



City of Greater Sudbury

Draft Top Soil Removal & Site Alteration By-law

Presentation to Priorities Committee

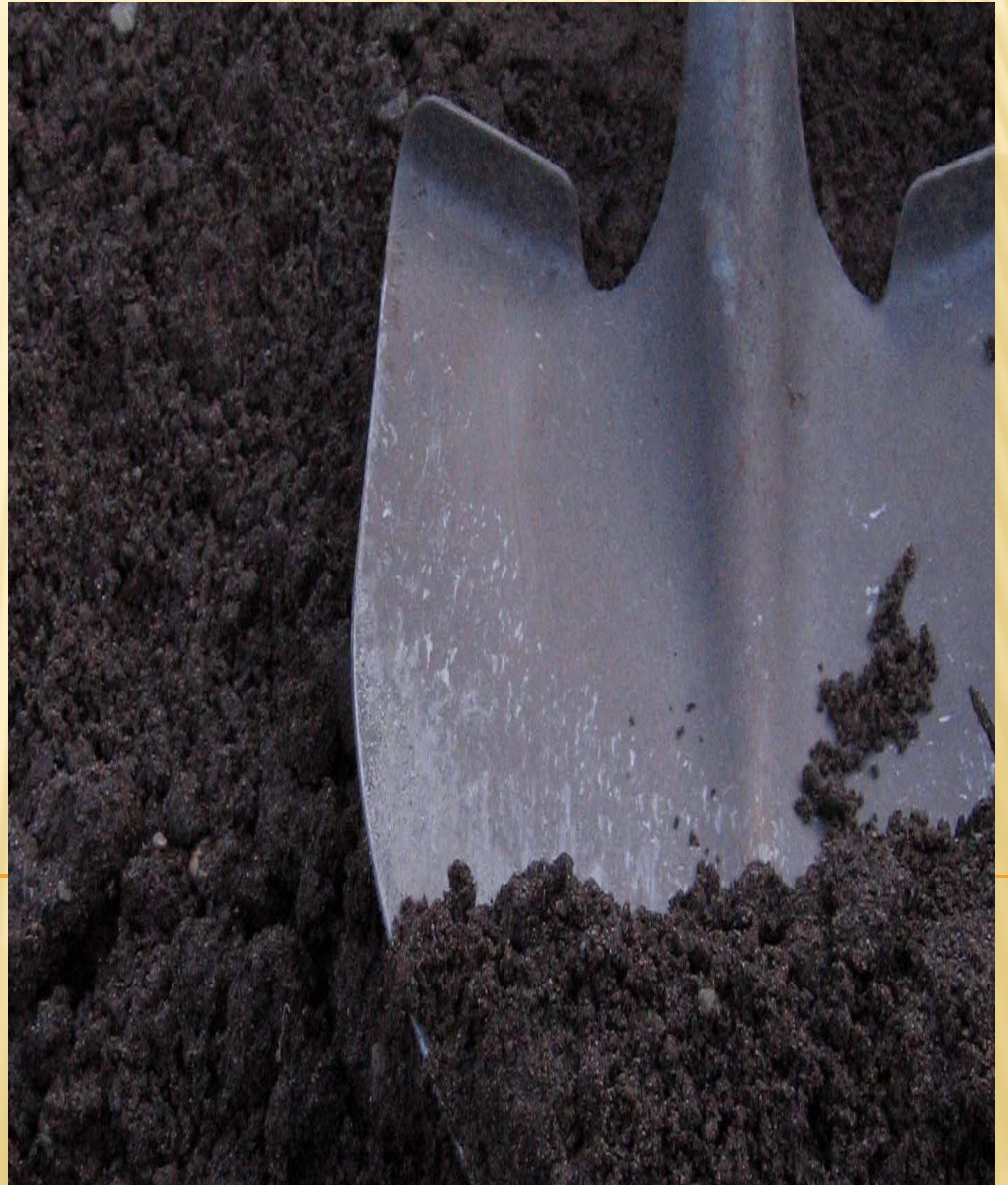
By Guido Mazza, P. Eng., Director of Building Services/Chief Building Official

