



COUNCIL POLICY

Subject: Soil Deposit and Removal

Policy No:	05-008
Previous Policy No:	05-782
Approved by Council:	2015-01-26
Revised by Council:	2016-05-30
Revised by Council:	2019-02-11

1. Purpose

1.1. The purpose of this policy is to set out how, while ensuring procedural fairness for both the Applicant and the public:

- (a) members of the public will be notified about an Application;
- (b) the public's views about an Application will be collected and considered;
- (c) an Application will be considered; and
- (d) an Application will be dealt with after such consideration.

2. Background

2.1. This policy repeals Soil Deposit and Removal Policy 05-779 in its entirety and replaces it with a new policy which reflects the current needs of the Township and its residents with respect to the Application.

3. Related Policies

3.1. None.

4. Definitions

4.1. In this Policy:

- (a) **"Act"** means the *Agricultural Land Commission Act*, SBC 2002, c 36, as amended or replaced from time to time;
- (b) **"ALC"** means the Agricultural Land Commission;
- (c) **"ALR"** means land designated as an agricultural land reserve under the Act and includes an agricultural land reserve under a former Act;
- (d) **"Applicant"** means a person who submits an Application to the Township;
- (e) **"Application"** has the meaning ascribed to it in section 5.1;

- (f) **"Bylaw"** means the Soil Deposit and Removal Bylaw 2013 No. 4975, as amended or replaced from time to time;
- (g) **"Council"** means the Council of the Corporation of the Township of Langley;
- (h) **"Engineer"** means the person appointed by Council to the position of General Manager of Engineering, his or her designates, and Township employees acting under his or her direction;
- (i) **"Other Material"** includes but is not limited to Wood Waste, construction and demolition waste, masonry rubble, concrete, asphalt, glass, unchipped lumber, drywall, biological waste, organic waste, fertilizers, manure, composts, mulches, soil conditioners, including any materials listed in Schedule D of the Township of Langley Solid Waste Management Bylaw 2016 No. 5200, as amended or replaced from time to time, but does not include Soil;
- (j) **"Permit"** means the written authority granted by the Engineer pursuant to the Bylaw for the deposit of Soil or Other material or removal of Soil;
- (k) **"Petition"** means the form attached to this Policy in Schedule "A";
- (l) **"Soil"** means clay, peat, silt, sand, gravel, cobbles, boulders, or other substance of which land is naturally composed, down to and including bedrock, but does not include Other Material;
- (m) **"Subject Property"** means the property upon which an Applicant intends to deposit Soil or Other Material, or the property from which an Applicant intends to remove soil, pursuant to a Permit;
- (n) **"Surrounding Property Owner"** means the registered owner of a property located in the Township of Langley and within a distance of 1km from the boundary of the Subject Property, and to a minimum of five properties measured along both sides of the road or roads on which the Subject Property is located, except a property which is exempt from taxation pursuant to section 220 of the *Community Charter*, SBC 2003, c 323, as amended or replaced from time to time;
- (o) **"Township"** means the Corporation of the Township of Langley;
- (p) **"Township of Langley"** means the geographic area subject to regulation by the Township; and
- (q) **"Wood Waste"** means wood residue in shredded form, and includes sawdust, hog fuel, bark, chips, slabs, shavings, trimmings, edgings, or other such waste which is the result of any manufacturing process

involved in the production of lumber or other wood products, but does not include any materials listed in Schedule D of the Township of Langley Solid Waste Management Bylaw 2016 No. 5200, as amended or replaced from time to time.

5. Application

5.1. This Policy applies to:

- (a) applications for a Permit to deposit or remove more than 600 cubic metres of Soil; and
- (b) applications for a Permit to deposit or remove 600 cubic metres or less of Soil where the Engineer has determined that this Policy applies;
- (c) applications for a Permit to deposit Other Material of any amount where the Engineer has determined that this Policy applies;

(each defined as an “**Application**”).

5.2. For certainty, this Policy does not apply where a Permit is not required under the Bylaw or where the deposit or removal is permitted under the Act or regulations to the Act without approval by the Township.

