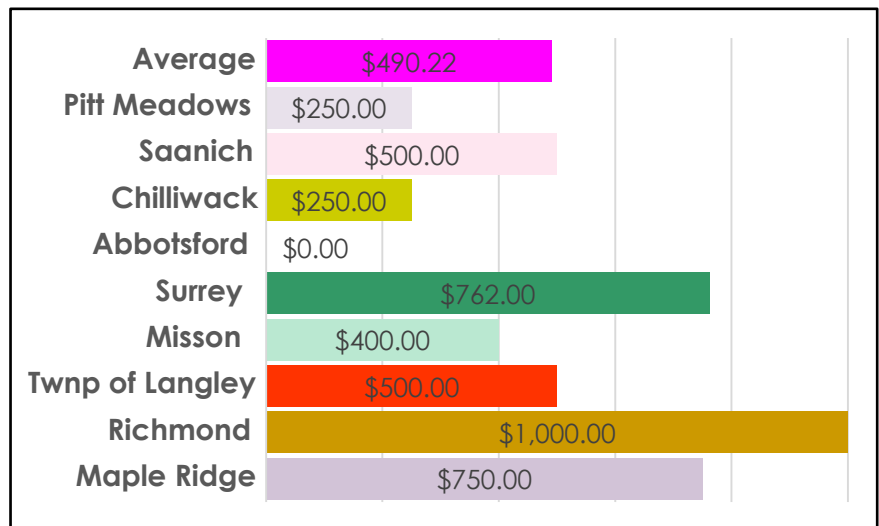


FIGURE 1: APPLICATION FEE COMPARISON

Type of Application	Existing Bylaw	New Bylaw
New	\$250	\$500 (if < 5000m3) \$750 (if ≥ 5000m3)
New with ALC Application	\$750	\$750
Renewed	\$100	\$350
Modified	\$100	\$200

TABLE 2: APPLICATION FEES – EXISTING VS. PROPOSED

Road Levies

When reviewing other cities, road levies generally range from \$0.50/m³ to \$1/m³ (See Figure 2), and there is a doubling or tripling of fees for retroactive permits in more recently updated bylaws (Richmond and Township of Langley).

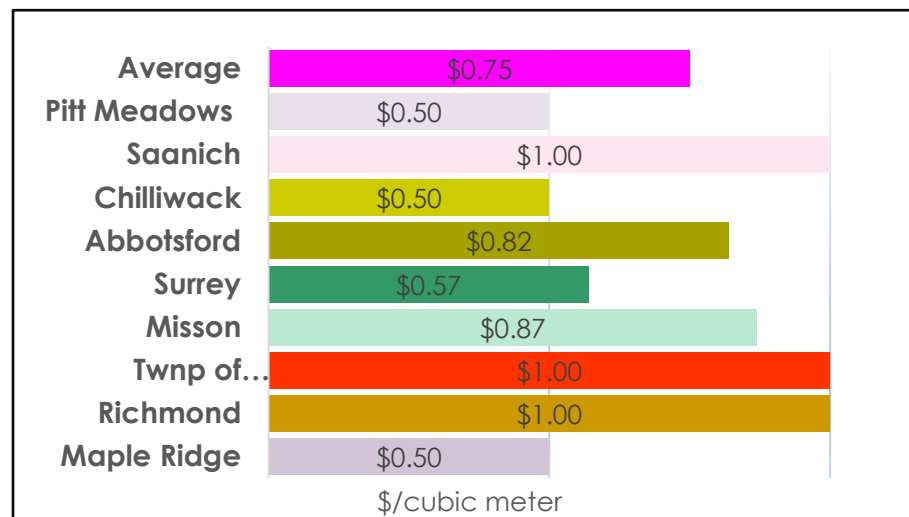


FIGURE 2: LEVY COMPARISON

The new Bylaw proposes to increase road levies from \$0.50/m³ to \$1/m³. This more closely aligns with costs throughout the region and impacts to the City's roadways:

- Section 13.3 - Application fees and road levies associated with retroactive approvals are proposed to be doubled to help discourage activities without a valid permit.
- Schedule A – Revisions to the levies associated with quarry operations are intended to align with general levies. However, during consultation with the Quarry, it was expressed that doubling the levies would have a significant impact on established budgets and projections. Since the Quarry contributes the majority of road use levies, staff recommends a staggered increase in levies. This approach balances the need to increase transportation reserves—due to rising road construction and maintenance costs—while reasonably accommodating the Quarry and supporting its economic viability. Additionally, the proposed levy structure more closely aligns with other municipalities that have active quarry operations. It is also important to note that the Quarry has implemented practises to minimise trips on municipal roads by requiring all incoming soil haulers to take mined material with them, reducing overall truck traffic.