June 17, 2009

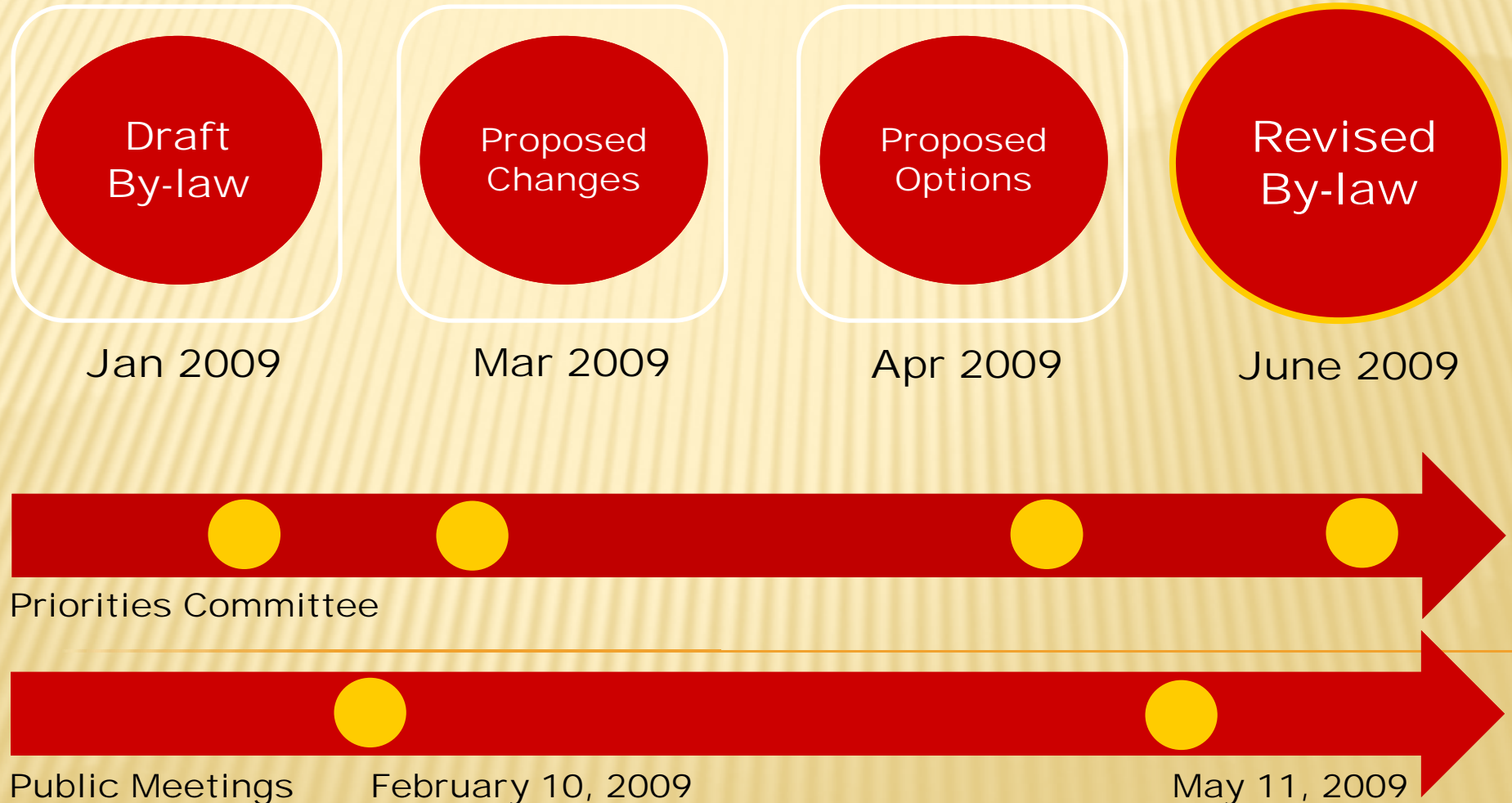
It's about topsoil

Topsoil is an important resource for:

- Agriculture
- Property Development
- Topsoil Industry



Where we have been



A wide range of perspectives

1. Topsoil is important today and in the future.
 2. How was the Agricultural Reserve set?
 3. Prohibit removal on all good agricultural land.
 4. Recognize existing topsoil removal operations.
 5. Control Plan is too prescriptive and costly.
 6. Regulation will eliminate some businesses.
 7. Regulation will increase topsoil costs.
 8. Exempt mining activities.
 9. Exempt landscaping activities.
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Moving forward

Three key elements:

1. Recognize existing operations
 2. Create a system to transition existing operations
 3. Apply by-law on a go forward basis
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1. Recognize existing operations

