




INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 10, 2021
SUBJECT/REPORT NO:	Site Alteration By-law No. 19-286 (PED19201(a)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Alvin Chan (905) 546-2424 Ext. 2978
SUBMITTED BY:	Tony Sergi Senior Director, Growth Management Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

The City of Hamilton Site Alteration By-law No. 19-286 ("the By-law"), attached as Appendix "A" to Report PED19201(a), was approved by Planning Committee on November 19, 2019 (Report PED19201). It was recommended that staff review the By-law and report back to Committee in eighteen months. This review has been delayed due to current operational and staffing issues and the recent changes in provincial legislation noted below, but the review is now ready to begin.

INFORMATION

Since the passage of the City's new By-law, the Ministry of Environment Conservation and Parks have made several amendments and regulations, particularly, Ontario Regulation 406/19 "On-Site and Excess Soil Management".

Accordingly, in order to ensure compliance with these changes, including impacts to municipal operations, and to address issues experienced with the current By-law, staff will retain a Consultant from the City's Roster to review and provide guidance on the updating of the Site Alteration By-law No. 19-286.

An internal and external public consultation plan will be developed as part of the project and related Terms of Reference, and will include at a minimum, consultation with the City's Excess Soil Working Group overseen by the Public Works Department, Municipal

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

Law Enforcement, Legal Services, the City's Agricultural and Rural Affairs Committee and the Development Industry Liaison Group.

Funding for the consultant assignment will be through the existing account set aside for Site Alteration being account number 8121555100.

The consultant will assist with updating the Site Alteration By-law to address existing issues / concerns and to ensure compliance with recent Ministry of the Environment, Conservation and Parks (MECP) amendments and regulations, including, but not limited to Ontario Regulation 406/19 "On-Site and Excess Soil Management".

Staff continue to work with the Excess Soils Working Group in developing a project Terms of Reference for the consulting assignment. In particular, the following matters, amongst others, will be identified as part of the Project Terms of Reference:

- Compliance with recent MECP Amendments and Regulations, in particular, Ontario Regulation 406/19 – "On-Site and Excess Soil Management";
- Detailed identification of when a site alteration permit is required;
- Improved delineation of Major and Minor application types;
- Review and refinements to the exemptions from the Site Alteration By-law;
- Incorporation of stockpile permissions and maximums;
- Clarification of application requirements and evaluation criteria;
- Refinements to the appeal of decision and process;
- Clarification and procedure for Bona-fide Farmer Credential Validation;
- Consideration of the use of Table 2 Soil within the City of Hamilton;
- Review of the restriction of soil sources from within the limits of the City of Hamilton;
- Review of ground water / surface water body / feature restrictions impacting the use of Excess Soils;
- Enhancements to enforcement and penalties for contraventions of the By-law; and,
- General administrative changes to language and formatting.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED19201(a): Site Alteration By-law No. 19-286

AC:sf