

FRASER VALLEY REGIONAL DISTRICT  
BYLAW NO. 1802, 2025

A bylaw to Regulate Soil Deposits in the Electoral Areas of the Regional District

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WHEREAS the Board of the Fraser Valley Regional District ("**the Board**") established the service of regulating the removal and deposit of soil under the provisions of *Fraser Valley Regional District Electoral Area Commercial Gravel Operations and Soil Deposit Establishment Bylaw No. 1409, 2018*.

AND WHEREAS Section 327 of the *Local Government Act* authorizes a Regional District to regulate or prohibit the removal and deposit of soil and other materials on any land within the electoral areas, to make different regulations and prohibitions for different areas, and to require permits and impose fees;

AND WHEREAS the Board wishes to regulate the deposit of soil and other materials within the boundaries of the Fraser Valley Regional District Electoral Area Commercial Gravel Operations and Soil Deposit Establishment Bylaw No. 1409, 2018, as amended;

THEREFORE the Board, in open meeting assembled, enacts as follows:

1) **CITATION**

This bylaw may be cited as *Fraser Valley Regional District Electoral Area Soil Deposit Bylaw No. 1802, 2025*.

2) **DEFINITIONS**

2.1 In this bylaw:

**"Active Floodplain"** means an area of land that supports floodplain plant species and is:

- (a) adjacent to a Stream that may be subject to temporary, frequent or seasonal inundation, or
- (b) within a boundary that is indicated by the high water mark;

**"Agent"** means a person who has been authorized in writing by a property owner to apply for a Permit on the owner's behalf;

**"Agricultural Land Reserve"** means land designated as agricultural land and established as an agricultural land reserve under the Agricultural Land Commission Act;

**"Bylaw Enforcement Officer"** means a person holding that position for the Regional District;

**"Deposit"** means the placement, storage, filling, spilling or releasing, directly or indirectly, of a material in a location where the material was not previously located;

**“Director”** means a person holding the position of Director of Planning and Development for the Regional District;

**“High Water Mark”** means the visible high water mark of a Stream where the presence and action of the water are so common and usual, and so long continued in all ordinary years as to mark on the Soil of the bed of the Stream a character distinct from that of its banks, in vegetation, as well as in the nature of the Soil itself, and includes the active floodplain;

**“Other Material”** means

- (a) topsoil, gravel, sand, rock, silt, clay, peat, sediment and other natural substances containing any invasive species;
- (b) yard waste as defined in the *Organic Matter Recycling Regulation*, B.C. Reg.18/2002;
- (c) land clearing debris, consisting of stumps, brush or material derived from land clearing activity;
- (d) construction, reconstruction, renovation, building, demolition or road works waste of any nature; and
- (e) waste material derived from any commercial or industrial activity;

**“Permit”** means a permit issued under this bylaw;

**“Province”** means the Province of British Columbia;

**“Regional District” or “FVRD”** means the Fraser Valley Regional District;

**“Registered Professional”** means a person who is who is registered to practice as a professional by a professional association that is regulated by a statute, who is in good standing with that association, who is qualified to act in the capacities described in the provisions of this bylaw requiring a report, certification or estimate of a registered professional, and who maintains professional errors and omissions liability insurance, including but not limited to a registered professional engineer and registered professional geoscientist;

**“Riparian Assessment Area”** has the same meaning as defined in the *Riparian Areas Protection Regulation*, BC Reg 178/2019;

**“Soil”** means clay, silt, sand, gravel, rock, peat or other substances of which land is naturally composed, and may include clean and untreated wood waste incorporated into the native Soil within the meaning of the *Environmental Management Act*, but does not include Other Material;

**“Stream”** has the same meaning as defined in the *Riparian Areas Protection Regulation*, BC Reg 178/2019;

**“Unsuitable Material”** means any rubbish, metals, derelict vehicles, demolition wastes, including containers, packages, bottles, cans or parts thereof, and any abandoned or discarded articles, products or goods of manufacture;

**“Volumetric Permit Fee”** is the portion of the Permit fee that varies depending on the volume of Soil deposited under a Permit;

**“Watercourse”** means a permanent or non-permanent source of water supply, whether natural or manmade, including a pond, lake, river, creek, brook, ditch, spring or wetland that is integral to a Stream, with defined banks and a bed of 0.6 metre or more below the surrounding land serving to give direction to or containing a current of water, but does not include a manmade pond that does not connect to a Stream; and

**“Wood Waste”** means wood residue, other than dredgings, that originate from a wood processing industry and that has not been treated with glue, paint, preservatives or similar material, and includes wood chips, bark, shavings, sawdust, branches broken logs, and hog fuel.