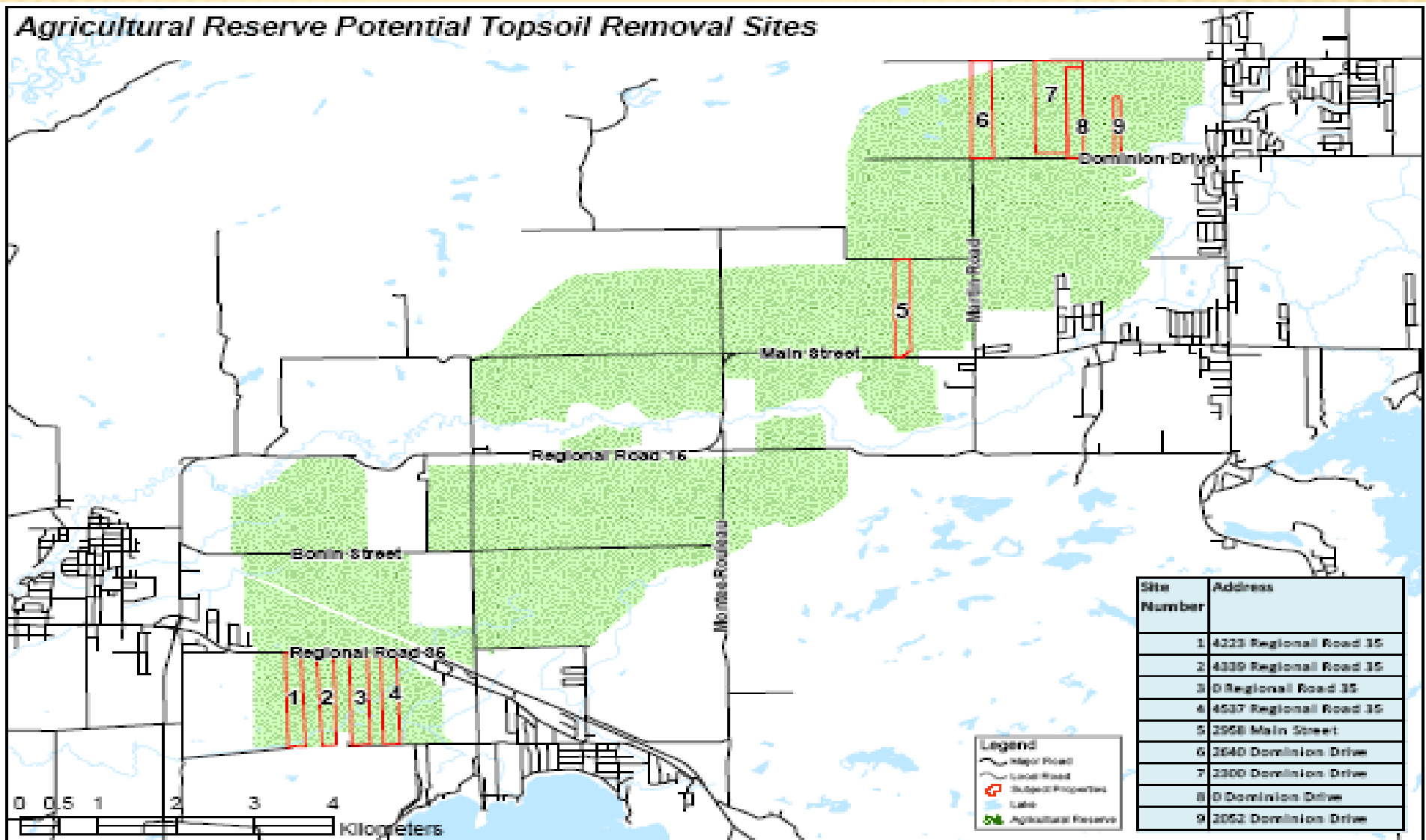
Create a new recognition system:

- Use January 1, 2009 as a cut off date
 - Define and recognize existing operations
 - Establish framework to continue
-

1. Recognize existing operations

“Existing operation” means a property designated as “Rural” in the City of Greater Sudbury’s Official Plan that was *under development* for the purposes of topsoil removal on or before January 1, 2009, as demonstrated to the satisfaction of the Director, *and those properties shown on Attachment #1 to this Schedule.*

1. RECOGNIZE EXISTING OPERATIONS



1. Recognize existing operations

“Under development” means a property where at least two of the following criteria exist or have existed on the Site:

1. The owner can supply documents evidencing Topsoil Removal activity (i.e. lease agreements, sales receipts, photographs, statutory declarations from owners/neighbors attesting to the activity, etc);
2. The owner can establish actual physical actions including but not limited to the removal of vegetation, plowing, harrowing, disking and/or excavation of topsoil; and,
3. The owner can establish the existence of Topsoil Stockpiles on the Site.

