

**Applicant Guide for Site Alteration Permits**

Resource for Permit Requirements and Processes

Administered by: Development Engineering Department



DRAFT

## Table of Contents

<b>Introduction</b> .....	<a href="#">34</a>
<b>1. When a Site Alteration Permit is Required.</b> .....	<a href="#">45</a>
<b>2. Permit Application Submission Requirements</b> .....	<a href="#">45</a>
<b>2.1 Owner Authorization</b> .....	<a href="#">46</a>
<b>2.2 On-Site and Excess Soil Regulation O. Reg 406/19 Acknowledgement Form</b> .....	<a href="#">56</a>
<b>2.3 Background Studies And Approvals</b> .....	<a href="#">56</a>
<b>2.4 Site Alteration Management Plan</b> .....	<a href="#">89</a>
<b>2.5 Permit Fees</b> .....	<a href="#">1113</a>
<b>3. Permit Review Process</b> .....	<a href="#">1113</a>
<b>3.1 Requirements Prior to Permit Issuance</b> .....	<a href="#">1344</a>
<b>4. Permit Expiry, Renewal, Amendments, Transfers, and Revocation.</b> .....	<a href="#">1416</a>
<b>5. On-Site Inspections of Site Alteration</b> .....	<a href="#">1618</a>
<b>6. Enforcement and Complaint Resolution Process</b> .....	<a href="#">1719</a>
<b>7. Closure of Permit</b> .....	<a href="#">1719</a>
<b>Terms &amp; Definitions:</b> .....	<a href="#">1819</a>
<b>Appendix A – Site Alteration By-law</b> .....	<a href="#">2122</a>
<b>Appendix B – Agent Authorization</b> .....	<a href="#">2122</a>
<b>Appendix C- On-Site And Excess Soil Regulation O. Reg 406/19 Acknowledgement Form</b> ....	<a href="#">2223</a>
<b>Appendix D- Public and Private Tree Preservation and Removal Requirements</b> .....	<a href="#">2324</a>
<b>Appendix E – Erosion and Sediment Control Checklist</b> .....	<a href="#">2526</a>
<b>Appendix F – Letter of Credit Template</b> .....	<a href="#">2729</a>
<b>Appendix G – Draft Site Alteration Agreement Template</b> .....	<a href="#">2730</a>
<b>Appendix H – Site Alteration Enforcement Process Map</b> .....	<a href="#">3235</a>

## Introduction

The Applicant Guide to Site Alteration Permits has been prepared to assist with the Site Alteration permit application process in accordance with Site Alteration By-law XX-2023. The guide addresses the following main topics:

- Permit Application Requirements
- Permit Review & Issuance Process Workflow
- Permit Administration
- Inspection & Enforcement
- Complaint Resolution Process

The Site Alteration permit and related requirements are administered by the Development Engineering Department.

### **Contact Information:**

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## 1. When a Site Alteration Permit is Required.

Site Alteration By-law xx-2023 (hereby referred to as the Site Alteration By-law), included as **Appendix A** of this Guide, grants the Director of Development Engineering (hereby referred to as 'Director') the authority to require a Site Alteration permit for any activity that will alter the grade of land through the removal or placement of topsoil, fill, or excess soil. Some projects that alter the grade of land are exempt from this requirement. Please refer to the Site Alteration By-law for all exempted projects and activities.

Please note that separate permits will be required when both the source site and the receiving site for the same proposed site alteration works are located within the City of Vaughan.

## 2. Permit Application Submission Requirements

Permit application submission requirements may vary based on the proposed site alteration activity and site-specific conditions. The Project Leader is responsible to include all relevant documentation to support the proposed site alteration. Furthermore, the Director has the authority to require additional reports, information or background studies as well as impose additional terms and conditions based on site-specific issues and concerns. The Director may also waive certain permit requirements or conditions for the same reason.

Applicants must submit the permit application package using the City's online submission [permit portal](#). Permit submission user guides and other resources are available on the Development Engineering Services Permits webpage. The online submission process facilitates the collection of applicant information, site location, proposed project details and other requirements listed below that are necessary to initiate the permit review process. The following is a list of requirements that must be satisfied to initiate the permit application technical review.