- 2.2 Except as otherwise defined herein, words and phrases in this bylaw have the same meanings as in the *Local Government Act*, *Community Charter* and *Interpretation Act*, as the context and circumstances may require. A reference to a statute refers to a statute of British Columbia unless otherwise indicated, and a reference to any statute, regulation, bylaw or other enactment refers to that enactment as it may be amended or replaced from time to time.

### 3) PURPOSE

- 3.1 This bylaw has been enacted for the purpose of regulating the Deposit of Soil and Other Material within the Service Area in the general public interest.
- 3.2 The purpose of this bylaw does not extend to
- (a) providing any person with a warranty that any Deposit of Soil will not violate this bylaw, any other enactment, or create any nuisance of any type;
  - (b) the protection from economic loss of owners, occupiers or other persons involved in the Deposit of Soil;
  - (c) the assumption by the Regional District or any officer or employee of the FVRD of any responsibility for ensuring compliance by a person involved in the Deposit of Soil; or
  - (d) relieving any person of responsibility for removing any Soil, Unsuitable Material or Other Material that has been deposited contrary to this bylaw or a Permit issued under this bylaw.

### 4) APPLICATION

- 4.1 This bylaw applies within the boundaries of the Fraser Valley Regional District Electoral Area Commercial Gravel Operations and Soil Deposit Establishment Bylaw No. 1409, 2018, as amended (“the Service Area”).

## 5) PROHIBITIONS

- 5.1 A person must not cause, permit or allow the Deposit of Soil on any parcel within the Service Area unless:
- (a) the intended Deposit is eligible for a Permit and such Permit has been issued, or
  - (b) the proposed Deposit is exempt from the Permit requirement under Section 7.1 of this bylaw.
- 5.2 A person must not cause, permit or allow the Deposit of Unsuitable Material on any parcel within the Service Area.
- 5.3 A person must not cause, permit or allow the Deposit of Other Material on any parcel within the Service Area, except as permitted under this bylaw and under the FVRD Solid Waste Removal Regulations Bylaw
- 5.4 A person must not Deposit Soil or Other Material within a Riparian Assessment Area or within an area designed as an environmentally sensitive area under an official community plan adopted by the Regional District, unless the Deposit is authorized
- (a) under a development permit issued by the FVRD and a Permit under this bylaw; or
  - (b) under the terms of a Permit or approval issued by the Province and a Permit issued under this bylaw.
- 5.5 A person must not fail to comply with the terms of a Permit issued under this bylaw.

## 6) REGULATIONS

- 6.1 An owner and occupier of a parcel and any person involved in the Deposit of Soil must comply with, and ensure compliance with all of the following requirements:
- (a) Soil must not be deposited over wells or sewage disposal systems.
  - (b) Soil must not be deposited over any statutory right of way area without first obtaining written approval of the authority having jurisdiction.
  - (c) The Deposit of Soil must not result in the use of the lands in a manner inconsistent with the zoning for the lands.
  - (d) All Streams, Watercourses, wetlands and drainage facilities must be kept free of silt, clay, sand, debris and similar material attributable to the Soil Deposit activity that could obstruct, impair or impede the flow of water.
  - (e) All dirt, mud or debris tracked onto public highways or deposited into roadside ditches from the Soil Deposit activity must be removed daily;
  - (f) The slope of any exposed face of deposited Soil must not be steeper than the angle of repose necessary for stability of the deposited material. For any slope face

within 10 metres of a parcel boundary or a Riparian Assessment Area boundary, the slope grade must not be steeper than 4.1 [4 horizontal or 1 vertical].

- (g) The deposited Soil must be graded so that positive gravity drainage is assured, and a drainage system of sufficient capacity and extent must be installed to ensure that a runoff onto adjacent lands will be no greater than prior to commencement of the Soil Deposit.
- (h) A person must not engage in the Deposit or Soil on a Sunday or statutory holiday within the meaning of the *Interpretation Act*, or before 7:00 a.m. or after 7:00 p.m. on any other day without prior written approval of the Manager.
- (i) The Deposit of Soil and related activities must not encroach upon, undermine, damage or endanger any public property.

