



MUNICIPALITY OF **West Elgin**

Staff Report

Report To: Council Meeting

From: Robert Brown, Planner

Date: 2023-03-31

Subject: Site Alteration By-law – Information and Recommendation Report

Recommendation:

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding development and implementation of a site alteration by-law.

That West Elgin Council review the draft site alteration by-law and direct administration to proceed with development of the necessary support materials, i.e. forms, agreement template and set fines and to bring forward the completed by-law at a future Council meeting.

Purpose:

The purpose of this report is to provide West Elgin Council with information and background on the development of a site alteration by-law along with the proposed draft by-law itself.

Background:

What is site alteration? “Site Alteration” means any alteration to the grade (topography) of land through the movement, removal or placement of topsoil or fill. Under the *Municipal Act, 2001* Councils of a local municipality may pass by-laws prohibiting or regulating the placing or dumping of fill and the alteration of the grade of land in the Municipality.

What does a site alteration by-law do? Site alteration by-laws limit the ability of a property owner to undertake significant changes to a site, particularly related to grading and/or the introduction of fill. It is not a prohibition but rather requires a landowner, under certain circumstances, to provide information to the Municipality on the type and rationale for significant changes to a given property or properties and potentially enter into a site alteration agreement.

Why is a site alteration by-law necessary? There are a number of different reasons why this type of by-law has become necessary, particularly over the last several years and more specifically in smaller agricultural based areas. Many years ago large development companies started purchasing farm parcels for the sole purpose of transporting unwanted fill from development sites in large urban areas to vacant farm fields. This was done because of a lack of space in the urban area but more realistically because using urban sites was expensive and prevented those sites from being developed. Sites being altered in advance of full approvals such as plans of subdivisions is an additional reason and site alterations that could have impacts on natural heritage features such as wood lots, wetlands or species at risk.

What is the impact of unchecked site alteration? In agricultural areas it is the loss of productive farmland, alteration of the landscape, unwanted truck traffic on roads not designed for the traffic,

impact on surface and subsurface drainage, environmental impacts i.e. is the fill clean or contaminated, impact on significant ground water recharge areas and highly vulnerable aquifers, impact on natural heritage features and provincially significant wetlands and even the potential to containment intake protection areas and neighbouring water wells.

What a site alteration by-law isn't. Often when site alteration by-laws are proposed there is concern in general that it prevents minor grading or landscaping changes or will somehow restrict farming operations. This is not the case. These by-laws do not restrict anything that is considered normal farm practice and they do not restrict property owners from undertaking normal landscaping activities.

Financial Implications:

Development of the by-law, support material and ongoing monitoring and/or enforcement do require staff time which has some limited financial impact on the Municipality. Not having a site alteration by-law limits the ability of administration to review and ensure that site alteration is undertaken properly, at the appropriate time and subject to applicable regulations. This in turn makes it very challenging for staff to prevent many of the possible impacts outlined under the Background section and lead to conflict between property owners with the Municipality acting as referee.

Policies/Legislation:

Many municipalities have enacted site alteration by-laws so there are a significant number of examples to reference. Several local by-laws have been reviewed in the development of the West Elgin Site Alteration By-law as attached.

In addition to establishment of the by-law administration will need to develop a site alteration request form, a site alteration agreement template and establish set fines. The latter which will need applicable Ministry approval. The final by-law and implementation date will require additional time and may not be in full force and effect until close to the end of 2023.

Prepared by:



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Planner
Municipality of West Elgin