

**SALT SPRING ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 418**

**A BYLAW TO CONTROL THE REMOVAL AND DEPOSIT OF SOIL WITHIN THE SALT SPRING
ISLAND LOCAL TRUST AREA**

WHEREAS the Salt Spring Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the Salt Spring Island Local Trust Area, pursuant to the *Islands Trust Act*;

AND WHEREAS Section 3 of the *Islands Trust Act* establishes that the object of the Islands Trust is to preserve and protect the Trust area and its unique amenities and environment for the benefit of the residents of the Trust area and of British Columbia generally;

AND WHEREAS Section 29 of the *Islands Trust Act* authorizes each Local Trust Committee to adopt Soil Removal and Deposit bylaws under Section 723 of the *Local Government Act* and Section 9 of the *Community Charter*;

AND WHEREAS Section 723 of the *Local Government Act* authorizes a Local Trust Committee to regulate the removal of soil including sand, gravel and rock, and the deposit of soil on any land within the Local Trust Area, to make different regulations for different areas, and to require permits;

AND WHEREAS the Salt Spring Island Local Trust Committee wishes to regulate both the removal and deposit of soil, rock and topsoil in the Salt Spring Island Local Trust Area;

NOW THEREFORE the Salt Spring Island Local Trust Committee enacts, in open meeting assembled, as follows:

Citation

1. This Bylaw may be cited as "Salt Spring Island Local Trust Area Soil Removal and Deposit Regulation Bylaw, No 418, 2008.

Repeal

2. This Bylaw repeals "Capital Regional District Soil Removal Prohibition By-law No. 2, 1986" and "Capital Regional District Deposit of Soil Prohibition By-law No. 2, 1986".

Metric Dimensions

3. This Bylaw uses metric dimensions. Any Imperial equivalents provided in brackets are approximate references provided for convenience only and do not form part of this Bylaw.

1.0 Interpretation

In this Bylaw:

"*aquifer*" means a water-bearing stratum of permeable *rock*, sand or gravel.

"*berm*" means an embankment built of *soil* or *rock* for the purpose of providing a visual barrier and reducing the transmission of noise from a *permit area*.

"*buffer zone*" means a strip of land adjoining a *permit area* on the same *lot* and complying with the minimum width requirements in this Bylaw, which strip is either left in a natural state or *bermed* or landscaped in accordance with the terms of a *permit* to provide a visual and sound barrier between the *permit area* and adjacent and nearby *lots*, parks, trails, green spaces, roads and other uses.

“*deposit*” includes the act of moving *soil, rock* or *top soil* and placing it on any *lot* or land or in any waters within the *Local Trust Area*, and includes creating a stockpile or other storage facility or otherwise storing *soil, rock* or *topsoil*.

“*development permit*” means a *permit* issued under section 920 of the *Local Government Act*.

“*dwelling*” means a single-family *dwelling* or a two-family *dwelling* as defined in the Salt Spring Island Land Use Bylaw No. 355.

“*Environmental Guidelines*” means the BC Ministry of Environment’s “Develop with Care: *Environmental Guidelines* for Urban and Rural Land Development in British Columbia”

“*garden*” means a piece of ground adjoining a building, used for growing flowers, vegetables, lawn, shrubs and trees.

“*holiday*” means statutory *holidays* as defined by the Employment Standards Act.

“*Local Trust Area*” means the Salt Spring Island *Local Trust Area*.

“*lot*” includes any unit shown on the records of the Land Title Office in which land is held and includes any strata *lot* or common property created pursuant to the *Strata Property Act*.

“*mine permit*” means *permit* issued by the Ministry of Energy, Mines and Petroleum Resources.

“*mine area*” means the area for which a *mine permit* has been issued.

“*natural boundary*” means the visible high-water mark of a *wetland*, lake, stream or sea where the presence and action of the water is so common and usual, and so long continued in all ordinary years, as to mark upon the *soil* of the bed of the body of water a character distinct from that of the banks thereof, in respect to vegetation, as well as in respect to the nature of the *soil* itself.

“*peat*” means partially decayed plant matter found in bogs, marshy or damp areas.

“*permit*” means a *permit* issued under this Bylaw.

“*permit area*” means the area for which a *permit* has been issued under this Bylaw.

“*permit holder*” means a person to whom a *permit* has been issued under this Bylaw.

