

CITY OF COQUITLAM

BYLAW NO. 2454, 1994

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CITY OF COQUITLAM

BYLAW NO. 2454,1994

Consolidated with amendments in Bylaw 3045, 1996

NOTE: This is a consolidation for convenience purposes only and does not have the force of law.

A Bylaw to regulate the deposition and removal of soil on lands within the City of Coquitlam

WHEREAS Section 930.1 of the Municipal Act, R.S.B.C. 1979, c. 290, as amended, provides that Council for the City of Coquitlam may, by bylaw:

- (a) regulate or prohibit or require the holding of a permit for the removal of soil from and the deposit of soil or other material on, any land in the municipality or any area of the municipality; and
- (b) impose rates or levels of fees for the removal or deposit of soils or the application and issuance of a permit.

AND WHEREAS Council for the City of Coquitlam previously exercised its rights under section 930.1 pursuant to *District of Coquitlam Conservation Bylaw No. 1199, 1982* and has determined that such bylaw requires significant amendments to reflect the changing and evolving needs of the City of Coquitlam;

NOW THEREFORE, Council for the City of Coquitlam, in open meeting assembled, hereby enacts as follows:

1. Title

This Bylaw may be cited for all purposes as "City of Coquitlam Conservation Bylaw No. 2454, 1994".

2. Repeal of Existing Bylaw

District of Coquitlam Conservation Bylaw No. 1199, 1982 is hereby repealed in its entirety and this Bylaw is substituted therefor.

3. Definitions

In this Bylaw, unless the context otherwise requires, the following words and phrases will have the meaning ascribed to them:

- (a) "Act" means the *Municipal Act*, R.S.B.C. 1979, c. 290, as amended;
- (b) "Bylaw" means this bylaw and any amendments thereto;
- (c) "Bylaw Enforcement Officer" means any person designated by bylaw as a bylaw enforcement officer for the City;
- (d) "City" means the City of Coquitlam, a municipality incorporated pursuant to the provisions of the Act and includes all lands within the municipal boundaries of the City of Coquitlam;
- (e) "construction value" means the value of the soil works to be performed on the site as stated in the application required by this Bylaw and validated by supporting documentation;
- (f) "crest" means the obvious change in grade which defines the top of a slope as determined by a surveyor;
- (g) "deposit" means to place, locate, situate, set down or fill in, soil on land, and includes, without limitation, any action or omission by an owner of land or his agents, employees, tenants, or invitees, which causes or permits to occur the movement of soil from one lot to another lot or from one portion of a lot to another portion of the same lot;
- (h) "Director" means the Director of Permits & Licences for the City or his authorized representative;
- (i) "highway" has the meaning set out in the Act;
- (j) "land" has the meaning set out in the Act;
- (k) "landscaping" means the process of preparing, planting and maintaining a garden or lawn and includes, without limitation, golf courses and other recreational facilities such as parks and playgrounds;
- (l) "lot" means a parcel, block, or other area in which land is held or into which land is subdivided;
- (m) "owner" has the meaning set out in the Act;
- (n) "permit" means a permit issued pursuant to this Bylaw;

- (o) "permit lands" means the land for which a permit has been applied for or issued, as the case may be, in accordance with the provisions of this Bylaw;
- (p) "preload" means soil which is placed on land to cause compaction or settlement of the underlying soil in preparation for construction;
- (q) "professional engineer" means a person who is both registered or licenced as a professional engineer under the Professional Engineers and Geoscientists Act of The Province of British Columbia and has specialized expertise in geotechnical engineering;
- (r) "removal" or "remove" means to take, excavate or extract soil from, or move or transport soil about or off of land;
- (s) "slope" means a stretch of rising or falling ground or a portion of land marked by a gradual ascent or descent, whether natural or artificial;
- (t) "soft soil" means soil that is susceptible to excessive penetration of water due to its density or composition or is highly compressible;
- (u) "soil" means dirt, sand, gravel, rock, silt, clay, peat, wood waste or any other natural substance which forms part of the surface or under surface of land;
- (v) "surveyor" means a member in good standing of the Corporation of Land Surveyors of the Province of British Columbia;
- (w) "wood waste" means any wood materials that are a result of clearing of land or any manufacturing process involved in the production of lumber or other wood products including trees, stumps, sawdust, hog fuel, bark, chips or trimmings;
- (x) "watercourse" means any natural or man-made channel through which water flows.

