



City of Greater Sudbury

Top Soil Removal and Site Alteration By-law

Presentation to: Priorities Committee

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March 4, 2009

Impacting Parameters of New By-law

- **New 2001 Municipal Act** (Effective January 1, 2003)
- **New Official Plan** (Effective April 10, 2008)
- **Agricultural Reserve reduced**
78,000 acres to 14,500 acres
(31,500 hectares) (5,800 hectares)
- **Provincial Mandate to retain and protect prime agricultural land**
- **Citizen complaints**

Structure of Draft By-law

- Moratorium on top soil removal in new Agricultural Reserve.
- Permits required in all other rural areas.
- Applicant to provide a “Control Plan” by a Professional Engineer on removal of materials in an orderly fashion (including location and dimensions of temporary soil stock pile).

Structure of Draft By-law

- Protection of surrounding environment to be detailed for:
 - Storm water systems
 - Water resources (streams/lakes/rivers)
 - Roads
 - Utility corridors
 - Adjacent properties (erosion & sedimentation control measures:
 - Siltation screens
 - Buffering natural/manmade
 - Sediment ponds
 - Entrance/exit controls
- Rehabilitation Plan – including existing soils profile and geotechnical consultant's input.

Results of Public Meeting on February 10, 2009

Comments

- Proposed Moratorium Area
 - Official Plan/OMAFRA/Canada Land Inventory Classification of Soils
 - 2005 Provincial Policy Statement Amending Severance Rights
- Moratorium/Grandfathering
 - Old Valley East By-law Permits
- Number of Sites in Reserve
 - 3 sites within Valley East boundaries under permit
 - 11 sites outside old Town of Valley East
- Prescriptive vs. Objective Performance Based Measures (Schedule 'B')
 - Flexibility in design options to achieve dust control, siltation management

Public Meeting Comments (Cont'd)

Costs & Existing City Contracts

- Current contracts expired December, 2008 open to negotiation.
- Total expenditures \$48,000 in 2008.
- Civil consultant working on cost implications.

Mining Operations & Mining Act

- Exemption (new) for Mine Closure Plans.

Residential Site Alteration Activity

- Landscaping Industry concern.

Proposed Modifications to Draft By-law

1. Additional exemption for Mining Act Activity (Closure Plans).
2. Add landscape architect to “design professionals”.
3. Modify Schedule ‘B’ – from prescriptive to objective based format.
4. Initial phasing in of by-law – conditional permits.
5. Clarification of site alteration/exemptions on residential landscaping activities

Regulated under - Site Grading By-law
- Site Plan Control/Planning Act
- Ontario Building Code

Required Council Direction

RECOMMENDATION ONE

THAT the City of Greater Sudbury maintain prohibition of removal of top soil within the Agricultural Reserve outlined in the draft Top Soil Removal & Site Alteration By-law presented on January 21, 2009.

- Reconfirms protection of Agricultural Reserve from new operations

Required Council Direction

RECOMMENDATION TWO

THAT provision be developed within the draft by-law which would allow the City of Greater Sudbury to “grandfather” existing top soil stock piles in the Agricultural Reserve which were established prior to January 1, 2009.

- Salvage of investment – 2 to 3 years
- No further processing

Appeals to Hearing Committee of Council

- Site specific exemptions from the by-law e.g. existing processing sites

Next Steps

- Revise Draft By-law with Legal Services
- Continuation of Consultations
 - Agricultural Community
 - Landscaping Industry
 - Top Soil Producers
- Revised By-law to Council's Priorities Committee on April 22, 2009
- Final proclamation of by-law by Council on April 29, 2009