## 7) PERMIT EXEMPTIONS

7.1 A person may Deposit Soil onto a parcel without a permit only if at least one of the following applies:

- (a) All the Soil to be deposited is necessary for the construction of basements, footings and foundations, or for the installation of works and services such as septic fields and driveways, in conjunction with a construction project for which a building permit has been issued and is in force.
- (b) All the Soil to be deposited is, in the written opinion of the Director, required for the maintenance, repair or replacement of a sewerage system and associated works.
- (c) All the Soil to be deposited is required for the construction or repair of works, roads, highways or services by or on behalf of the Regional District, its member municipalities or the Province, and the Deposit is onto a parcel owned or leased by one of those authorities.
- (d) All the Soil is to be deposited onto a parcel owned or leased by Canada or the Province, except in all cases where the parcel is leased or licensed by the government of Canada or Province to a third party.
- (e) All the Soil to be deposited is being relocated within the boundaries of the parcel from which it originates, provided the requirements of all applicable statutes, regulations and other enactments are adhered to.
- (f) All the Soil to be deposited is for roadways and is placed in accordance with detailed drawings pursuant to a valid preliminary subdivision approval.
- (g) All the Soil to be deposited consists of fertilizers, manure, composts, mulch or Soil conditioners and such Deposit is solely for agricultural, farming, horticulture or domestic gardening purposes.

- (h) All the Soil to be deposited is related to an activity designated as a farm use under the *Agricultural Land Commission Act* and is onto land that is within the Agricultural Land Reserve.
  - (i) All the Soil to be deposited is onto land used for a commercial landscape supply, horticultural, nursery or similar operation, or a mine producing landscape and construction project, where the use is permitted under the applicable FVRD bylaw, and where all of the Soil is intended for re-sale in the same form that it was deposited.
  - (j) All the Soil to be deposited is part of the reclamation of a mine, as authorized under the Mines Act.
  - (k) All the Soil to be deposited consists of aggregate that is sourced from a mine in connection with the operation of a farm, golf course, horse stable, or any agricultural use.
  - (l) All the Soil to be deposited consists of landscape material, will be deposited solely for the purpose of landscaping the parcel, and where the amount is less than 100 m<sup>3</sup> in the calendar year.
  - (m) The Deposit of Soil for any purpose on the parcel other than those purposes specified in paragraphs (a) to (l) of this Section is in an amount less than 20 m<sup>3</sup> in the calendar year.
- 7.2 A person undertaking the Deposit of Soil in reliance of an exemption under Section 6.1 must provide the Director or a Building Inspector for the Regional District, on request, sufficient documentation to demonstrate that the person meets the conditions for the exemption.
- 7.3 Where a Building Inspector for the Regional District is of the opinion that Soil being deposited, or to be deposited, purportedly under a provision of Section 7.1 is not necessary for the purpose stated in that provision, the Building Inspector or the Director may order the immediate cessation of Soil Deposit until a Permit has been applied for and issued under this bylaw.

## 8) PERMIT APPLICATION

- 8.1 Every application for a Permit must be made by the owner of the parcel on which the Soil is to be deposited, or by the Agent of the owner.
- 8.2 The Director may establish the form of application and Permit to be used in this bylaw.

## 9) TYPE A SOIL DEPOSIT (Under 100m<sup>3</sup>)

- 9.1 Unless exempted under Section 7.1, any person intending to Deposit Soil on a parcel in any zone, in an amount between 20m<sup>3</sup> and 100m<sup>3</sup> in a calendar year must first obtain a Type A Soil Deposit Permit.
- 9.2 Every application for a Type A Soil Deposit Permit must be submitted to the Director, on a form approved by the Director, along with applicable fees, and must include:
- (a) Authorization, signature of each owner of the parcel owner and contact information;

- (b) a title search obtained no more than 30 calendar days prior to submission of the application, together with copies of all registered covenants, statutory rights of way and easements;
- (c) a scaled and dimensioned site plan of the parcel where the Soil is to be deposited, showing
  - i. parcel boundaries, driveway accesses, internal roadways, buildings and structures located on the parcel and the location of wells and septic fields;
  - ii. the location of any Stream, lake, wetland or drainage course on the parcel or within 30 metres of the parcel boundary; and
  - iii. the specific location on the parcel where the Soil is to be deposited; and
- (d) a completed riparian areas property declaration.