6. Notification of the Public About An Application

6.1. Forthwith after receipt of a request by the Township to do so, an Applicant will, at its sole cost and expense, place a sign on the Subject Property in a form and substance acceptable to the Engineer and which is entirely visible from the road from which the Soil or Other Material is expected to be delivered to; or from which the Soil is expected to be removed from.

6.2. Forthwith after receipt of an Application, the Township shall, at the Applicant's sole cost and expense:

- (a) mail a notification letter about the Application, an information package, and a Petition to each Surrounding Property Owner.
- (b) publish notice of the Application on the Township's website; and
- (c) publish notice of the Application in local newspaper(s) to the acceptance of the Municipal Engineer.

6.3. Prior to any of the Applications listed below in this Section 6.3 being finally considered by Council or the Engineer, as applicable, the Township shall, at the Applicant's sole cost and expense, hold a public meeting at an appropriate location and in a manner determined by the Engineer for:

- (a) an Application for a Permit to deposit or remove more than 10,000 cubic metres of Soil;
- (b) an Application for a Permit to deposit Other Material, if required by the Engineer; or
- (c) any other Application for a Permit to deposit or remove Soil, if required by Council or the Engineer.

7. The Public's Views About an Application

- 7.1. If a Surrounding Property Owner wishes to notify the Township of their views about an Application, the Surrounding Property Owner must mail a signed Petition to the Township or return a signed Petition to the Township's offices in person within sixty (60) calendar days of the date of the Petition.
- 7.2. Any person who wishes to notify the Township of their views about an Application may submit written comments about the Application to the Engineer within sixty (60) calendar days of the publication of the notice referred to in Section 6.2(b).
- 7.3. After completion of the sixty (60) day period specified in Section 7.1, the Engineer shall calculate and publish in a report to Council:
 - (a) the number of Surrounding Property Owners who voted in favour of the Application on the Petition;
 - (b) the number of Surrounding Property Owners who voted against the Application on the Petition;
 - (c) the number of Surrounding Property Owners who did not return a signed Petition to the Township within the period specified in Section 7.1; and
 - (d) the number of responses received from the Owners of other properties not owned by the Surrounding Property Owners.
- 7.4. For certainty, a Surrounding Property Owner who does not return a signed Petition to the Township within the period specified in Section 7.1 will not be counted as having voted either for or against the Application on the Petition.
- 7.5. Unless required to do so by law, the Township will not disclose any personal information (including, but not limited to, the name or address) about Surrounding Property Owners or other members of the public who notify the Township of their views about an Application.

8. Referral to Council

- 8.1. Forthwith following the later of sixty (60) calendar days after the date of the Petition mail out referred to in Section 6.2(a), sixty (60) calendar days after the

publication of the notice referred to in Section 6.2(b) and thirty (30) days after the date of the public meeting held pursuant to Section 6.3, the Engineer will:

- (a) refer the Application to Council for consideration at an open Council meeting;
- (b) mail a notification letter to each Surrounding Property Owner, the Applicant, and to each member of the public who submitted written comments pursuant to Sections 7.2 and 6.3, as applicable, setting out the place where the open Council meeting will be held, the date on which it will be held, and the time at which it will be held; and
- (c) provide Council with a written report setting out the numbers described in Sections 7.3 and summarizing the comments received by the Township pursuant to Sections 7.2 and 6.3, as applicable, as well as any other information that the Engineer considers relevant to the Application.

8.2. Prior to the open Council meeting referred to in Section 8.1, the Applicant may submit written submissions about the Application to the Engineer, which the Engineer may provide to Council for consideration, in advance of the open Council meeting where the Application will be considered.

9. Consideration of an Application by Council

9.1. After considering the Application, Council may, but is not obligated to, adopt one of the following resolutions:

- (a) if the Subject Property for the Application is located within the ALR:
 - (i) a resolution that the Application be referred to the ALC for approval, subject to any conditions Council deems advisable;
 - (ii) a resolution that the Application not be referred to the ALC for approval and not be further processed under the Bylaw; or
 - (iii) a resolution that the Applicant, Township staff or other specified persons be invited to provide further submissions with respect to the Application;
- (b) if the Subject Property for the Application is not located within the ALR:
 - (i) a resolution that the Application be further processed under the Bylaw;
 - (ii) a resolution that the Application not be further processed under the Bylaw; or

- (iii) a resolution that the Applicant, Township staff or other specified persons be invited to provide further submissions with respect to the Application.

