

**THE SECOND MEETING OF THE TOPSOIL COMMITTEE
OF THE CITY OF GREATER SUDBURY**

C-12
Tom Davies Square

Monday, April 10, 2006
Commencement: 4:33 p.m.

Chair

COUNCILLOR RON BRADLEY, IN THE CHAIR

Councillors

Councillor Thompson

Staff

R. Norton, Drainage Engineer; B. Gutjahr, Manager of By-law Enforcement Services; R. Swiddle, City Solicitor; P. Baskcomb, Manager of Community & Strategic Planning; T.C. Wu, Senior Planner; A. Haché, City Clerk; E. Labelle, Clerk Designate; CJ Caporale, Council Secretary

Declarations of
Pecuniary Interest

None declared.

Item 2
Acreage Affected

Mr. Paul Baskcomb, Manager of Community and Strategic Planning and Mr. Tin Chee Wu, Senior Planner, gave a verbal presentation and displayed topographical maps which indicated the acreage affected by topsoil removal. They indicated that they met with the Agricultural Panel and mapped properties affected by topsoil stripping. They provided a detailed description of the maps which show the whole parcel, however, that does not mean the entire parcel was topsoil stripped or used for sod farming.

Councillor Bradley asked if the percentage of farm land not affected was available and how much of land needs to be protected. Mr. Baskcomb advised that only small portions of the parcels are affected by topsoil stripping and that the majority of the parcels are in the Agricultural Reserve and are protected from topsoil stripping.

Mr. Ron Norton, Drainage Engineer, stated that in Valley East it might be difficult to determine the number of acreage affected. The topsoil stripping in Valley East was not closely monitored and operators may have strayed from what the topsoil stripping permitted.

Item 3
Legal Report

Section 142, Municipal Act, 2001, was distributed to the Committee for information only.

Section 142, MA, 2001

Mr. Ron Swiddle, City Solicitor stated that the new Municipal Act, 2001 repeals the old Topsoil Preservation Act. The new Municipal Act came into effect on January 1, 2003 and this is the legislation that regulates topsoil removal.

Mr. Swiddle highlighted sections of the Municipal Act that govern removal of topsoil, placing of fill or alteration of grades.

Municipal By-laws

By-law 25-2005 of the Corporation of the Township of South-West Oxford and By-law 33-2004 of the Corporation of the Town of Milton was distributed to the Committee for information only. Mr. Swiddle pointed out that these two municipalities have passed these by-laws under the new Municipal Act now in effect.

Mr. Swiddle advised that By-law 25-2005 deals with topsoil stripping only, whereas By-law 33-2004 covers more territory such as altering grades, dumping, etc. Both provide for permit applications.

Mr. Norton indicated that municipalities who have a topsoil removal by-law have noticed that operators are no longer applying for permits and are not willing to go through the process. He stated that the by-laws may have dampened the removal process, therefore, forcing operators towards other municipalities that have no by-law in effect.

Councillor Bradley asked the City Solicitor if a by-law could have restrictions such as no stripping on Agricultural zoned land or where stripping is allowed, apply conditions such as dust control, drainage, rehabilitation, etc.

Mr. Swiddle indicated that any conditions the Committee agrees upon could be applied to the by-law.

Legal Issues & Considerations

Mr. Swiddle distributed a list of issues and considerations regarding topsoil removal by-laws, which was prepared by a Legal Consultant, for the Committee to review and discuss.

Councillor Bradley asked the City Solicitor when a public meeting should be held. Mr. Swiddle indicated that the public meeting should be held after the by-law has been drafted which will include certain items such as fees to be applied, what lands are to be affected, requirements and conditions, etc.

Mr. Norton suggested that the City identify an expert person and direct applicants to them, which would prevent any bias. He indicated that the applicant should be responsible for the rehabilitation, by performing the work himself or providing a deposit to the City, in order that the City rehabilitate the property. He also indicated that stripping could be performed in different phases, such as having 10-15 acres stripped at a given time to control any possible conditions.

Councillor Thompson stated that the by-law should not make the process cost prohibitive, but should protect certain lands.

Item 3
Legal Report

Legal Issues &
Considerations
(continued)

Councillor Bradley requested that a draft application be provided to the Committee, in order to review the costs, process, conditions, etc. He asked that Mr. Swiddle speak with the Director of Building Services/Chief Building Official concerning this matter.

Councillor Thompson requested that the Planning Division provide a list of land that has been affected by stripping, indicating a percentage of each parcel. He stated that these statistics could establish that the amount of property affected may not be as great as previously thought.

Mr. Baskcomb will provide a map with the aforementioned information showing the number of parcels affected instead of the acreage.

Item 4
Next Meeting

The Committee will meet once Mr. Mazza has the required information prepared.

Adjournment

2006-4 Dupuis-Bradley: That this meeting does now adjourn. Time: 5:35 p.m.

CARRIED

Councillor Ron Bradley, Chair

Angie Haché, City Clerk