4. Soil Permit

4.1 Except as permitted in Section 4.2, no person will deposit on or remove soil from land within the City unless that person has first obtained a permit in accordance with the provisions of this Bylaw.

4.2 The permit requirements of this Bylaw will not apply if

- (a) the removal or deposit of soil is a condition of preliminary subdivision approval and site grading drawings have been approved by the City pursuant to *District of Coquitlam Subdivision Control Bylaw No. 2038*, as amended,

and the removal or deposit of soil is carried out in accordance with such drawings, or

- (b) the deposit of soil is made to preload lands for which a building permit has been issued, or
- (c) the removal of soil is made pursuant to a building permit authorizing construction of a building on the land and any soil that is removed is retained within the lot to which the building permit applies, or
- (d) the deposit of soil is for landscaping purposes only, and
 - (i) is located so as not to affect or potentially affect another lot or watercourse, and
 - (ii) contains less than 500 cubic metres of soil in any 1 year period, and
 - (iii) when complete, is less than 1 metre in depth from the original grade of the land anywhere on the land, or
- (e) the removal is made pursuant to a permit issued in accordance with the City's *Soil Substance Removal Bylaw No. 1914*, as amended, or
- (f) the removal is made pursuant to the construction or repair of municipal infrastructure.

5. Application for Permit

5.1 An application for a permit must be:

- (a) made in the form set out in Schedule "C" to this Bylaw;
- (b) made by the owner or owners of all land affected by the removal and/or deposit of soil or by an agent of an owner, provided that such agent provides written confirmation of his authority from the owner or owners;
- (c) accompanied by the prescribed non-refundable application fee as set out in Schedule "B" of this Bylaw;
- (d) shall include the applicable information set out in Schedule "E" to this Bylaw.

5.2 After a preliminary review of any application for a permit made pursuant to section 5.1 of this Bylaw, the following information may be required by the Director:

- (a) a survey plan of the permit lands, prepared by a surveyor and showing

- (i) 0.5 metre contours or a grid of spot elevations,
 - (ii) the area in which removal or deposit is to occur with details of the surface of the permit lands before and after the removal or deposit, as the case may be,
 - (iii) the location of any existing improvements, structures or buildings on the permit lands,
 - (iv) the location of any proposed improvements, structures or buildings on the permit lands,
 - (v) the location of all existing watercourses, vegetation protection areas, and environmental covenant areas,
 - (vi) the location of all existing underground, surface and aerial services and utilities on the permit lands, and
 - (vii) the existing drainage methods before removal or deposit, the drainage methods to be used during removal or deposit and the drainage methods to be implemented following completion of the removal or deposit;
- (b) a report from a professional engineer containing:
- (i) a completed of Schedule "D",
 - (ii) drawings and design prepared in accordance with Schedule "A" of this Bylaw showing the design of all permanent and temporary slopes, drainage, preload and landscaping on the permit lands,
 - (iii) certification that all aspects of the soil removal or deposit contemplated in the permit application will comply with the provisions of Part (8) of the British Columbia Building Code, and
 - (iv) certification that the work will not injuriously affect adjacent land, structures, buildings, or utilities;
- (c) the location of the site from which soil is to be removed from, in the case of soil deposition; or the site to which soil is to be removed to, in the case of soil removal;
- (d) certification that the soil to be removed or deposited meets the Ministry of Environment's criteria for the intended land use;
- (e) a description of the haul route and schedule for trucking of soil materials;

- (f) a mitigation statement under section 5.08 of the *District of Coquitlam Subdivision Control Bylaw No. 2038*, as amended, as to any contamination of the soil to be removed or deposited;
- (g) a plan describing maintenance requirements and inspection reports by the applicants consultant(s) of any temporary soil works to prevent the deposit of soil onto adjacent lands or into watercourses.

5.3 Permitted soil deposit or removal adjacent to public spaces, established developments, or watercourses may be required to provide:

- (a) permanent chain link fencing at property boundaries;
- (b) siltation control including drainage ditches, a siltation control pond, silt fencing, or plastic covering;
- (c) temporary construction fencing along adjacent properties, watercourses, or vegetation protection areas.

