



ENGINEERING DEPARTMENT MEMORANDUM

TO: CITY BUILDING COMMITTEE

FROM: BARB PERREAULT, SUPERVISOR OF DEVELOPMENT SERVICES

NOTED: B. ARANIYASUNDARAN, P. ENG., PMP, DIRECTOR OF ENGINEERING
A. MILLER, RPP, GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH
MANAGEMENT (ACTING)
M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RE: REQUEST FOR DEVIATION TO ZONING REQUIREMENT WITHIN BY-LAW
2014-100 (WARD 9 & 10)

DATE: MAY 14, 2019

The purpose of this memorandum is to provide members of the City Building Committee with information concerning the request by Hewitt's Secondary Area Land Owners Group (HLOG) for a deviation to the zoning requirements, set out in the City of Barrie Site Alteration By-law 2014-100.

The City of Barrie Site Alteration By-law was initially enacted in 2006, after significant environmental degradation in areas of the City, due to failure of erosion and sediment controls in place on developing properties. In 2014, this By-law was repealed and replaced with By-law 2014-100 Site Alteration By-law.

Municipal Site Alteration By-laws assist in addressing and controlling issues that are important to municipalities such as noise, dust, hours of operation, haul routes, road damage, visual impacts and impacts to the character of the landscape/landform.

By-law 2014-100 prohibits and regulates the placing or dumping of fill, the removal of topsoil, and the alteration of the grade of land in all areas within the City of Barrie through an established legal and enforceable set of rules that all development sites over 0.5 hectares in size must follow, including the installation and maintenance of set standards for erosion and sediment control measures. Regulation and enforcement of this By-law is accomplished through the review of applications, issuance of permits, regular inspections and corrective actions to address arising issues.

The HLOG is requesting a deviation to By-law 2014-100, specifically Clause 5.7, which does not allow for site alteration to occur on lands, zoned agricultural. Many of the properties, slated for future development, within the approved secondary plan area, have not gone through the re-zoning application process. The Agricultural Zoning is a carryover from the Innisfil Zoning By-law that applied to these lands pre-annexation. Rather than prepare a comprehensive Zoning By-law for the secondary plan area back in 2014, it was decided that re-zoning will take place as the individual *Planning Act* applications for the area proceed. To facilitate future development of these lands, the HLOG would like to request a deviation to the By-law, which would permit the undertaking of site alterations and fill movement from agricultural land that is clearly designated for urban development but is not yet zoned for this use as a result of an earlier process decision. For example, the movement of fill from Phase 2, 3 and/or 4 lands (Agricultural Zoning), to facilitate development on approved Phase 1 and/or 2 lands.

City staff, including the Engineering, Environmental and Planning departments worked closely with the HLOG, over the past 6 months, to determine a solution oriented approach that would both meet the intent of the Site Alteration By-law and the request of the HLOG. Through this process, City staff communicated with the HLOG that the relocation of fill cannot be looked at in isolation and should also consider the overlapping jurisdiction of higher-level government agencies. As a result, the local Conservation Authorities as well as Ministry of Environment, Conservation and Parks (MECP), were also consulted.



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The movement of fill in the secondary land area, before re-zoning, between development phases, could offer many benefits such as, but not limited to the following:

1. Reduced truck traffic on municipal roads leading to a reduction in potential damage to municipal infrastructure;
2. Less truck traffic on municipal roads will lead to reduced safety concerns related to trucks, in the queue, on the side of the road, waiting to unload fill onto a property;
3. Development properties adjacent to one another will assist in the reduction of mud on the road, which can lead to a decrease in the risk of accidents. Fill can be moved from one property to the next, without entering onto the municipal road;
4. Reduced social disruption related to the transport of fill and associated noise and dust complaints from residents;
5. Increased development efficiencies allowing the developer to have easier access to fill, within the secondary lands area;
6. The reuse of excess soil, from various development phases in the secondary plan area, which is consistent with the provincial direction, reflected in the On-Site and Excess Soil Management Regulation;
7. Better controls in place to ensure proper phasing of earthworks to guarantee that revegetation takes place in phases; and,
8. Ability to control the size of the fill earthworks area.

Sequencing of the earthworks will be critical, to ensure that sites are not left fallow and exposed for an extended time. This will be accomplished through the requirement of the developer to provide a justification report, including all details related to sediment and erosion control measures, sequencing plan and site stabilization/restoration plan as well as projected timelines for the development, appropriate geotechnical evaluations for source and receiving sites as well as preliminary stormwater design, for the proposed site.

It is noted that a Site Alteration Permit would still be required in all cases and current requirements specified in By-law 2014-100 would need to be met, prior to the issuance of a permit. Furthermore, all applications would also be subject to all other applicable federal, provincial and municipal statutes, regulations and by-laws.

Each application would be looked at on a case-by-case basis. Additionally, they would also be subject to the submission of details related to a summary of the volume of available cut, required fill, planning status, proposed year of earthworks, cut export routes, expected construction dates and security deposits (\$5000 for damages to roads and \$5000 per hectare for site alteration area) and all applicable site alteration application fees. Prior to the approval of the application, City staff would ensure that all required tests, studies, plans and reports have been submitted and reviewed to our satisfaction.