

The Corporation of the City of Kawartha Lakes

Council Report

Report Number MLE2018-007

Date: September 25, 2018

Time: 2:00 p.m.

Place: Council Chambers

Ward Community Identifier: All

Title: Removal of Soil, Placement of Fill, Alteration of Grade
By-Law

Author and Title: Aaron Sloan – Manager, Municipal Law Enforcement and
Licensing

Recommendations:

That Report MLE2018-007, “**Removal of Soil, Placement of Fill, Alteration of Grade By-Law**”, be received;

That By-law 2012-200 a By-law Regulating the Removal of Topsoil, Placement of Fill and the Alteration of Grades be repealed; and

That a by-law Regulating the Removal of Soil, Placement of Fill, Alteration of Grade attached as Schedule B to this Report MLE2018-007 be forwarded to Council for adoption.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

At the Council Meeting of July 24, 2012, Council adopted the following resolution:

CR2012-846

RESOLVED THAT the memorandum from Director of Development Services Ron Taylor and Coordinator – Current Planning Richard Holy dated July 24, 2012, regarding proposed changes to the draft By-Law Regulating the Removal of Topsoil, Placement of Fill and Alteration of Grade, be received.

CARRIED

CR2012-849

RESOLVED THAT the By-Law Regulating the Removal of Topsoil, Placement of Fill, and the Alteration of Grades be read a first and second time.

CARRIED

Council has not provided direction to review the Kawartha Lakes By-Law 2012-200, being a By-Law to regulate the Removal of Topsoil, Placement of Fill, and the Alteration of Grades.

Rationale:

In 2017 and early 2018 Municipal Law Enforcement Division has received numerous complaints regarding large fill operations located in various areas of the Municipality. Upon investigation the operations were confirmed and the existing by-law was reviewed for the purpose of enforcement.

In the fall of 2017 and early 2018, Staff conducted a comprehensive review of Kawartha Lakes By-Law 2012-200, being a By-Law to regulate the Removal of Topsoil, Placement of Fill, and the Alteration of Grades. The review determined that the By-Law contained deficiencies and required legislative changes.

By-law 2012-200 only expressly required a permit for areas zoned Environmental Protection.

Rather than amend the existing By-law Staff created a new By-law which includes regulations to strictly prohibit the removal of soil, the addition of fill or the changing of the grade unless a permit has been issued. The By-law offers exemptions for activities associated with licensed aggregate operations, landscaping and normal farming practices.

The new By-law will also have the following:

- Improved definitions which align with Provincial Acts, Policy and Plans;

- Regulations and Prohibitions have been changed to clarify process and enhanced protection of Oak Ridges Moraine and hydrologic features;
- Soil erosion and sediment protection requirements;
- Enhanced fee structure to align with the Municipal Fees By-Law;
- Expanded exemptions to allow for farming and landscaping practices;
- Clarify the permit process and include a sample application in Schedule “C”; and,
- Incorporate changes to the *Municipal Act, 2001* in 2017, which resulted in fill by-laws being now able to be applicable to lands within areas regulated by Conservation Authorities.

Other Alternatives Considered:

No other alternative was considered.

Financial/Operation Impacts:

There are no financial considerations to the passage of this by-law, being that we have an existing version in use. However, clarifying the regulation with a new by-law is anticipated to save time on enforcement activities, make the permit and tracking process more efficient, and provide clarity to the citizen users of all process and associated fees.

Relationship of Recommendations To The 2016-2019 Strategic Plan:

The initiatives established in the Strategic Plan 2016-2019 such as the Vision, Mission and Primary Goals have served to influence the continued regulation of the Removal of Soil, Placement of Fill, and the Alteration of Grade and as follows:

Vision - Naturally beautiful, offering an exceptional lifestyle

Mission - Providing responsible, efficient and effective services

Goal 1: A Vibrant and Growing Economy;

Goal 2: An Exceptional Quality of Life; and

Goal 3: A Healthy Environment

Consultations:

Agriculture Development Officer, Economic Development

City Solicitor

Manager of Planning

Planning Officer – Large Developments

Conservation Authorities: Ganaraska Region Conservation Authority, Kawartha Region Conservation Authority, Otonabee Region Conservation Authority and Lake Simcoe Region Conservation Authority

Attachments:

Appendix A – By-law 2012-200



2012-200 By-law
Regulating the Remov

Appendix B – Proposed By-law



By-law to Regulate
the removal of soil, pl

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Department Head: Cathie Ritchie