

**To:** COUNCIL

**Meeting Date:** 11/28/2023

**Subject:** Site Alteration Bylaw

**Submitted By:** Sarah Austin, Manager of Development Engineering

**Prepared By:** Sarah Austin, Manager of Development Engineering

**Report No.:** 23-254-CD

**File No.:** C11

**Wards Affected:** All Wards

### **RECOMMENDATION(S):**

THAT Report 23-254-CD Site Alteration By-law be received;

AND THAT Bylaw 160-09, the Grading By-law, be repealed;

AND FURTHER THAT the Site Alteration By-law as attached be approved.

### **EXECUTIVE SUMMARY:**

#### **Purpose**

The existing Grading By-law does not apply to sites less than 0.5 hectares. In order to capture negative impacts from modifications to grading and land disturbances from these smaller properties, a revised Site Alteration By-law is presented for Council's consideration.

#### **Key Findings**

The existing Grading By-law, By-law 160-09, was approved in 2009 and has not been amended since. Through the use of the by-law and the issuance of grading permits under the by-law, improvements have been identified.

The proposed Site Alteration By-law provides regulations for the alteration of any site within the City, regardless of size, with specific direction to the maintenance of approved grading and drainage patterns.

The proposed by-law also outlines the requirements for a site alteration permit that allows work to be completed under the by-law.

The Site Alteration By-law references the 2023 Engineering Standards and Development Manual with regards to design and implementation of stormwater management and erosion control measures, and ensures those best management practices, along with tree protection and dust control measures are implemented and maintained.

### **Financial Implications**

There are no direct financial implications. There may be an increase to staffing workload as the proposed by-law covers all properties within the City and not just those larger than 0.5 hectares.

### **STRATEGIC ALIGNMENT:**

☐ Strategic Action

**Objective(s):** Not Applicable

**Strategic Action:** Not Applicable

**OR**

☒ Core Service

**Program:** Development Engineering

**Core Service:** Development Engineering

Through the development application process, the Development Engineering group reviews and approves grading works under the current Grading By-law and will continue to be the administrators of the proposed Site Alteration By-law.

### **BACKGROUND:**

By-law 160-09, known as the Grading By-law, has been in place since 2009. The Grading By-law is used primarily to issue Grading Permits, which allow earth moving activities on larger parcels of land. Grading Permits are typically issued to developers to allow site preparation of future subdivision or large lot site plans to begin ahead of execution of site plan or subdivision agreements.

Potential improvements with the existing by-law have been identified, specifically relating to inspection and enforcement clauses, as well as the ability to apply the by-law to sites smaller than 0.5 hectares. This has led staff to complete a full comprehensive review of the existing by-law and the development of the attached Site Alteration By-law.

## **ANALYSIS:**

### **Alignment with Engineering Standards and Development Manual**

Submission requirements for a Site Alteration Permit under the proposed by-law include stormwater management works, if necessary, and erosion and sediment control measures designed and implemented as per the Engineering Standards and Development Manual. Reference to the manual, which will be regularly reviewed, ensures that the works approved through a Site Alteration Permit are always designed as per the most current practices.

### **Land disturbances less than 0.5 hectares**

Under the existing Grading By-law, land disturbances less than 0.5 hectares are exempt from the requirements of the by-law and grading alterations to those sites do not require grading permits.

This exemption has caused circumstances where a property owner of a smaller site has altered the approved grading, typically through landscaping, construction of a pool or deck or shed, and has caused downstream drainage issues. Under the existing grading by-law, City staff have very limited, if any, options to seek corrective measures.

The Site Alteration By-law would apply to all sites, regardless of size. Land disturbances less than 0.5 hectares would be exempt from the requirement to have an approved site alteration permit, but work completed on any site would have to be in conformance with the by-law and ensure the intent of the approved grading and drainage is maintained and there are no downstream impacts.

Exempting smaller sites from the requirement to secure a site alteration permit is consistent with the permit requirements from the existing by-law, so if a site didn't need a permit before due to size of disturbance, they will not require one now, however all the other clauses of the by-law would apply, which is not the case currently.

### **Length of permit and number of extensions**

Under the existing by-law, a grading permit can be issued for a maximum of 180 days and can be extended indefinitely, with each extension being a maximum of 180 days.

The Site Alteration by-law maintains a maximum of 180 days for the initial permit, but limits the number of extensions to two, each for a maximum of 180 days. This would provide a maximum of 18 months for site alteration activities, which depending on the timing of the issuance of the original permit, could cover two construction seasons. Based on typical development activity, this should be a sufficient length of time for earth moving activities. Should a developer require longer to complete work after the

two extensions, they would be required to apply for a new permit. A new permit application would provide staff an opportunity to review the works again, specifically the erosion and sediment control measures and ensure they remain in compliance with the current City standards and best management practice.

### **Remedial Works**

Under the Site Alteration by-law, remedial works may be required or directed, either through an inspector or work order. Should the owner fail to complete the remedial works, the City can complete the works and can recover the costs from the owner.

### **EXISTING POLICY / BY-LAW(S):**

By-law 160-09 is the existing by-law that regulates or prohibits the alteration of the grade of land and the placing or dumping of fill on sites larger than 0.5 hectares when there is no site plan or subdivision agreement in place.

### **FINANCIAL IMPACT:**

There is no financial impact.

There may be an increase to staffing workload as the proposed by-law covers all properties within the City and not just those larger than 0.5 hectares.

The proposed permit fees under the proposed Site Alteration By-law are included in the approved Municipal User Rates and Fees By-law.

### **PUBLIC VALUE:**

The Site Alteration By-law supports sustainability through the development of clear requirements to manage and mitigate environmental challenges associated with earth moving and site alteration on any lot within the City. It ensures environmental sustainability by ensuring best management practices for erosion and sediment control, dust control and tree protection are implemented and maintained.

### **ADVISORY COMMITTEE INPUT:**

Not Applicable.

### **PUBLIC INPUT:**

Posted publicly as part of the report process.

### **INTERNAL / EXTERNAL CONSULTATION:**

The proposed Site Alteration By-law has been developed by Engineering staff and internal consultation has occurred with Building, Clerks, Operations and Legal staff.

## **CONCLUSION:**

The City's Grading By-law (By-law 160-09) has been in place since 2009.

The City has seen an increased number of permits issued over the last few years as developers begin site preparation ahead of site plan or subdivision agreements. With increased use and the passage of time, improvements within the by-law, specifically relating to inspection and enforcement, have been identified.

The Site Alteration By-law promotes environmental sustainability for site alteration by providing clear direction on the requirement for a site alteration permit that allows work to occur under the by-law and by ensuring best management practices for erosion and sediment control, dust control and tree protection are implemented and maintained.

Staff recommend that Council approve the Site Alteration by-law and repeal the existing Grading By-law, By-law 160-09.

## **REPORT IMPACTS:**

Agreement: **No**

By-law: **Yes**

Budget Amendment: **No**

Policy: **No**

## **APPROVALS:**

**This report has gone through the appropriate workflow and has been reviewed and or approved by the following as required:**

**Director**

**Deputy City Manager**

**Chief Financial Officer**

**City Solicitor**

**City Manager**

## **ATTACHMENTS:**

1. 23-254-CD Appendix A – Draft By-law Amendment