“*processing*” includes washing, screening or crushing.

“*rock*” means consolidated *soil* which requires blasting or breaking before excavating.

“*qualified professional*” means a person who is registered or licensed, under the *Engineers and Geoscientists Act, Architects (Landscape) Act* or *Land Surveyors Act*, to perform the work described under the sections of this Bylaw requiring a *qualified professional* and who has no direct or indirect financial or other interest in the proposed *removal* or *deposit* other than any fee they receive to perform the work described.

“*removal*” means the act of removing *soil, rock* or *topsoil* from its naturally occurring location on any *lot* or land including creek beds, river beds and submerged lands or from a stockpile or other storage facility.

“*soil*” means all substances of which land is composed or any combination of those substances, including, minerals, coal, boulders, sand, gravel, silt, clay, and *peat*.

“*topsoil*” means the surface layer of *soil* containing organic matter and nutrients, known in *soil* science as the A horizon.

“*volume*” means the measurement of the *soil, rock* or *topsoil* material in cubic metres within a calendar year before it is removed from the ground in the case of material being removed and immediately prior to its deposit in the case of material being deposited.

“*wetland*” means land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions supports, vegetation typically adapted for life in saturated *soil* conditions, including marshes, swamps and bogs.

“*water body*” means the sea or any natural depression with visible banks, or a *wetland* with or without visible banks, which contains water at some time, and includes any lake, river, stream, creek, spring, swamp, gulch or surface source of water, whether containing fish or not; seasonal streams; and any surface drainage work or catchment pond that is a man-made replacement or diversion of a natural *water body*.

2.0 REGISTRATION

Registration Required

2.1 Prior to commencing *removal* or *deposit* activity, all persons who propose to *remove* or *deposit soil, rock* or *topsoil* are required to register the activity unless exempt under Section 2.2 of this Bylaw. Registration must be in the form prescribed by the Islands Trust and contain the information set out in Schedule A.

Registration Exemptions

2.2 Registration is not required for *removal* or *deposit* of a *volume* less than 40 cubic metres per calendar year and the following *removal* and *deposit* activities are also exempt from registration:

- 2.2.1 the *removal* or *deposit* is done in accordance with a *Permit* issued under Section 3;
- 2.2.2 the *removal* or *deposit* directly relates to work authorized by a *permit* to install a sewage disposal system;
- 2.2.3 the *removal* or *deposit* directly relates to the maintenance of an existing residential driveway and/or parking area;
- 2.2.4 the *removal* or *deposit* is authorized by Section 4 of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation;
- 2.2.5 the *removal* or *deposit* is an agriculture or nursery use required for such trade or purpose, and is conducted on the *lot* upon which the use occurs;
- 2.2.6 the *removal* or *deposit* is required for the construction or repair of works, roads, highways or services by a regional district, a water or sewer district, a public utility, under the jurisdiction of the Utilities Commission, the Ministry of Transportation and Infrastructure or any agent conducting work on their behalf;
- 2.2.7 the *removal* or *deposit* is carried out in the operation of a concrete or asphalt plant;
- 2.2.8 the *removal* or *deposit* is carried out in the regular maintenance of a golf course or park;
- 2.2.9 the *removal* or *deposit* is carried out in the course of a waste *processing* or disposal operation including composting;
- 2.2.10 the *removal* or *deposit* involves storage of *soil, rock* or *topsoil* for resale in conjunction with a lawful use of the land on which it is carried out; and,
- 2.2.11 the *removal* or *deposit* is carried out in conjunction with the regular maintenance of a *garden*.

3.0 **PERMITS**

Permits Required

- 3.1 No person shall *remove* or *deposit soil, rock* or *topsoil* anywhere in the Salt Spring Island *Local Trust Area* except in accordance with this Bylaw and any *permit* issued under this Bylaw.
- 3.2 A *permit* is required for the following activities respecting *removal* or *deposit* anywhere in the Salt Spring Island *Local Trust Area*:
- 3.2.1 the *removal* or *deposit* of *soil, rock* or *topsoil* at any location within 30 metres of the *natural boundary* of a *water body*, other than the sea, except if the *removal* or *deposit* activity is expressly authorized by a *development permit*;
 - 3.2.2 the *removal* or *deposit* of *soil, rock* or *topsoil* at any location within 15 metres of the *natural boundary* of the sea, except if the *removal* or *deposit* is expressly authorized by a *development permit*;
 - 3.2.3 the *removal* or *deposit* of a *volume* of *topsoil* exceeding 100 m³; and
 - 3.2.4 the *removal* of a *volume* of *rock* exceeding 100 m³;
 - 3.2.5 the *deposit* of a *volume* of *rock* exceeding 1000m³; and
 - 3.2.6 the *removal* or *deposit* of a combined *volume* of *soil, rock* or *topsoil* exceeding 1000 m³.