5.4 Employees of the City may enter upon the permit lands at any time prior to issuance of the permit or during the term of the permit to inspect the permit lands and carry out any reasonable tests thereon to ensure that all criteria for the issuance of the permit exist or that all conditions upon which the permit is issued are being complied with.

5.5 The City will require written approval from the Agricultural Land Commission, as outlined by the Soil Conservation Act within the Agricultural Land Commission Act, prior to the issuance of a conservation permit for soil deposit or removal on lands located within the Agricultural Land Reserve.

6. Issuance and Renewal of Permits

6.1 Subject to section 6.3 of this Bylaw, if the Director is satisfied that all provisions of this Bylaw have been complied with and the permit lands do not exceed:

- (a) 0.25 hectares and are zoned for residential use; or
- (b) 2 hectares and are zoned for commercial, industrial or institutional uses;

the Director may approve the issuance of a permit for the permit lands with such specific terms and conditions attached thereto as are reasonably necessary to reflect the requirements of the application, the information, reports or concerns of any governmental authority having jurisdiction over the permit lands, or the concerns or issues identified in any information or reports delivered to the Director pursuant to Part 5.

- 6.2 Subject to section 6.3 of this Bylaw, Council for the City, when it is satisfied, based on the Directors' report, that all provisions of this Bylaw have been complied with, may approve the issuance of a permit for the permit lands with such specific terms and conditions attached thereto as are reasonably necessary to reflect the requirements of the application, the information, reports or concerns of any governmental authority having jurisdiction over the permit lands, or the concerns or issues identified in any information or reports delivered to the Director pursuant to Part 5.
- 6.3 The Director or Council, as required pursuant to sections 6.1 and 6.2, may refuse to issue a permit if the proposed removal or deposit of soil will or is reasonably likely to:
- (a) foul, obstruct, divert or impede the flow of or damage or destroy any watercourse, ditch, drain, sewer or other water utility on the permit land or on any adjoining or reasonably adjacent land, whether privately or publicly owned;
 - (b) damage, destroy or otherwise injuriously affect the established amenities of the permit lands or of adjoining or reasonably adjacent lands, including, without limitation, existing statutory rights of way, covenant areas, structures, buildings or improvements;
 - (c) contravene any bylaw of the City;
 - (d) threaten the health, safety or welfare of the public or be otherwise contrary to the public interest;
 - (e) result in the use of the permit lands in a manner inconsistent with the actual or contemplated zoning for the permit lands;
 - (f) adversely affect the future development of adjoining land;
 - (g) result in excessive costs to the City to provide public utilities, works or services to the permit lands or to adjoining or reasonably adjacent lands;
 - (h) result in soil on the permit lands or on adjoining land becoming soft soil or susceptible to erosion, slippage, landslides, slumping or settling.
- 6.4 When a permit application has been received and approved for issuance in accordance with this Part, the applicant will be entitled to receive the permit upon payment of the applicable permit fee prescribed in Schedule "B" to this Bylaw.
- 6.5 A permit issued pursuant to this Bylaw will be valid for the period of time specified in the permit or, if no time is specified, for one year from the date of issuance of the permit by the City.

- 6.6 A permit may be extended upon written application by the holder of the permit, accompanied by the fee prescribed in Schedule "B" to this Bylaw, provided that the Director or the Council, whichever approved the issuance of the permit, is satisfied that there has been no material change in the circumstances upon which the permit was issued. In order to assess any application for renewal, the Director may require the applicant to provide any or all of the information which the Director is entitled to require pursuant to section 5.2.

7. Suspension or Revocation of Permits

- 7.1 The Director may suspend any permit where he has evidence of or a reasonable apprehension that the terms and conditions of the permit, this Bylaw or any other bylaw of the City are not being complied with in the removal or deposit of soil on the permit lands.
- 7.2 Where a permit is suspended, the Director will cause written notice of suspension to be delivered to the owner by registered mail and to be posted on the permit lands where possible. The notice will provide a general description of the reason for the suspension and advise the owner to contact the Director within 5 business days of receipt of the notice. If the owner fails to contact the Director in the time specified or, upon contacting him, is unable to provide reasonable assurances that the contravention will be corrected in an expeditious manner, the Director may recommend to Council that the permit be revoked.
- 7.3 The notice provisions set out in section 7.2 may be omitted where there is a real and immediate danger to persons or property as a result of the contravention of any term or condition of the permit, this Bylaw or any other bylaw of the City in connection with the removal or deposit of soil on the permit lands.
- 7.4 In addition to the suspension or revocation of a permit in accordance with this Part, the City is entitled to pursue any other rights and remedies which it may have against the owner for a contravention of the permit, this Bylaw or any other bylaws of the City, including, without limitation, any of the enforcement provisions contained in this Bylaw or the Act.