**10) TYPE B SOIL PERMIT (100m<sup>3</sup> – 1,000m<sup>3</sup>)**

- 10.1 Unless exempted by Section 7.1, any person intending to Deposit Soil on a parcel in an amount between 100 m<sup>3</sup> and 1000 m<sup>3</sup> in a calendar year must first obtain a Type B Soil Deposit Permit.
- 10.2 Despite Section 10.1, a Permit for a proposed Deposit of more than 100m<sup>3</sup> on a parcel may be applied for only if the parcel is situated in a zone that is not characterized as a residential zone in FVRD zoning bylaws.
- 10.3 Every application for a Type B Soil Deposit Permit must be submitted to the Director, on a form approved by the Director, along with applicable fees, and must include:
  - (a) authorization, signature of each owner of the parcel owner and contact information;
  - (b) a title search obtained no more than 30 calendar days prior to submission of the application, together with copies of all registered covenants, statutory rights of way and easements;
  - (c) a scaled and dimensioned site plan of the parcel where the Soil is to be deposited, showing
    - i. parcel boundaries, driveway accesses, internal roadways, buildings and structures located on the parcel and the location of wells and septic fields;
    - ii. the location of any Stream, lake, wetland or drainage course on the parcel or within 30 metres of the parcel boundary; and
    - iii. the specific location on the parcel where the Soil is to be deposited.
  - (d) a detailed written description of:
    - i. How sediment and erosion from the deposited fill will be controlled and managed;
    - ii. How slopes will be stabilized;
    - iii. Measures to control dust and prevent the tracking of Soil and Other Material onto roads and highways;

- iv. Measures to manage drainage from the site so that Watercourses and adjacent properties are not impacted;
  - (e) a completed riparian areas property declaration; and
  - (f) payment of applicable Permit fees and security.
- 10.4 In addition to the requirement of Section 10.3, the Director may require any or all the following information prior to considering issuance of the Permit if the Director believes that the proposed Deposit of Soil has the potential of causing adverse effects to the natural environment or giving rise to a health or safety hazard:
  - (a) a drainage and sediment and erosion plan prepared by a Registered Professional;
  - (b) notwithstanding paragraph (e) of Section 10.3, written confirmation from a qualified environmental professional under the Riparian Areas Protection Act confirming that the proposed Soil Deposit location is not within a Riparian Assessment Area;
  - (c) a report prepared by a Registered Professional certifying that, if carried out in conformance with the application, the proposed Soil Deposit will not create a danger from flooding, erosion or landslide;
  - (d) satisfactory evidence that the Deposit will be in accordance with an authorization, order or exemption under the *Environmental Management Act*.

**11) TYPE C SOIL DEPOSIT PERMIT (Over 1,000 m3)**

- 11.1 Unless exempted by Section 7.1, any person intending to Deposit Soil on a parcel in an amount more than 1,000 m3 in a calendar year must first obtain a Type C Soil Deposit Permit.
- 11.2 Despite Section 11.1, a Permit for a proposed Deposit more than 1,000 m3 on a parcel may be applied for only if the parcel is situated in a zone that is characterized as a commercial zone or industrial zone in the FVRD zoning bylaws.
- 11.3 Every application for a Type C Soil Deposit Permit must be submitted to the Director, on a form approved by the Director, along with applicable fees, and must include:
  - (a) authorization, signature of each owner of the parcel owner and contact information;
  - (b) a title search obtained no more than 30 calendar days prior to submission of the application, together with copies of all registered covenants, statutory rights of way and easements;
  - (c) a survey of the parcel prepared by a BC Land Surveyor, including:
    - i. parcel boundaries, the proposed Soil Deposit area boundaries, and any easements, rights of way and covenant areas;
    - ii. location of all structures and private infrastructure on the parcel;
    - iii. location of all public infrastructure within 20 metres of the parcel;
    - iv. the location of all Streams, Watercourses, wetlands, drainage courses, septic systems and wells on the parcel and within 30 metres of the proposed fill site;



- v. topographic survey with 1 metre intervals showing the pre-deposit topography of the parcel and within 20 metres of the parcel; and
  - vi. all existing and proposed accesses to the parcel and Soil Deposit site; and
- (d) a Soil assessment and deposit plan prepared by a Registered Professional, including:
- i. proposed location and final contours (1 metre) of the Soil Deposit site;
  - ii. proposed volume of Soil to be deposited, including calculations, cross-sections and other pertinent information used in calculating Soil Deposit volumes;
  - iii. estimated schedule and phasing of the Soil Deposit activity;
  - iv. description of procedures for controlling access to the site;
  - v. description of procedures for documenting the origins and composition of Soil to be deposited, including preliminary fill source assessments, Soil source site profiles and declarations, and truck tracking receipts;
  - vi. description of process for monitoring Soil placement so that the approximate location of deposited Soil can be matched with truck tracking receipts; and
  - vii. certification that the proposed Soil Deposit will not create a danger from flooding, erosion or landslide;.
- (e) an environmental protection plan prepared by a Registered Professional, including:
- i. measures for controlling erosion and sedimentation and for maintaining erosion and sediment control infrastructure;
  - ii. measures for protecting Riparian Assessment Areas, Watercourses and sensitive environmental features;
  - iii. measures for minimizing the tracking of Soil onto public roadways and for cleaning roads;
  - iv. measures for minimizing dust;
  - v. measures for managing on-site drainage for the duration of the Soil Deposit activity and for ensuring that Watercourses and adjacent properties will not be negatively impacted from storm water run-off from the Soil Deposit site; and
  - vi. measures for controlling noxious weeds and invasive species;
- (f) a site remediation plan prepared by a Registered Professional, including:
- i. reclamation measures to stabilize, landscape and restore the land upon completion of the Soil Deposit activity;
  - j. measures for permanent drainage and storm water management; and
  - k. measures for managing noxious weeds and invasive species on an on-going basis.