2. Transition existing operations

- Existing Operations Permit
 - Modified Control Plan
 - Two scenarios:
 - Remove existing stockpiles
 - Remove an additional 5 ha of material
 - Five year maximum
 - Site Alteration Permit required for anything more
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2. Transition existing operations

Existing
Operation

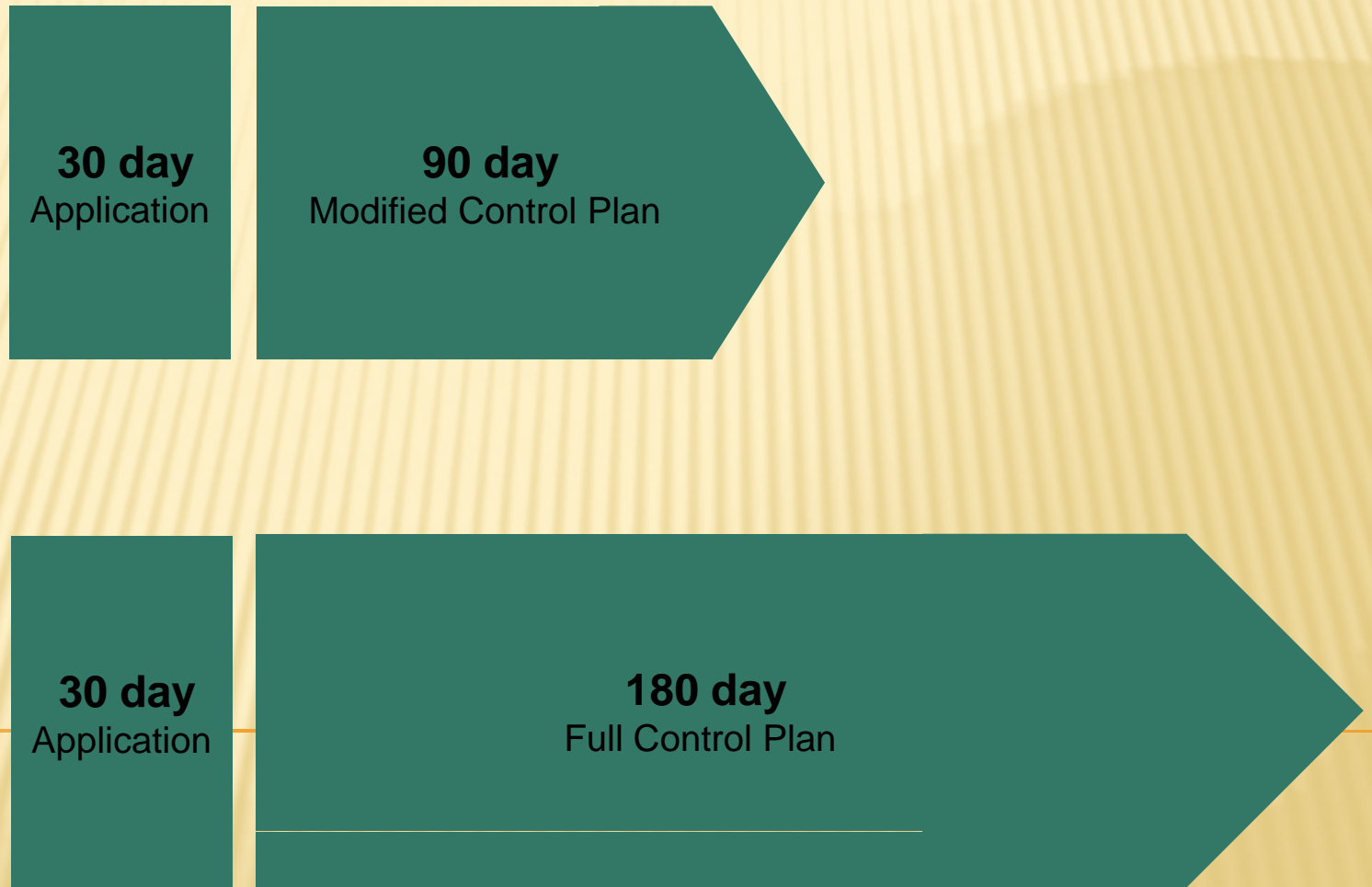
30 day
Application

90 day
Modified Control Plan

New
Operation

30 day
Application

180 day
Full Control Plan



3. Apply by-law on a go-forward basis

- Use January 1, 2009 as go forward date
- Prohibit new operations in Agricultural Reserve
- Permit new operations in Rural Area and Valley East Urban Expansion Reserve, subject to:
 - Site Alteration Permit
 - Full Control Plan
 - Full Rehabilitation Plan

Summary

The By-law with this direction of Council will provide a balanced solution.

Topsoil Industry

- Level playing field
- Certainty (contracts, supply) & time (transition)
- Flexible Control Plan

Agricultural Community

- Prohibition of new removals with the Agricultural Reserve
- Rehabilitation program for existing operations

City of Greater Sudbury

- Regulatory tool to protect the Agricultural Reserve
- Defined Industry players
- Balanced by-law moving forward

Questions?
