



DEVELOPMENT AND INFRASTRUCTURE SERVICES – ENGINEERING SERVICES
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November 10th, 2016

**DEVELOPMENT AND INFRASTRUCTURE SERVICES INFORMATION REPORT
ENGINEERING SERVICES 2016-53**

TO: Council

SUBJECT: Updated Site Alteration Bylaw, to repeal current Cut Fill Bylaw 1998-110

ORIGIN: Director, Engineering Services

RECOMMENDATION

THAT Development and Infrastructure Services Report – Engineering Services 2016-53, dated November 10, 2016 entitled “Updated Site Alteration Bylaw, to repeal current Cut Fill Bylaw 1998-110” be received.

BACKGROUND / COMMENTS

On November 7th, 2016, the Committee of the Whole considered Development and Infrastructure Services Report – Engineering Services 2016-44, dated October 10, 2016, entitled “Site Alteration Bylaw”. The Committee directed staff to make certain amendments to the wording in some sections of the bylaw and to present the amended bylaw for adoption at the Council meeting of November 14th, 2016.

Further to the above, the Committee of the Whole inquired as to how many residential properties in the Town have a surface area of more than 0.5 hectares. Staff has looked into this and has concluded that the information is not readily available and would require a considerable amount of resources to obtain. The concern expressed by the Committee was that owners of residential properties that are greater than 0.5 hectares in surface area may need to obtain a site alteration permit for minor property changes, such as installing a garden. However, Section 5.6 of the proposed Bylaw alleviates this concern by providing a permit exemption for the placing of topsoil and the creation of gardens, regardless of property size, as long as sediment run-off is controlled, no more than 100 mm of soil is placed, and no changes are made to any watercourses or drainage installations. Furthermore, the 0.5 hectare threshold is consistent with other guidelines and policies in the watershed, such as the Lake Simcoe Stormwater Submission Guidelines, as well as site alteration bylaws in other municipalities. Should Council still require the number of properties that are under 0.5 hectares, staff can proceed to conduct the work and report back under separate cover in the form of an information report to Council members.

This report outlines the changes that were made as directed by the Committee, including the bylaw section number, as well as the previous wording and updated text for comparison. Wording that was changed is underlined. The changes are summarized below:

1. Section 5.4:

Previous wording:

No Person shall carry out any Site Alteration Adjacent to or within thirty (30) metres of Wetlands, Fish Habitat, significant valley lands, significant woodlands, significant wildlife habitat, habitats of Rare, Threatened, Endangered or Species at Risk, Areas of Natural or Scientific Interest and permanent or intermittent streams without having been issued a Permit under this By-law by the Municipality and/or without having obtained written permission from the LSRCA, where applicable;

Updated wording:

No Person shall carry out any Site Alteration Adjacent to or within thirty (30) metres of Wetlands, Fish Habitat, significant valley lands, significant woodlands, significant wildlife habitat, habitats of Rare, Threatened, Endangered or Species at Risk, Areas of Natural or Scientific Interest and permanent or intermittent streams without having been issued a Permit under this By-law by the Municipality and also, where applicable, without having obtained written permission from the LSRCA;

2. Section 5.7:

Previous wording:

No Permit shall be issued if, and no Person shall permit or cause to be permitted, any Site Alteration activities that result in:

Updated wording:

No Permit shall be issued if, and no Owner shall permit or cause to be permitted, any Site Alteration activities that result in:

3. Section 5.7, Subsection (h):

Previous wording:

A negative impact on any Environmental Protection Areas or Areas of Natural or Scientific Interest, Wetlands or wetland complex as identified by the LSRCA, MNRF, the Town; and the Town's Official Plan or Zoning By-law, as each may be amended or replaced from time to time;

Updated wording:

A net negative impact on any Environmental Protection Areas or Areas of Natural or Scientific Interest, Wetlands or wetland complex as identified by the LSRCA, MNRF, the Town; and the Town's Official Plan or Zoning By-law, as each may be amended or replaced from time to time;

4. Section 5.7, Subsection (j):

Previous wording:

An adverse effect to archaeological or historically significant features.

Updated wording:

An adverse effect to archaeological or historically significant features, subject to Section 7.2 (h).

All changes above are reflected in the updated Final Bylaw.

CONTACT

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