- 11.4 In addition to the requirements of Section 11.3, the Director may require any or all of the following information prior to considering issuance of the Permit if the Director believes that the proposed Deposit of Soil has the potential of causing adverse effects to the natural environment or giving rise to a health or safety hazard:
- (a) for land that is agriculturally zoned, an agricultural capability report, prepared by a Professional Agrologist, including:
    - i. the Soil characteristics and agricultural capability of the proposed Soil Deposit site;
    - ii. the benefits that the proposed Soil Deposit will provide for agricultural productivity and use;
    - iii. any limitations, conditions or recommendations to ensure agricultural capability is maintained or improved; and
    - iv. recommended measures for protecting the agricultural capability of adjacent Agricultural Land;
  - (b) a ground water impact assessment, prepared by a Registered Professional, analyzing the potential impact of proposed Soil Deposit activity on ground water and recommended ground water protection measures;
  - (c) a site disclosure statement of the site from which the Soil originated, prepared in accordance with Schedule 1 of the *Contaminated Sites Regulation*; and
  - (d) satisfactory evidence that the Deposit will be in accordance with an authorization, order or exemption under the *Environmental Management Act*.
- 11.5 On submitting an application for a Type C Soil Deposit Permit, the applicant must publish, in two consecutive editions of a newspaper that is distributed locally in the Regional District, a notice containing the following information:
- (a) the location of the proposed Soil Deposit;
  - (b) the proposed total amount of Soil to be deposited;
  - (c) the duration of which the proposed Soil Deposit will occur; and
  - (d) steps proposed to be taken to mitigate the impact on the environment and other properties in the vicinity of the site.

## 12) PERMIT EXPIRY AND RENEWAL

- 12.1 Every Soil Deposit Permit expires on the date that is the earlier of:
- (a) the Deposit of the total amount of Soil authorized to be deposited by the Permit has occurred;
  - (b) the expiry date expressly stated in the Permit;
  - (c) for Type A Soil Deposit Permits and Type B Soil Deposit Permits, one year after the date of Permit issuance; or

(d) for Type C Soil Deposit Permits, 2 years after the date of Permit issuance.

12.2 If the Deposit of Soil authorized by a Permit is not completed before the Permit expires under Section 12.1, the Director may renew the Permit, provided that:

- (a) There is no change in scope from the original application;
- (b) The applicant makes a written request to the Director for an extension or renewal no later than one month prior to the expiry date in the case of a Type A or Type B Soil Deposit Permit, and no later than 3 months prior to the expiry date in the case of a Type C Soil Deposit Permit;
- (c) The applicant has paid applicable renewal fee and provided the required security deposit;
- (d) The Deposit of Soil previously completed under the Permit, if any, has been carried out in compliance with the terms and conditions of the Permit;

12.3 A previously renewed Permit may be further renewed provided all the conditions in Section 12.2 are met.

12.4 A Permit holder is not entitled to the issuance of a renewal Permit on the same terms and conditions that applied under the expiring Permit. The Director may vary, alter or add terms and condition that apply during the renewal period of a Permit, as the Director considers necessary or warranted to ensure compliance with this bylaw, or to mitigate any harm to the environment or to adjoining properties.

### 13) PERMIT AUTHORITY

13.1 The Director is authorized to issue Type A Soil Deposit Permits and Type B Soil Deposit Permits.

13.2 At the discretion of the Director, an application for a Type B Soil Deposit Permit may be referred to the Board or to an Electoral Area Service Committee for consideration and decision.

13.3 Applications for Type C Soil Deposit Permits will be considered and issued by the Board.

13.4 The Director or the Board, as applicable, may refuse to issue, or may suspend or cancel a Permit, where the Director or Board has determined that:

- (a) the applicant has not complied with a requirement of this bylaw, a Permit condition, another bylaw of the Regional District, or an applicable enactment of the Province or Canada;
- (b) the proposed Deposit of Soil would conflict with the policies and guidelines established in an applicable official community plan bylaw or the permitted uses allowed on the subject parcel under the FVRD zoning bylaws

- (c) the Permit was issued based on statements made in the application or a report, declaration or record required under this bylaw that was misleading, inaccurate or false with respect to a material fact, or that omitted to state a material fact,

and may amend a Permit, attach new conditions, and order that a Permit holder provide further, amended or new information, carry out remedial work as the Director or Board, as applicable, considers necessary or warranted to ensure compliance with this bylaw.