- 9.2. Where Council has adopted a resolution described in Section 9.1(a)(iii) or Section 9.1(b)(iii), Council may, after consideration of any further submissions with respect to the Application, adopt any one of the resolutions described in Section 9.1.
- 9.3. Generally, Council will only adopt a resolution described in Section 9.1(a)(i) or Section 9.1(b)(i) if at least 67% of the Surrounding Property Owners who voted, voted in favour of the Application on the Petition for the Application. However, Council has an obligation to consider each Application individually on its merits. To this end, Council may adopt a resolution described in Section 9.1(a)(i) or Section 9.1(b)(i) if less than 67% of the Surrounding Property Owners who voted, voted in favour of the Application on the Petition for the Application, if Council considers that there are reasons which would merit a departure from the above general rule.

10. After an Application Has Been Considered by Council

- 10.1. After Council adopts a resolution described in Section 9.1 with respect to an Application:
 - (a) the Township will notify the Applicant of the resolution in writing;
 - (b) if the resolution is one described in Section 9.1(a)(i), the Township will forthwith refer the Application to the ALC for approval; and
 - (c) if the resolution is one described in Section 9.1(a)(ii) or Section 9.1(b)(ii), the Township will not process the Application further and the Applicant will not be entitled to submit an Application on the same or similar scope and basis as the Application which was rejected by Council for a period of two (2) years after the date upon which publication notification of the Application was provided under Section 6.2(b).
- 10.2. For certainty, while a resolution of Council pursuant to Section 9.1 and, with respect to Applications for a Subject Property located in the ALR, ALC approval, are prerequisites to the issuance of a Permit, all requirements of the Bylaw must also be satisfied before a Permit will be issued.

11. Amended Applications

- 11.1. If an Applicant amends its Application to:
 - (a) increase the amount of Soil or Other Material to be deposited or soil removed from the Subject Property by more than 10%, or

- (b) materially alter the location upon the Subject Property where the Soil or Other Material is to be deposited or Soil removed,

at any time during the processing of an Application by the Township, or after an Application has been referred to the ALC for approval, then the procedures outlined in Sections 6 through 10 of this Policy must be repeated with respect to the amended Application, at the Applicant's sole cost and expense.

SCHEDULE A

Policy No: 05-009

“DATE”

**Re: Proposed Deposit/Removal of Soil at _____ Avenue/Street,
Langley, BC (the “Property”)**

The owner of the above noted Property has applied to deposit/remove soil on/from the Property (the “**Application**”). Details with respect to the Application may be obtained from the Township by contacting [designated Township contact] at [phone number].

Pursuant to the Township’s Soil Deposit and Removal Policy (tol.ca/soils) the Township is writing to surrounding property owners of the Property to determine the level of support for the Application.

Please take a moment to complete the enclosed petition. We would like a response either way to confirm your decision. Property owners who do not return a signed petition to the Township will not be counted as having voted either for or against the Application. Only the registered owners of the property should vote and if the property is owned by more than one person, a majority of the registered owners must sign the enclosed petition. Please return your response within sixty (60) days of the date of this letter in the pre-stamped envelope provided. Your name, address and petition vote will not be disclosed unless required by law.

If you have any questions concerning the Application, please contact [designated Township contact] at [phone number].

Yours truly,

PETITION

Re: **Application to Deposit/Remove Soil on/from _____, Langley,
BC (the "Application")**

FOLIO

**CIVIC ADDRESS/LEGAL
DESCRIPTION**

**NAME AND ADDRESS OF
OWNER(S)**

I/we support the Application

I/we do not support the Application

(Owner) Sign and print name

(Owner) Sign and print name

Any personal information collected on this form will be managed in accordance with the Freedom of Information and Protection of Privacy Act. Direct enquiries, questions, or concerns regarding the collection, use, disclosure, or safeguarding of personal information associated with this form to: Supervisor, Information, Privacy, and Records Management, Township of Langley, 20338 – 65 Avenue, Langley, BC V2Y 3J1 foi@tol.ca 604.532.7396