

# THE FIRST MEETING OF THE TOPSOIL COMMITTEE OF THE CITY OF GREATER SUDBURY

C-11  
Tom Davies Square

Thursday, March 16, 2006  
Commencement: 10:05 a.m.

Chair

**ANGIE HACHÉ, CITY CLERK, IN THE CHAIR**

Councillors

Councillor Bradley; Councillor Dupuis

Staff

R. Norton, Drainage Engineer; B. Gutjahr, Manager of By-law Enforcement Services; H. Salter, Deputy City Solicitor; P. Baskcomb, Manager of Community & Strategic Planning; G. Mazza, Director of Building Services/Chief Building Official; T.C. Wu, Senior Planner; E. Labelle, Clerk Designate; CJ Caporale, Council Secretary

Others

G. Speirs, Chair in Environmental Monitoring Earth Sciences/Chemistry & Biochemistry/MIRARCO

Declarations of  
Pecuniary Interest

None declared.

Appointment of  
Chair & Vice-Chair

The following resolution was presented:

2006-01 Dupuis-Bradley: THAT Councillor Ron Bradley be appointed as Chair of the Topsoil Committee for the term ending November 30, 2006.

**CARRIED**

The following resolution was presented:

2006-02 Bradley-Dupuis: THAT Councillor Ron Dupuis be appointed as Vice-Chair of the Topsoil Committee for the term ending November 30, 2006.

**CARRIED**

**COUNCILLOR RON BRADLEY, IN THE CHAIR**

Welcoming Remarks

Councillor Bradley welcomed everyone present and briefly outlined the reasons for a Topsoil Committee.

He stated that years ago farming was well established and that a lot has changed since then. Farmers are stripping their land and selling the topsoil. Since he has been on Council, citizens have been requesting a by-law to regulate topsoil stripping.

Welcoming Remarks  
(continued)

Councillor Bradley indicated that the Provincial government has made it clear that agricultural land must be protected. He also indicated that in 2001, Council was advised to wait until the new Official Plan was completed before proceeding with a by-law. Now that the Official Plan is almost finalized, it is time to put a by-law into effect.

Item 1  
Committee Mandate

Councillor Bradley reviewed the Committee's mandate:

1. Examine Council's policies and provisions as contained in the Official Plan, the new draft Official Plan, secondary plans and zoning by-laws;
2. Examine the provisions of the Municipal Act, 2001 with respect to topsoil preservation, fill placement and grading of lands;
3. Prepare a by-law for Council's consideration if appropriate;
4. Recommend to Council policies, practices and regulations to preserve the topsoil on lands valuable for agriculture and forestry; and
5. Provide for the rehabilitation of lands where topsoil removal is permissible.

Item 2  
Official Plan  
Agricultural Reserve  
Policy

Mr. Baskcomb provided a verbal presentation on the new Official Plan - Agricultural Reserve Policy. He stated that in the last three years, staff have been working on a new Official Plan. Two drafts have been completed and a final draft will be brought to the Planning Committee in the near future.

He indicated that a Provincial Policy Statement places new requirements on municipalities in terms of designating agricultural land, in particular, not permitting residential severances in agricultural areas.

Mr. Baskcomb and Mr. Wu provided a map with three options proposing certain land areas as Agricultural Reserve. He indicated that the Topsoil by-law would only apply to lands in the Agricultural Reserve.

Mr. Wu stated that Option 1 of the first draft of the Official Plan covers approximately 77,715 acres, Option 2 comprising of provincial significant agricultural land covers approximately 14,503 acres, and Option 3 which includes the same land as in Option 2 and covers approximately 42,105 acres.

Item 2  
Official Plan  
Agricultural Reserve  
Policy  
(continued)

Mr. Baskcomb indicated that it will be 1-2 years before the Official Plan will be in effect after it is approved by the Ministry of Municipal Affairs and Housing. Staff anticipate it will be similar to Option 2 or Option 3.

Item 3  
Legal Issues

Letter dated 2006-03-13 from Mr. Ron Swiddle, City Solicitor regarding Topsoil By-law, was tabled.

Ms. Salter advised that municipalities, under the Municipal Act, can regulate the removal of topsoil. The Committee will need to chose what matters to include in the by-law. Legal Services have prepared two draft by-laws, however, direction is required from the Committee.

Item 4  
Order of Magnitude  
Study

Mr. Norton indicated that topsoil preservation goes back a number of years to the 1980's. He stated that former City of Valley East was the only municipality within the former Region of Sudbury to pass a Topsoil By-law. Public meetings were held with respect to concerns on the proposed by-law. This new by-law was not successful in enforcement and regulation. He indicated that it was difficult to find a balance between those who wanted to preserve the land and those who were supplying the product to the community.

He pointed out that rehabilitation of stripped land has not been successful or widely undertaken. The impetuous must come from the City of Greater Sudbury to spear-head the by-law or control the process.

Expert examination of the subject property, as far as existing status, would include drainage courses, road access, land resources such as depth of soil, etc. would need to be developed.

Mr. Norton indicated that a review by external experts would be required in order that the City of Greater Sudbury is not caught between the preservation groups and the retail industry. Eternal expertise to help the City with a peer review of engineering reports and assistance with performance.

Mr. Mazza indicated that documentation, evaluation process of the permit application will need to be developed based on the criteria Council approves. There are some municipalities with a system in place, namely Ottawa, London and Kitchener and suggested that they be contacted for further information.

Item 4  
Order of Magnitude  
Study  
(continued)

An assessment report would be required including items such as topography, data survey to assess soil, geotechnical and hydrogeological information rehabilitation plan, etc. This would establish conditions of the property prior to any removal of soil, allow for a site review during the course of the process.

Mr. Mazza provided approximate fees for the application process and advised that based on a 500 acre site, the total fee would be approximately \$30,000-\$40,000 once the application was approved. He also indicated that this process could have a budget impact to the City.

Mr. Speirs stated that topsoil removal must be managed properly. It takes thousands of years for these soils to develop. If you strip topsoil, you allow short term profit and remove agricultural business from your community. He compared topsoil stripping to a mining process to degrade lands goes counter to land reclamation which is recognized.

Item 5  
Next Steps

Councillor Bradley requested that the Planning Division, in conjunction with the Agricultural Advisory Panel, provide the Topsoil Committee, at the next meeting, with a report regarding the number of acreage within the City of Greater Sudbury that has been used for topsoil stripping and also, provide a topographical map.

Also, at the next meeting, information regarding what the Municipal Act permits with respect to topsoil removal, examine by-laws from other municipalities and items to be considered in a proposed by-law.

Next Meeting

Date: Monday, April 10, 2006  
Time: 4:30 p.m.  
Place: C-11, Tom Davies Square

Adjournment

2006-3 Dupuis-Bradley: That this meeting does now adjourn. Time: 11:30 a.m.

**CARRIED**

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Councillor Ron Bradley, Chair

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Angie Haché, City Clerk