- 13.5 A person who has been refused a Permit, or whose Permit has been suspended, cancelled or amended by the Director, may submit an application for reconsideration by the Board by giving notice in writing to the Corporate Officer for the Regional District within 10 business days of the decision by the Director.
- 13.6 Where requested by the Permit holder, the Director may authorize an amendment to a Type A Soil Deposit Permit or a Type B Soil Deposit Permit, and the Board may authorize an amendment to a Type C Soil Deposit Permit. For any proposed material changes to the Permit, the Director or Board, as applicable, may require:
  - (a) further, amended, or new information relevant to the proposed Soil Deposit;
  - (b) public notice, and
  - (c) the submission of a new Permit application, along with applicable Permit fees and security deposit.

#### 14) PERMIT CONDITIONS

- 14.1 Unless otherwise stated in the Permit, the conditions stated in this Section 14 apply to each Permit.
- 14.2 **Each Permit holder must keep a daily written record ("Soil Deposit Log Book") of all Soil deposited on the Permit site. The record must contain the following information:**
  - (a) the date, time and origin of each delivery of Soil;
  - (b) The contact information (name and Phone number) for each project site or property from where the Soil originated;
  - (c) The total quantity of Soil deposited;
  - (d) The name of the business that delivered the Soil;
  - (e) The name of the driver and licence plate numbers of each vehicle that delivered the Soil to the property; and
  - (f) The name of the person entering the information into the Soil Deposit Log Book.
- 14.3 No later than 2 business days after a request by the Director to review the Soil Deposit Log Book, the Permit holder must submit the record to the Director.
- 14.4 If information in the submitted Soil Deposit Log Book appears to the Director to be incomplete or inaccurate, the Director may suspend the Permit and direct the Permit holder

to provide complete information, to correct any inaccurate information, and to submit monthly Soil Deposit Log Book records for all subsequent Soil Deposits under the Permit.

- 14.5 The Permit holder must submit a monthly report to the Director prior to the end of each month, showing the volume of Soil deposited during the previous month.
- 14.6 Unless otherwise specified by the Director, all plans, specifications and reports forming part of an application for which a Permit is issued shall form part of and be incorporated in the Permit, and the Permit holder must comply with all such conditions, and must not exceed the maximum volume of Soil specified in the Permit as authorized to be deposited.
- 14.7 The holder of any Type C Soil Deposit Permit, prior to commencing the Deposit of any Soil, must post a clear and legible sign, in English, indicating the duration and volume of the Soil Deposit authorized by the Permit at the point of entry to the parcel from the public access or highway. The sign must be, at minimum, 1 metre by 1 metre square; must include the Permit number on it; and must be maintained in place until the expiry of the Permit or any extension or renewal of the Permit.
- 14.8 At the request of the Director, the Permit holder must provide a post-deposit report prepared by a Registered Professional, confirming that the Soil was deposited in compliance with Permit conditions.
- 14.9 If the Director believes that Soil being deposited does not meet the requirements of the *Environmental Management Act*, the Director may order the immediate cessation of Soil Deposit until the person depositing the Soil provides satisfactory evidence that the Deposit is in accordance with an authorization, order or exemption under that Act.
- 14.10 A Permit constitutes written authority under this bylaw to conduct only those activities described in the Permit.
- 14.11 The Permit holder is solely responsible for contacting the Province or any of its ministries or agencies, the Department of Fisheries and Oceans Canada or other Federal ministries or agencies in order to determine the requirements of those agencies in relation to any Soil Deposit undertaken under the authority of a Permit issued by the Regional District, and the Permit holder is solely responsible to comply with those requirements.
- 14.12 The issuance of a Permit does not relieve the Permit holder from compliance with any other bylaw of the Regional District or any statute, regulation or other enactment of the Province or Canada.

## 15) PERMIT TRANSFER

- 15.1 A person must not permit or allow the Deposit of Soil on any parcel unless they are named as a Permit holder or Agent of the owner in relation to that parcel.
- 15.2 The Director may approve a transfer of an existing Permit to a person who is the owner of the Permit area or an Agent of the owner, provided that a written request for a transfer is made, signed by the current Permit holder, and accompanied by payment of applicable transfer fees.