Permit Exemptions

- 3.3 Despite Section 3.2 a *permit* for *removal* or *deposit* of *rock soil* or *topsoil* is not required where the activity is exempt as follows:
- 3.3.1 the *removal* or *deposit* is required to construct a *dwelling* and related accessory buildings authorized by a building *permit* and the total combined *volume* of *soil, rock* or *topsoil* removed does not exceed 2000 m³;
 - 3.3.2 the *removal* or *deposit* is required for work authorized by a *permit* to install a private sewage disposal system, and the total combined *volume* of *soil, rock* or *topsoil* removed does not exceed 1000 m³;
 - 3.3.3 the *removal* or *deposit* is authorized by Section 4 of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation;
 - 3.3.4 *removal* or *deposit* is required for the construction or repair of works, roads, highways or services by a regional district, a water or sewer district, a public utility, under the jurisdiction of the Utilities Commission, the Ministry of Transportation and Infrastructure or any agent completing work on their behalf;
 - 3.3.5 *removal* or *deposit* for an agriculture or nursery use required for such trade or purpose, and is conducted on the *lot* upon which the use occurs;
 - 3.3.6 *removal* or *deposit* required in the remediation of contaminated *soils* authorized by the Ministry of Environment;
 - 3.3.7 the *removal* or *deposit* is carried out in the operation of a concrete or asphalt plant;
 - 3.3.8 the *removal* or *deposit* is carried out in the regular maintenance of a golf course or park;
 - 3.3.9 the *removal* or *deposit* is carried out in the course of a waste *processing* or disposal operation including composting; and
 - 3.3.10 the *removal* or *deposit* involves storage of *soil, rock* or *topsoil* for resale in conjunction with a lawful use of the land on which it is carried out.

PERMIT APPLICATION REQUIREMENTS

- 4.1 The owner of land on which *soil*, *rock* or *topsoil* is proposed to be deposited or from which it is proposed to be removed, or the property owner's agent shall apply for a *permit* by completing a form prescribed for that purpose by the Islands Trust and pay the *permit* fee prescribed by Salt Spring Island Local Trust Area Soil Removal and Deposit Fees and Prohibition Bylaw, No. 419, 2008.
- 4.2 In relation to the proposed *removal* or *deposit*, every application for a *permit* shall include:
- 4.2.1 an Assurance of Qualified Professional and Commitment for Field Review prepared by a *qualified professional* in the form set out as Schedule "B" to this Bylaw; and
- 4.2.2 a report prepared by a *qualified professional* that includes plans of the proposed *permit area* and recommendations detailing how the proposed *removal* or *deposit* will be conducted in compliance with each of the operating standards set out in Section 5 of this Bylaw and describing the proposed restoration and remediation of the site. The *qualified professional* must certify that their report has identified all risks and factors set out in Section 5 of this Bylaw and has identified all reasonable measures to protect against these risks if operations proceed.

5.0 REGULATIONS AND OPERATING STANDARDS

- 5.1 *Bylaw Compliance:* All operations shall be in compliance with all other bylaws of the Salt Spring Island Local Trust Committee.

All Deposit and Removal Operations

- 5.2 *Removal* and *deposit* operations, whether requiring registration or *permit* or exempt from registration or *permit*, shall comply with the following operating standards:
- 5.2.1 *Dust Control:* All persons conducting *removal* or *deposit* operations shall control the escape of dirt, dust and smoke so as to prevent a private or public nuisance affecting any neighbouring property, highway or right-of-way;
- 5.2.2 *Water and Erosion Control:* All persons conducting *removal* or *deposit* operations shall control water runoff and erosion in such a manner that natural watercourses, ground water *aquifers* and facilities draining the *deposit* or *removal* area are kept free of silt, clay, sand, rubble, debris, gravel and all other contaminants;
- 5.2.3 *Damage Prevention:* No person shall *remove* or *deposit soil*, *rock* or *topsoil* so as to encroach upon, undermine, or physically damage any adjacent or nearby *lot*, building, structure, highway, park, trail, or green space;
- 5.2.4 *Slope Stability:* Every person conducting *removal* or *deposit* operations shall maintain slopes at a stable angle.