8. Enforcement Provisions

- 8.1 The Director or any City bylaw enforcement officer may enter upon the permit lands at any time to carry out such inspections and tests as are reasonably necessary to verify that a contravention of the permit, this Bylaw or any other bylaw of the City exists or is reasonably likely to occur.
- 8.2 Any person who violates the provision of a permit or this Bylaw commits an offence punishable on summary conviction and will be liable to a fine of not less than \$100 and not more than \$2,000 for each day on which an offence exists *or is*

continuing, together with such costs as a court of competent jurisdiction may order. For purposes of enforcing any judgment of a court or collecting any fine levied hereunder, the provisions of the *Offence Act*, R.S.B.C. 1979, c. 305, as amended, will apply.

"District of Coquitlam Conservation Bylaw No. 1192, 1982" and all amending bylaws thereto are hereby repealed.

READ A FIRST TIME this 4th day of July, 1994.

READ A SECOND TIME this 4th day of July, 1994.

READ A THIRD TIME this 4th day of July, 1994.

RECONSIDERED, FINALLY PASSED AND ADOPTED and the Seal of the Corporation affixed this 18th day of July, 1994.

MAYOR

CLERK

SCHEDULE "A"

1.0 Geotechnical Engineering Report Requirements

Where a geotechnical engineering report is requested on an application for a permit to deposit or remove soil, the following information will be needed:

- (a) survey by a certified B.C.L.S. to verify crest of slope, toe of slope, degree of slope and natural boundary of any creek or watercourse;
- (b) identification, description and assessment of significant topographic features relating to slope stability or movements such as the crest and toe of the slope, existing slide failures, tension cracks, erosion features or slope creep;
- (c) an assessment of the stability of the existing and proposed slopes including analysis of soil cohesiveness, friction, shear strength through the plain of most probable slip, permeability, ground water or seepage forces, soil weight and surcharge;
- (d) recommended setback for placing soil at the toe of a slope, on a slope, and adjacent to the crest of a slope;
- (e) type of soil being placed;
- (f) drainage provisions to address possible erosion and siltation control;
- (g) standard or modified Proctor density requirements of fill placement and compaction results included with a final engineering certification report;
- (h) if a retaining wall or other structure of like nature is proposed by the Geotechnical Engineer:
 - (i) the dimension and type of structure, the in place density of soil, strength characteristics, slope of retained earth, and any other surcharges or loads on the retaining structure,
 - (ii) drainage provisions (temporary and permanent),
 - (iii) methods of analysis and calculations,
 - (iv) plan view and cross-sections.

SCHEDULE "B"

PART I

Minimum non-refundable permit fee of \$50.00 plus \$4.00 per \$1,000.00 of construction value in excess of \$1,000.00 to a maximum fee of \$500.00.

PART II

Permit renewal fee is the greater of \$50.00 or 50% of the above permit fees

SCHEDULE "C"

[APPLICATION FORM CURRENTLY BEING USED]

SCHEDULE 'D'

**ASSURANCE OF PROFESSIONAL DESIGN AND COMMITMENT
FOR FIELD REVIEW**

To: City of Coquitlam

Date: _____

Re: _____
(address of project)

The undersigned hereby gives assurance that the design of the

_____ GEOTECHNICAL (temporary)

_____ GEOTECHNICAL (permanent)

_____ STRUCTURAL (retaining walls or building foundations)

components of the plans and supporting documents prepared by me in support of the application for a conversation permit, substantially comply with the City of Coquitlam Conservation Bylaw No. 454, 1994, the City of Coquitlam Building Bylaw No. 73, 1971 and amendments thereto, and the B.C. Building Code.