- 15.3 The Director may refuse to approve a requested Permit transfer if the existing Permit holder or proposed transferee does not, upon request, provide sufficient evidence that any Soil Deposit that has previously occurred, purportedly under the Permit, is in compliance with this bylaw and the Permit.
- 15.4 Prior to a Permit transfer being approved, the proposed transferee must provide the security deposit required under this bylaw to the Regional District, at which time the existing security deposit, or any part that has not been drawn upon by the FVRD, will be returned to the existing Permit holder.

## 16) PERMIT CLOSURE

- 16.1 For Type B Soil Deposit Permits, within 60 calendar days of completion of the permitted activity, or expiration of the Permit, the Permit holder must:
- (a) submit a final copy of the Soil Deposit Log Book to the Director;
  - (b) leave all surfaces of the Soil Deposit area with a slope no greater than the grades specified in the Permit;
  - (c) cover all surfaces of the Deposit area with an established growth of grass or other suitable and approved erosion control ground cover, or otherwise complete restoration of the site as specified in the Permit; and
  - (d) provide the Director with confirmation that all required drainage and storm water management infrastructure has been appropriately installed and is functioning.
- 16.2 For Type C Soil Deposit Permits, within 90 calendar days of completion of the permitted activity, or expiration of the Permit, the Permit holder must:
- (a) submit a final copy of the Soil Deposit Log Book to the Director;
  - (b) submit a topographical survey prepared by a BC Land Surveyor showing the location of the deposited Soil relative to parcel and Stream or Watercourse boundaries, the finished grades for the site and the estimated volume of Soil that has been deposited; and
  - (c) submit a report from a Registered Professional confirming that all Soil Deposit activity has occurred in compliance with this bylaw and the Permit, and that all restoration works specified in the Permit have been completed.
- 16.3 If the Director has reason to believe the Soil Deposit activity on the parcel is not compliant with applicable bylaws and Permit conditions, the Director may require the Permit holder to provide written confirmation from a Registered Professional that the Soil Deposit has been conducted in accordance with this bylaw and the Permit.

## 17) FEES AND SECURITY DEPOSITS

- 17.1 The applicant for a Permit or Permit renewal or extension must pay to the Regional District the Permit fee set out in Schedule A, as applicable, at the time the application is submitted.
- 17.2 For Type B Soil Deposit Permit applications, the Volumetric Permit Fee shall be determined based on the volume of Soil that is proposed to be deposited at the rate set out in Schedule A. Both the fixed Permit fee and Volumetric Permit Fee must be paid at the time the application is submitted. There shall be no refund of any portion of the Volumetric Permit Fee where the volume of Soil deposited is less than that proposed under the Permit application.
- 17.3 For Type C Soil Deposit Permit applications, the fixed Permit fee must be paid at the time the application is submitted. The Volumetric Permit Fee shall be calculated on a monthly basis during the period that the permit is in effect, based on the Soil Deposit Log Book record and the rate prescribed under Schedule A. The Volumetric Permit Fee must be paid on or before the 5<sup>th</sup> day of each month for the amount of Soil deposited in the preceding month. The Permit holder who remits a Volumetric Permit Fee more than 30 calendar days past the due date must pay a late payment levy equivalent to 20 percent of the Volumetric Permit Fee in default. If a Volumetric Permit Fee is not remitted within 120 calendar days of the date that it is due, the Director may suspend or cancel the Permit.
- 17.4 As security for compliance with all requirements and conditions of this bylaw, the applicant for a Permit must, before receiving a Permit, provide a cash deposit or auto-renewing irrevocable letter of credit drawn upon a chartered bank or credit union, in the amount specified in Schedule A. Such security may be held by the Regional District for a minimum of 6 months after the Permit has expired and will be released after all restoration works and Permit conditions have been completed and confirmed.
- 17.5 If security is provided in the form of a letter of credit, it must be in a form acceptable to the Director of Finance for the Regional District and fully accessible to the Regional District for at least 12 months after the expiration date of the Permit. If full compliance with this bylaw and the Permit are not confirmed within 90 calendar days following expiration of the Permit, the Regional District may draw on the letter of credit and hold the proceeds of security until compliance is achieved or use the proceeds of security to achieve compliance..
- 17.6 If the Permit holder has not complied with this bylaw or the conditions of a Permit, the Regional District may undertake any necessary remedial action within the Permit area at the cost of the Permit holder and may utilize the security deposit for that purpose.

## 18) INDEMNIFICATION

- 18.1 The Permit holder is at all times responsible for compliance with the provisions of this bylaw and any other applicable enactment and for any claim, demand, damage, loss, costs, expense, fees or fines that may arise from a Deposit of Soil.
- 18.2 The Permit holder must save harmless, indemnify and keep indemnified the Regional District, its officers, employees, contractors and elected officials from any and all claims, demands, losses, costs, expenses, fees, fines, actions and proceedings whatsoever brought by any person arising from the issuance of a Permit with respect to the Deposit of Soil authorized under a Permit.