Deposit and Removal Operations for Volumes Over 40m³

- 5.3 *Removal* and *deposit* operations, whether required by registration or *permit* or exempt from registration or *permit*, involving *volumes* of over 40m³ shall comply with the following additional operating standards:
- 5.3.1 *Notice of Rock Breaking and Blasting:* No person shall break or blast *rock* until 12 hours advance written notice has been given to the *Islands Trust* and to the occupants of all *dwelling* units or other buildings located within 300 metres of the site of the *rock* breaking or blasting. The notice shall describe the work to be done, the location, the approximate quantity of *rock* to be broken or blasted, the expected date of commencement and the estimated duration of the *rock* breaking or blasting operation.

5.3.2 Hours of Operation and Noise.

- 5.3.3.1 No person shall *remove* or *deposit soil, rock* or *topsoil* in such a manner that it creates noise which can be heard at the boundaries of the *lot* containing a *removal* or *deposit* area on *holidays* or Sundays or before 8:00 a.m. and after 5:00 p.m. on any day.
- 5.3.3.2 No person shall drill, blast or break *rock* on *holidays*, Saturdays, Sundays or before 8:00 am and after 5 P.M. on any day.
- 5.3.3.3 Operations during *permitted* hours shall be conducted in such a manner as to minimize noise impacts upon neighbouring land uses.
- 5.3.3.4 *Removal* or *deposit* activities shall not be subject to restricted hours of operation in sections 5.3.3.1 or 5.3.3.2 where hours of operation cannot be reasonably altered due to factors such as tides, ferry schedules, weather conditions or fire hazards in forests, or emergency works to prevent damage to structures and all reasonable measures have been taken to abate noise as described in Section 5.3.3.3.

Deposit and Removal Operations in a Permit Area

- 5.3 Every person *removing* or *depositing soil* in a manner which requires a *permit* under this Bylaw, shall also comply with the following operating standards:
 - 5.3.1 *Marking Permit Area:* No person shall conduct *removal* or *deposit* operations in a *permit area* unless the boundary of the *permit area* is clearly marked with signs and flagging.
 - 5.3.2 *Re-vegetation of Disturbed Areas:* Every person who *removes* or *deposits* in a *permit area* shall complete the re-vegetation of disturbed areas in accordance with the *deposit* or *removal permit* conditions within 90 days of the expiry of the *permit*.

Soil Deposit and Removal Operations in a Mines Area

- 5.4 Every person conducting *removal* or *deposit* operations in a manner which requires a *mines permit* shall also comply with the following operating standards.
 - 5.4.1 *Buffering of Neighbouring Land Uses:* No person shall *remove* or *deposit* in an area subject to a *mines permit* unless there is an undisturbed buffer area of at least 150 metres around the perimeter of the *mine area* on *lots* with an area of 4 hectares or at least 50 metres around the perimeter of the *mine area* on *lots* with an area less than 4 hectares.
 - 5.4.2 Section 5.4.1 shall not apply to *mine areas* which have a valid *mines permit* on May 1, 2008.
 - 5.4.3 *Mine Security:* No person shall conduct *removal* or *deposit* operations in a *mine area* unless access roads to the *mine area* are controlled at all times, by a gate or other suitable device to minimize hazards to human and animal life and to prevent unauthorized *deposit* or *removal*.
 - 5.4.4 *Hours of Operation and Noise:* No person shall conduct *removal* or *deposit* operations in a *mine area* on *holidays*, or on Saturdays and Sundays, or before 8:00 a.m. and after 5:00 p.m. from Monday to Friday. Operations during permitted hours shall be conducted in such a manner as to minimize noise impacts upon neighbouring land uses.
 - 5.4.5 *Re-vegetation of Disturbed Areas:* Every person who *removes* or *deposits* in a *mine area* shall submit to the Islands Trust a re-vegetation plan prepared by a *qualified professional* before *deposit* or *removal* operations commence.
 - 5.4.6 *Completion of Operations:* Every person who *removes* or *deposits* in a *mine area* shall complete the re-vegetation of disturbed areas within 90 days of completion of the *removal* or *deposit* operations in accordance with the plan submitted to the Islands Trust.