For additional context, the City has historically spent about \$1M a year on rehabilitating the road network, but the recent pavement condition assessment outlined that a minimum of \$2M a year would be required to maintain the current backlog and associated condition for the next 20 years. The City's current 10 year plan averages about \$2.8M a year in paving projects. In addition, an Asset Management consultant engaged by Finance recommended annual transportation funding increases to reach required targets within 10 years, helping to address the existing funding gap and align with annual saving targets.

In the last five years, the City has spent approximately \$5M on the rural trucks routes in the north of the City (ex. ODTR, Neaves) given the deteriorating condition.

Security Deposit

- Section 14.2: Clear and consistent criteria for when a higher security deposit may be required by the Director has been added, which generally pertains to sites that have been

issued fines in the past, applicants that are seeking retroactive approval, or had a permit previously revoked.

- Section 14.8: A 2 year timeline to release any remaining security deposit after permit completion has been added to discourage late requests, and to ensure adequate administration and tracking.
- Section 19 – Permit Renewal and Amendments: Clarity around permit renewals and amendments has been added, and authority would be delegated the same way as the original application.

Enhanced Enforcement and Fines

- Section 14.4: Clarifies that any unpaid fees will be charged on property taxes.
- Section 18.3: Introduces a 30% administrative fee for City action required to address dirt, mud, or debris on highways resulting from soil activities. This clause aims to further encourage permit holders to comply with the conditions of their permits, including the associated highway use permit.
- Section 21 - Administration and Enforcement: Provides clarity to ensure consistent and transparent process.

Administration

- Schedule B: Performance Standards have been added, outlining general requirements and considerations for soil activities, including debris management.
- Schedule C and D: Updated professional assurance forms for design/field review and drainage, erosion and sediment control to clarify the expectations of the qualified professionals.

Application Form

The specific permit application form has been removed from the Bylaw, as it is more operational in nature.

Bylaw Format

Use of the City's new standardized bylaw template, which includes an index and reformatting.

General Notes

The removal of cultivatable soil was not added to the City's bylaw, as it would be difficult to track or enforce. However, the ALC often includes terms around reusing native site soils and is often the most cost-effective solution for the applicants.

COUNCIL STRATEGIC PLAN ALIGNMENT

- ☒ Principled Governance ☐ Balanced Economic Prosperity ☐ Infrastructure
☐ Community Spirit & Wellbeing ☐ Corporate Pride ☐ Public Safety
☐ Not Applicable
-

WORKPLAN IMPLICATIONS

- ☒ Already accounted for in department workplan / no adjustments required
☐ Emergent issue / will require deferral of other priority(ies)
☐ Other
-

FINANCIAL IMPLICATIONS

- ☐ None ☐ Budget Previously Approved ☐ Referral to Business Planning
☒ Other

There is a financial impact to those moving soil as the permit fees and associated levies are increasing to better align with the region, staff effort, and help pay for the necessary maintenance and repairs on the City's roadways. The financial impact is also increased for sites that conduct unpermitted soil activities to help encourage compliance.

PUBLIC PARTICIPATION

- ☒ Inform ☒ Consult ☐ Involve ☐ Collaborate ☐ Empower

Comment(s):

The Ministry of Agriculture and ALC were consulted during the drafting of the proposed Bylaw, and the Quarry was specifically consulted in relation to the increase in levies. The draft Bylaw was also presented to the City's Agricultural Advisory Committee on November 14, 2024 and was moved and seconded in support of the changes outlined in the new Soil Bylaw.

KATZIE FIRST NATION CONSIDERATIONS

- Referral ☐ Yes ☒ No ☐ Other
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SIGN-OFFS**Written by:**

Ashley Seed,
Manager of Engineering & Facilities

Reviewed by:

Samantha Maki,
Director of Engineering & Operations

ATTACHMENT(S):

- A. Soil Deposit and Removal Bylaw No. 3000, 2024