SUMMARY OF DESIGN AND FIELD REVIEW REQUIREMENTS

(initial applicable items and cross out and initial non-applicable items)

_____ GEOTECHNICAL (temporary)

- 1.1 Excavation
- 1.2 Shoring
- 1.3 Underpinning
- 1.4 Erosion control including drainage and siltation control
- 1.5 Structural considerations of soil, including slope stability

_____ GEOTECHNICAL (permanent)

- 2.1 Bearing capacity of soil
- 2.2 Compaction of engineered fill
- 2.3 Structural considerations of soil, including slope stability and seismic loading
- 2.4 Backfill
- 2.5 Permanent dewatering (drainage)
- 2.6 Permanent underpinning

_____ STRUCTURAL (retaining walls or building foundations)

- 3.1 Structural capacity of all structural components
- 3.2 Review of all applicable shop drawings
- 3.4 Drainage

SCHEDULE "D" continued

I certify that I am a member in good standing with the Association of Professional Engineers and Geoscientists of B.C., and have specialized expertise in geotechnical engineering.

Name (print)

Signed

Date

Address (print)

Telephone

(Affix PROFESSIONAL SEAL here)

Note to the Professional Engineer:

A signed and sealed letter of assurance of professional field review and compliance with the requirements of the Conservation Permit must be submitted to the City at completion of the permitted works.

SCHEDULE "E"

Dear Applicant:

The following may be required to obtain a Conservation Permit:

- () \$50.00 application fee (non-refundable)
- () Legal description of the deposit and removal lands
- () Street addresses of lands
- () Name and address of applicant and letter of authority if not registered owner of permit lands
- () Legal survey of properties
- () Current title search certificates from the Land Title Office
- () Copies of restrictive covenants indicated on the title
- () Location of any easements and rights-of-ways (ROW)
- () Comments from B.C. Hydro regarding their ROW - 469-9376
- () Comments from B.C. Gas regarding their ROW - 469-9376
- () Comments from Trans Mountain Pipeline regarding its ROW - 268-3060
- () Outline of all existing and proposed buildings and structures
- () Regrading plans (existing and finished elevations and cross-sections)
- () Type of soil being deposited or removed
- () Amount of soil being deposited or removed
- () Mitigation statement addressing soil contaminants and cleanliness
- () Certification the soil being deposited meets the requirements of the Provincial Waste Management Act
- () Mitigation statement for dust and airborne matter
- () For temporary preloads, will the soil be removed from the site after completion

- () Truck routes entering and leaving each of the deposit and removal sites and between sites
- () Hours of day during which work will be performed (in residential areas, hours of work are normally limited to weekdays, 9:00 a.m. – 3:00 p.m.)
- () Schedule for moving soil (note that a conservation permit is to be renewed after one year if the work has not been completed)
- () Methods of eliminating any life safety hazards (i.e. fencing or hoarding site)
- () Method of eliminating hazards to adjacent property and structures (shoring or retaining)
- () Erosion control provisions including siltation control
- () Temporary and permanent site drainage and soil stability provisions
- () Location of waterways (natural boundaries, toe of slope and top of slope)
- () Slope of banks along waterways
- () Vegetation protection areas along waterways
- () Setbacks from top of slopes
- () Drainage details along top of slopes
- () Location of all underground, surface and aerial services and utilities
- () Reasons for moving the soil and the proposed future use of the land
- () Approval from Fisheries & Oceans (Federal Government) - 666-3545
- () Approval from the Provincial Government Ministry of Environment, Lands & Parks: - Planning & Assessment - 582-5200
- () Approval from the Fraser River Estuary Management Program (FREMP) - 525-1047
- () Approval from Ministry of Transport for projects affecting provincial highways
- () Approval letters from the owners of the removal and deposit sites
- () Comments from adjacent property owners

- () Notes of meetings with residents along the haul route (signed by residents to indicate agreement with notes)
- () Site protection facilities during the bio-remediation phase
- () Measures to convert the site to the ultimate use
- () Geotechnical Engineering Report
with Schedule "D" of this bylaw
- () Structural Engineers Report for retaining walls or building foundations
with Schedule "D" of this bylaw
- () Civil Engineers Report for required drainage systems
with Schedule "D" of this bylaw
- () Environmental Impact Study
- () Location of Greater Vancouver Sewerage & Drainage District mains
- () Comments from Greater Vancouver Sewerage & Drainage District regarding their
mains - 432-6465
- () Approval from the Agricultural Land Commission for lands within the
Agricultural Land Reserve – 660-7000

Your application and information will be referred to Permits & Licences, Engineering, Planning, and Leisure and Parks Departments for comments.