6.0 PERMITS

- 6.1 The Salt Spring Island Local Trust Committee delegates to the Regional Planning Manager the authority to issue a *permit* for *volumes* of *soil* proposed to be *removed* or *deposited* up to and including 5,000 m³. Where the *volumes* of *soil* proposed to be *removed* or *deposited* are greater than 5,000 m³, then the Salt Spring Island Local Trust Committee will issue the *permit*.
- 6.2 A *permit* constitutes written authority under this Bylaw to conduct only those activities described in the *permit*.
- 6.3 The issuance of a *permit* shall not constitute authority to conduct *processing* of any kind.
- 6.4 All plans, specifications and reports forming part of an application in respect of which a *permit* is issued shall form part of and be incorporated in the *permit*; and, without limiting the foregoing, a *permit* issued shall specify the type and *volume* of *soil*, *rock* or *topsoil* that is to be *deposited* or to be *removed*.
- 6.5 Every *permit* issued shall cease to authorize *removal* or *deposit* as the case may be upon the earlier of:
 - 6.5.1 the *removal* or *deposit* of the amount of *soil*, *rock* or *topsoil* authorized to be *removed* or *deposited* by the *permit*;
 - 6.5.2 the termination of services of the *qualified professional* who provided the Assurance and Commitment under section 4.2.1; and,
 - 6.5.3 the expiry date expressly stated in the *permit*.
- 6.6 In the event of termination of services of a *qualified professional*, the *permit* shall be deemed to be reinstated if the *permit holder* provides the Assurance and Commitment of another *qualified professional*.
- 6.7 The term for any *permit* shall not in any event exceed one year except that a *permit* for *volumes* exceeding 5000m³ shall not exceed 5 years.

7.0 SECURITY

- 7.1 A *permit holder* shall provide the Islands Trust with an irrevocable letter of credit as a security for full compliance with the requirements specified in the *permit*.
- 7.2 The amount of the security shall be \$4,000.00, plus \$4,000.00 for each additional hectare on a pro-rated basis of land to be disturbed as authorized by the *permit*. For example, if 1.5 hectares is to be disturbed, then the amount of security would be \$6,000.00.
- 7.3 Subject to subsection 7.4, the security required pursuant to this section shall be returned to the *permit holder* provided that:
 - 7.3.1 the area authorized by the *permit* has been reclaimed in accordance with the plans submitted as part of the application; and,
 - 7.3.2 a report by a *qualified professional* has been received by the Islands Trust, confirming that the area authorized by the *permit* has been reclaimed in accordance with the plans, that the land is safe for any use intended and that the terms of the *permit* are completely satisfied.
- 7.4 Within thirty days of receiving the report from the *qualified professional* pursuant to subsection 7.3, the *Islands Trust* must:
 - 7.4.1 return the security to the *permit holder*; or
 - 7.4.2 reject the report and give notice to the *permit holder* of the deficiencies in the report or in the reclamation of the area authorized by the *permit*.

- 7.5 If the *permit holder* has not remedied any deficiencies referred to in subsection 7.4 within sixty days of receipt of the notice pursuant to subsection 7.4, the *Islands Trust* may use the security to perform the work.

8.0 REPORTING

- 8.1 On completion of the work, and prior to expiration of a *permit*, the *permit holder* shall submit to the *Islands Trust* a report prepared by a *qualified professional*, at the *permit holder's* expense, certifying that upon completion of the *removal* or *deposit* the work substantially complies with the terms of the *permit* and the conditions specified in the plans, specifications and reports prepared by the *qualified professional*. This report shall also include a final determination of the *volume* of *soil*, *rock* or *topsoil removed* or *deposited* calculated in cubic metres and a confirmation or recalculation of any *permit* fee paid under the Salt Spring Island Local Trust Area Soil Removal and Deposit Fees and Prohibition Bylaw No. 419, 2008.

