

THE THIRD MEETING OF THE TOPSOIL COMMITTEE OF THE CITY OF GREATER SUDBURY

C-12
Tom Davies Square

Monday, June 26, 2006
Commencement: 7:35 p.m.

Chair

COUNCILLOR RON BRADLEY, IN THE CHAIR

Councillors

Councillor Dupuis

Staff

R. Norton, Drainage Engineer; B. Gutjahr, Manager of By-law Enforcement Services; P. Baskcomb, Manager of Community & Strategic Planning; G. Mazza, Director of Building Services/Chief Building Official; E. Labelle, Clerk Designate; CJ Caporale, Council Secretary

Others

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

Declarations of
Pecuniary Interest

None declared.

Opening Remarks

The Chair welcomed those present and introduced the Committee members. He advised that this meeting was being held in order to receive input from the topsoil producers on the proposed draft Topsoil By-law, which would be presented to Council for final approval.

Mr. Baskcomb explained that topsoil stripping would not be prohibited, but that the concerns of local residents regarding dust control, drainage, and rehabilitation would have to be addressed. He indicated that the Committee recognizes the challenges the producers face and would like to hear possible solutions.

The Chair asked if there was any person present who wished to address the Committee on this matter.

PUBLIC INPUT

Mr. Lionel Brosseau

Mr. Brosseau indicated that he has been in the topsoil business for forty years and property that was stripped twenty years ago has been rehabilitated. He stated that businesses who have not maintained their properties should be penalized and there should be controls in place. He indicated that topsoil is a required commodity and is used by the City of Greater Sudbury, INCO and the community in general.

Mr. Marc Lafreniere

Mr. Lafreniere indicated that producers in Valley East have permits that were issued under the By-law which applies to the former City of Valley East. He questioned their validity.

Mr. Norton advised that the Committee was looking for aspects of future control rather than past practices and is trying to implement regulations that are fair and equitable. The intent is to grandfather existing permits.

Mr. Don Theriault

Mr. Theriault indicated that when he sold his business, the supply of topsoil to the new owner for the first year was a condition in the Agreement of Purchase and Sale. If topsoil removal is prohibited, the new owner could go bankrupt.

Mr. Norm Belzile

Mr. Belzile asked the Committee if the proposed by-law would apply to sod farming?

Mr. Labelle indicated that the Municipal Act, 2001 states that a by-law respecting the removal of topsoil does not apply to the removal of topsoil as a part of sod-farming.

Ms. Gisele Labelle

Ms. Labelle indicated that once this by-law is implemented, the cost of assessing the lands will increase the cost of topsoil. She asked who would pay for those costs?

Mr. Lionel Brosseau

Mr. Brosseau stated that he could live with controls because there are those who do not abide by the rules.

Mr. Marc Lafreniere

Mr. Lafreniere stated that he has had permits for twenty years and has followed the requirements by restoring his properties when finished with them. There is land that has not been farmed for many years and will never be farmed. Will this by-law prevent the producers from buying more land?

Mr. Graeme Speirs

Dr. Spiers advised when land is stripped down too far, it can take centuries for it to rejuvenate. With controls in place and the land properly treated, rehabilitation is possible.

The Chair advised that the province has indicated that municipalities must start to protect their agricultural lands for the future.

Mr. Norm Belzile

Mr. Belzile asked that producers be supplied with copies of maps indicating where all Agricultural Reserve ("AR") lands are located.

Mr. Baskcomb advised that the maps are on the City's web site and copies can be picked up in the Planning Department.

Mr. Luc Houle

Mr. Houle asked if the properties that have existing permits would be grandfathered?

General Discussions

Mr. Norton indicated that their main concern is the condition of the land after it is stripped. Feedback from the industry on the type of controls is necessary and also, having a visual that the rehabilitation is occurring is important.

Dr. Spiers stated that gravel pits have regulations in place for reclamation. A good by-law could include a degree of reclamation by recommending that someone be assigned to inspect the stripped land to verify what must be done to rejuvenate it and if it can be reclaimed.

The Chair also stated that the by-law would provide for a hold-back or bond to be released once the land has been rehabilitated.

A discussion regarding the process of topsoil removal was provided whereas, the land is worked three years in advance prior to stripping. Trees, stumps, and brush are removed, land is plowed to prevent weeds from growing, and topsoil and garden loam is stockpiled during the fall and winter months for the spring. Soil analysis is done by Laurentian University and is provided to the buyer.

Mr. Dan Ranger

Mr. Dan Ranger suggested that the City assign one individual to monitor the rehabilitation of properties and penalize those who do not comply.

Regulating Topsoil Removal

Mr. Mazza indicated that the City does not want to over regulate the industry. He also indicated that the City does not want to burden the industry, but complaints have been received and must be addressed. Does the City regulate or does the industry regulate itself? He stated that because there are existing permits that were issued by the former City of Valley East, producers will have to supply documentation, indicating what the permit was for. Will these properties be grandfathered? Were there restrictions set out by Valley East? Were only certain parcels allowed to be stripped? The producers will have to supply this information. How does the City prove that you have the right to operate your business? Mr. Mazza indicated that the Committee and the producers need to work together to bring this by-law to a level that everyone can live with. He stated that the producers would be required to hire their own expert and police themselves.

Mr. Brosseau stated that properties should be visited or inspected once a year because most producers are following the proper procedures.

Regulating Topsoil
Removal
(continued)

Mr. Mazza stated that a process needs to be developed that allows the producer to continue topsoil removal but also has control mechanisms in place. He also stated that grandfathering is an issue as well as how this will be implemented.

Mr. Lafreniere advised that there are five to six farms which are currently being stripped and these should be grandfathered. He also stated that he has documentation indicating property descriptions. He advised that in the past Mr. Andre Houle from the City of Valley East would verify that the properties had been rehabilitated.

Mr. Mazza confirmed that if documentation is provided, the properties that were issued permits would be grandfathered.

Dr. Spiers stated that the best practice is to stipulate and to encourage the industry to monitor themselves. By policing themselves, the industry is protecting themselves.

Mr. Labelle asked the producers what the average cost was to rehabilitate properties per acre. This amount could be used as a deposit or bond.

Dr. Spiers stated that the objective of a bond is to cover the cost of rehabilitation if a business fails to meet its obligations.

Mr. Mazza stated that the by-law could have provisions stating the total amount of acres a company can work at one time.

Mr. Theriault suggested that if producers are regulated they should leave two inches of topsoil once land has been stripped, then policing would not be required.

Mr. Mazza advised that experts indicate that without six inches of topsoil, land can not be farmed. There are several areas to review such as what is proper rehabilitation? Would it encompass grass, trees, shrubs, etc and would they require different amounts of topsoil?

Dr. Spiers asked what process was used to rehabilitate property.

Mr. Lafreniere stated that the land is disk harrowed and reseeded at a cost of approximately \$250 to \$500 per acre.

Mr. Mazza stated that the idea is to let the industry regulate themselves with their own consultant, provide the proper documentation to the City in order that the City can inspect the property at a later date.

Closing Remarks

The Chair advised those present that once the draft by-law has been written, further input will be required in order to make any necessary changes. He also stated that new rules and regulations will be reviewed for the properties that are to be grandfathered.

Councillor Dupuis thanked everyone present for attending the meeting and providing their input.

Adjournment

2006-5 Dupuis-Bradley: That this meeting does now adjourn. Time: 9:03 p.m.

CARRIED

Councillor Ron Bradley, Chair

Eric Labelle, Clerk Designate