RECOMMENDATION
THAT Council of the Town of Minto receives the Chief Building Official’s Site Alteration By-law report for information and considers passing a Site Alteration By-law in open Council.

BACKGROUND
The Town of Minto has experienced a substantial amount of growth in the past several years. As such, it has caused interest in new subdivisions as well as the development and redevelopment of infill lots. As the easily developed parcels become built out and the cost of premium parcels increase, this causes people to look at other more difficult parcels for development, much of which tend to be lower lying areas or ones which have grading issues. These areas typically require fill to be imported or lot regrading to occur prior to being able to be developed.

As Council is also aware, more severe weather events have occurred over the past few years in our area. This, along with the decrease in the tolerance people have regarding standing water on their properties, have made some property owners looking at modifying the grading of their properties to prevent standing water. Staff have seen two main methods property owners within the Urban centres have explored to avoid standing water – raising the elevation of their property, or berming along the property lines.

With both scenarios, potential conflicts with adjacent properties could occur by damming up natural drainage paths. For new construction to alleviate similar concerns, Council has approved the requirement for the design and submission of grading plans. To avoid these concerns/conflicts when no other approval process is required, staff is proposing to implement a Site Alteration By-law, which will give the Town the same control when there is no other development process in place.

COMMENTS
Town Staff and our Consulting Engineer meet on a regular basis to discuss pending, proposed and potential development. Through these discussions, the need for a By-law to address the filling and altering of properties was identified as needed by all departments.

Staff looked to adjacent Municipalities to see what By-laws they had in place to address site alteration concerns. Although it is more prevalent towards the GTA (due to vast quantities of fill coming out of the GTA), other local Municipalities have site alteration by-laws in place to address similar concerns in their areas as we are seeing. The By-Law and Site Alteration Agreement staff is proposing mirrors other By-laws and processes in the local area.

The methodology of this proposed By-law is that a property owner is required to apply to the Town prior to them altering their site. Upon application:

- The owner/applicant are to submit plans designed by a Qualified Individual (Engineer or Surveyor, pending the scope of the alteration) detailing the proposed works;
• Identify the amount and location of fill being placed or scope of the site being regraded;
• Identify duration the activities are being proposed;
• Identify the pre and post alteration conditions of the property and adjacent properties;
• Identify the impact onto adjacent properties, through grading, erosion and sediment plans;
• Require security to be submitted and held by the Town in the amount equivalent to restore the site to its pre-alteration condition, a stable situation or a condition that mitigates impacts onto adjacent properties;
• Staff and the Town’s Consulting Engineer will review the application and its supporting documents and bring a report and proposal forward to Council for approval to enter into a Site Alteration By-law.

During the importation of fill or site regrading, after the Site Alteration Agreement has been entered into and the Site Alteration Permit has been issued:
• The owner is bound to the site modifications approved by Council and to any conditions imposed by the Site Alteration Agreement;
• Staff and its agents are permitted on the site to review the alterations at any time;
• Any default or deviation from the basis of the issuance of the Site Alteration Permit, the Town can use to the security to rectify the deficiency if the owner fails to comply once requested;
• The owner is required to implement dust control and mud-tracking measures;
• Prior to the release of the security deposit upon completion of the works, the owner’s engineer is to review and certify the works have been completed in accordance with the approved plans;
• All costs incurred for the owner to enter into a Site Alteration Agreement is at the sole cost of the owner.

With the implementation of the proposed By-law, the Town will have additional control over site modifications and through this, will see a reduction in grading conflicts between adjacent property owners.

FINANCIAL
In addition to staff time, there should be no financial implications on the Town.

STRATEGIC PLAN
Ensure growth and development in Clifford, Palmerston and Harriston makes cost effective and efficient use of municipal services, and development in rural and urban areas is well planned, reflects community interests, is attractive in design and layout, and is consistent with applicable County and Provincial Policies.

Terry Kuipers, C.B.C.O
Chief Building Official