9.0 ADMINISTRATION AND ENFORCEMENT

- 9.1 The Director of Local Planning Services, or their designate, or any other person appointed by the Salt Spring Island Local Trust Committee to administer this Bylaw, is authorized to enter at any reasonable time upon any *lot* subject to the regulations of this Bylaw, to determine whether the regulations are being observed

10.0 OFFENCES

- 10.1 An offence is committed against this Bylaw by every person who:
- 10.1.1 conducts any *removal* or *deposit* without a *permit* if a *permit* is required;
 - 10.1.2 conducts any *removal* or *deposit* without registering, if registering is required;
 - 10.1.3 violates any of the provisions of this Bylaw;
 - 10.1.4 fails to comply with any of the terms or conditions of a *permit*;
 - 10.1.5 allows any act or thing to be done in contravention or violation of this Bylaw or any part of a *permit*;
 - 10.1.6 being the owner or occupier of a *lot*, fails to prevent any other person from contravening any part of this Bylaw or a *permit* issued under it; or
 - 10.1.7 fails to comply with any order or notice given under this Bylaw.

11.0 PENALTIES

- 11.1 Every person who commits an offence under this Bylaw or a *permit* issued under it is liable upon summary conviction to a fine not exceeding \$10,000.
- 11.2 Each day of any violation, contravention or breach of this Bylaw or a *permit* issued under it, or each *removal* or *deposit* of any *volume* of *soil*, *rock* or *topsoil* exceeding 10m³ in violation, contravention or breach of this Bylaw or *permit* issued under it, shall be deemed to be a separate and distinct offence.
- 11.3 Nothing in this Bylaw shall limit the *Salt Spring Island Local Trust Committee* from pursuing any other remedy that would otherwise be available for a contravention of the bylaw.

12.0 SEVERABILITY

12.1 If any section, subsection, clause or phrase of this Bylaw is for any reason held to be invalid or illegal by a decision of any Court of competent jurisdiction, it shall be severable, and such a decision shall not affect the validity of the remaining sections, subsections, clauses or phrases of this Bylaw.

READ A FIRST TIME THIS 5th DAY OF June ,2008

READ A SECOND TIME THIS 5th DAY OF June ,2008

READ A THIRD TIME THIS 3rd DAY OF July ,2008

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
15th DAY OF July ,2008

ADOPTED THIS 2nd DAY OF October ,2008

SECRETARY

CHAIR

SCHEDULE "A"

SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 418, 2008

REGISTRATION APPLICATION REQUIREMENTS

Registration Application Form

Prior to commencing *removal* or *deposit* activity, the property owner or owner's agent must submit a completed registration form. The following information is required:

1. Contact information;
1. The legal description or street address of the property;
2. The location of the work on the property shown by identifying the work location on a location plan;
3. A description of the work, the purpose of the work, and an estimate of the *volumes of soil, rock or topsoil to be removed and/or deposited*;
4. An estimate of the duration of the work;
5. The completion of a checklist which includes the following:
 - 5.1 confirmation that the proposed works do not include *removal* of more than 100 m³ of *rock* or *topsoil*, or the *deposit* of more than 100 m³ of *topsoil* or more than 1000m³ of *rock*, or the *removal* or *deposit* of the combined total of any *volume of soil, rock or topsoil* exceeding 1,000 m³, for which a *permit* is required;
 - 5.2 confirmation that the location is not on a foreshore, *wetland* or riparian area;
 - 5.3 confirmation that the location is not within a *development permit* area;
 - 5.4 confirmation that the owner or owner's agent has received (or confirms previous receipt of) a copy of the *Environmental Guidelines to soil removal and deposit* and a summary of regulations that may pertain to the proposed works;
 - 5.5 the owner or owner's agent agrees to conduct the *deposit* and *removal* activity consistent with the *Environmental Guidelines*; and
 - 5.6 the owner or owner's agent acknowledges other approvals or consultations (if any) that are required prior to the commencement of the proposed works.