## 19) ADMINISTRATION AND ENFORCEMENT

- 19.1 This bylaw may be enforced by the Director, a Bylaw Enforcement Officer, a Building Inspector, or other employee or Agent retained by the Regional District, who may enter on property at any reasonable time to inspect and ascertain whether the provisions of this bylaw are being met.
- 19.2 The Director or a Bylaw Enforcement Officer may request records of Soil Deposit activity and volumes that must be maintained by the Permit holder under Section 14.2 through 14.4.
- 19.3 Where Soil or Other Material has been deposited on a parcel without a valid Permit and is not exempt under Section 7.1, or where a Permit condition has been contravened, the Director or a Bylaw Enforcement Officer may place a **“Stop Work” order on the property**. Within 14 calendar days of the placement of a Stop Work order, the owner of the parcel must:
- (a) remove the Soil or Other Material from the parcel to a permitted facility or property within a time period established by the Director; or
  - (b) apply for a Permit authorizing the Deposit.
- 19.4 A person must not prevent, obstruct, impede or interfere with the Director, a Bylaw Enforcement Officer or a Regional District employee carrying out their functions under this bylaw.

## 20) OFFENCE AND PENALTY

- 20.1 Every person who:
- (a) contravenes or violates any provision of this bylaw;
  - (b) permits or allows any act or thing to be done in contravention or violation of this bylaw; or
  - (c) neglects or fails to meet a requirement under this bylaw
- commits an offence, and each day that a contravention or violation continues amounts to a separate offence.
- 20.2 Every person who commits an offence against this bylaw is liable:
- (a) if issued a bylaw notice under the FVRD Bylaw Offence Notice Enforcement Bylaw to pay a penalty in an amount set out in that bylaw;
  - (b) if proceedings are brought under the *Offence Act*, to pay a fine of not less than \$10,000.00 and not more than \$50,000.00;
- 20.3 Amounts imposed under this bylaw are in addition to and not in substitution for any other penalty or remedy imposed under this bylaw or any statute, regulation or other enactment, including but not limited to an application to the Supreme Court of British Columbia for an



order of mandatory injunction, removal of any Soil, Other Material or Unsuitable Material that is deposited contrary to this bylaw.

21) SCHEDULES

Schedule A attached hereto forms an integral part of this bylaw.

22) SEVERABILITY

If any portion of this bylaw is for any reason held to be invalid by a court of competent jurisdiction, that portion may be severed from the bylaw without affecting the validity of the bylaw or any remaining portion of the bylaw.

## 23) READINGS AND ADOPTION

READ A FIRST TIME THIS day of

READ A SECOND TIME THIS day of

READ A THIRD TIME THIS day of

ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_

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Chair/Vice-Chair

Corporate Officer/Deputy

24) CERTIFICATION

I hereby certify that this is a true and correct copy of *Fraser Valley Regional District Electoral Area Soil Deposit Bylaw, No. 1802, 2025* as adopted by the Board of Directors of the Fraser Valley Regional District on

Dated at Chilliwack, B.C. on

Corporate Officer/Deputy

**SCHEDULE A**  
**PERMIT FEES AND SECURITY DEPOSITS**

| Soil Quantity (m3 per year) | Permit Type                | Permit Fee   | Security Deposit   | Renewal Fee | Transfer Fee |
|-----------------------------|----------------------------|--|--|-------------|--------------|
| Less than 100               | Type A Soil Deposit Permit | N/A  | N/A  | N/A         | \$200        |
| 100-1,000                   | Type B Soil Deposit Permit | Fixed Permit fee:<br>\$300<br>Volumetric fee:<br>\$4 per 10m3 of deposited Soil (see Note 1)   | \$3,000  | \$200       | \$200        |
| More than 1,000             | Type C Soil Deposit Permit | Fixed Permit fee:<br>\$2,000<br>Volumetric fee:<br>\$6 per 10m3 of deposited Soil (see Note 2) | \$20,000 per hectare, subject to minimum fee of \$20,000 per application |             |              |
|                             |                            |  |  |             |              |
|                             |                            |  |  |             |              |

Note 1: The volume of deposited Soil used for Volumetric Permit Fee calculation shall be the total intended volume over the term of the Permit, and not annual amounts.

Note 2: The minimum fee of \$20,000 for any application covers the first hectare of the Permit area or part thereof. The security deposit for Permit area exceeding 1 hectare shall be prorated at \$20,000 per hectare.