SCHEDULE “B”

SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO 418, 2008

ASSURANCE OF QUALIFIED PROFESSIONAL AND COMMITMENT FOR FIELD REVIEW

Date:

Islands Trust
1-500 Lower Ganges Road
Salt Spring Island, BC, V8K 2N8

Re: Application for *Removal (Deposit)* at

(civic address and legal description)

I, the undersigned registered professional engineer/landscape architect/land surveyor hereby give assurance that:

1. I am familiar with the environmental protection policies of the Salt Spring Island Local Trust Committee as expressed in the Salt Spring Island Official Community Plan and with the BC Ministry of Environment’s “Environmental Guidelines for Urban and Rural Land Development in British Columbia”;
2. I have considered and informed the owner and/or applicant of alternative designs for the proposed works that may reduce the environmental impacts and transportation requirements of the proposed works; and
3. the use or development of the property described above cannot be reasonably achieved without the *removal (deposit)* in the quantities and manner as shown on the plans, specifications and supporting documents prepared and signed by me and attached to this letter.

I give further assurance that the design, location, quality, nature, depth, *volume* and configuration of the *removal (deposit)* and works to be constructed and undertaken in support of and in relation thereto, all as shown on the plans, specifications and supporting documents prepared and signed by me and attached to this letter:

4. are consistent with the regulations and operating standards of the Salt Spring Island Local Trust Committee Bylaw No. 418, 2008;
5. constitute sound, reasonable *removal* and *deposit* practices and are consistent with the BC Ministry of Environment’s “Environmental Guidelines for Urban and Rural Land Development in British Columbia”; and
6. when, and if, carried out in conformance with such plans, specifications and supporting documents, will not constitute any reasonably foreseeable risk or hazard to persons or property.

The undersigned undertakes to conduct such supervision, testing and field review as is necessary to ensure the *removal (deposit)* complies with the plans, specifications and supporting documents attached hereto.

I assure you that I have been given the authority by the owner of the lands on which the *soil, rock* or *topsoil* is to be *removed (deposited)* and by the applicant for the *permit* (if different from the owner) to stop, remove or redirect the *removal (deposit)* as required in my judgment and as required to comply with the plans, specifications and supporting documents attached hereto, the BC Ministry of Environment’s “Environmental Guidelines for Urban and Rural Land Development in British Columbia” and Bylaw No. 418.

I will notify you in writing immediately if my contract for field review, testing or supervision is terminated or limited at any time before the completion of *removal (deposit)* described in the plans, specifications and supporting documents attached hereto.

(Affix professional seal)

Signature

Name (Please Print)

Address

I, the applicant for the *Removal (Deposit) Permit* for the *removal (deposit)* at the above address, acknowledge that I have read this letter and agree with its contents. I have also reviewed the plans, specifications and supporting documents attached to this letter and they accurately represent the proposed work. I advise you that I have given

(Name of registered professional)

the authority to conduct testing and field review and to supervise the *removal (deposit)* including the authority to stop the *removal (deposit)*, or redirect it as set out in this letter. I acknowledge and understand that all authority and permission to *remove (deposit)* under any *permit* issued to me pursuant to any application will automatically cease and be suspended if the *qualified professional's* services are terminated or limited and will not be reinstated until such time as another *qualified professional* submits to you a signed and completed letter in this form.

Witness's Signature

Signature of Applicant for Permit

Name (Please Print)

Name (Please Print)

Address

Address

or:

The Corporate Seal of _____

was hereto affixed in the presence of:

Authorized Signing Officer

Authorized Signing Officer

SCHEDULE "C"

SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO.

REMOVAL AND DEPOSIT PERMIT NO. _____

Pursuant to Salt Spring Island Local Trust Committee Bylaw No. 418, permission is hereby granted to:

(Name)

of:

(Address)

(Telephone)

to deposit (remove) _____ cubic metres of _____ upon the property located at:

(Address of property)

Described as:

(Legal Description of property)

in accordance with the provisions of the Salt Spring Island Soil Removal and Deposit Bylaw No. 418, Application No. _____ and the plans, specifications and other supporting documents filed therewith as approved, and initialled as approved by the *permit holder*, all which form a part of this *Permit* and constitute the terms and conditions of this *Permit*.

Conditions: (to be stipulated by the Islands Trust)

This *permit* is issued on the condition that the *permit holder* fully complies with all provisions of the Salt Spring Island Soil Removal and Deposit Bylaw No. 418 and all terms and conditions of this *Permit*.

Received from _____ this _____ day of _____, 200_ the sum of \$ _____

as Removal and Deposit Fee (if applicable). Receipt No: _____

This Removal and Deposit Permit is issued this _____ day of _____, 200_ and shall expire _____ after the day of issuance.

Islands Trust