### 2.1 Owner Authorization

#### **Agent Authorization**

If an Agent is submitting an application, or otherwise acting on behalf of the Owner, a signed Agent Authorization Form (Appendix B) must be included with the initial permit application submission.

#### **Receiving Site**

If the proposed site alteration activity includes the removal of Excess Soil; the application submission must include a signed authorization from the landowner of the receiving site.

For clarity, this requirement only applies if the receiving site has a different owner than the site where the Excess Soil is being removed.

### **Off-site Temporary Storage Site**

Should the proposed site alteration activity require the temporary storage of excess soil at an off-site location, the application submission must include a signed authorization from the landowner of the temporary storage site. For clarity, this requirement only applies if the temporary storage site has a different owner than the site where the Excess Soil is being removed.

### **2.2 On-Site and Excess Soil Regulation O. Reg 406/19 Acknowledgement Form**

The On-Site and Excess Soil Regulation O. Reg 406/19 Acknowledgement form (Appendix C) must be completed by the Project Leader and included with the initial application submission. By completing the acknowledgement, the Project Leader accepts full responsibility to ensure compliance with O. Reg 406/19 and all other applicable environmental regulations.

The Project Leader must also acknowledge that City will not be held responsible for losses or damages that occur because of any non-compliance of the regulations.

### **2.3 Background Studies and Approvals**

The Project Leader is responsible to prepare the application submission package based on the proposed site alteration and site-specific conditions. The application package must include the necessary background studies, reports and technical drawings prepared by the appropriate qualified technical specialists. Background documentation must also include all relevant approvals and conditions from any other regulatory agencies with jurisdiction over the proposed site alteration activities. The required background studies and documentation include, but are not limited to:

#### **Legal plan of property**

Detailed legal plan of the subject property with location of site alteration activities clearly labelled.

#### **Toronto and Region Conservation Authority (TRCA) Approval Permit**

The Toronto and Region Conservation Authority (TRCA) approval is required if the subject property is located within the *Conservation Authority Act* regulated area (O.Reg 166/06). This

regulated area would include lands with a watercourse, river or stream valley, wetland, shoreline and/or hazardous land like a steep slope or a flood plain.

### **Tree Protection Agreement**

The applicant may be required to enter into a Tree Protection Agreement with the City's Development Planning Department – Urban Design Division (in consultation with the Parks Forestry Horticulture Operations Department). Please see Appendix D for the necessary requirements.

If required, the Tree Protection Agreement must be executed before the Site Alteration permit can be issued.

### **Environmental Site Assessment**

An Environmental Site Assessment (ESA) report identifies potential or actual chemical impacts in soil, ground water, and/or sediment. In general, the Phase One ESA identifies potential contaminating activities and areas of potential environmental concerns through desktop studies or site reconnaissance. The Phase Two ESA involves intrusive investigations (e.g., boreholes/monitoring wells, test pits) whereby the areas of potential environmental concern are assessed through chemical analysis for applicable contaminants of concern. Other associated ESA documents may also include Remedial Action Plans (RAPs) outlining the procedure for addressing or remediating impacts and risk assessment/evaluation reports, which assess the potential impacts of contaminants to human and ecological receptors. All ESA reports shall be completed by a Qualified Person and be accompanied with a reliance letter addressed to the City by an environmental consultant.

For lands requiring remediation or for a proposed change to a more sensitive land use, the City shall require the submission of a Record of Site Condition (RSC) registered on the Environmental Site Registry (ESR) and acknowledged by the Ministry of Environment, Conservation and Parks (MECP).

### **Environmental Impact Study**

An Environmental Impact Study (EIS) Natural Heritage Evaluation shall be prepared by a Qualified Person once the Master Environmental Servicing Plan has been reviewed. The EIS shall evaluate the proposed development, forecast impacts and achievements of the City's environmental goals, objectives, and policies, while addressing the policy requirements of the Federal, Provincial, Regional and Local levels, including but not limited to the *Endangered Species Act* and *Fisheries Act*.

Per the City's Draft Environmental Management Guidelines (EMG), an EIS is an evaluation that anticipates the implications of land use change and the interaction of these changes with the features and functions of an area, requiring the following:

- Conformity analysis with applicable policies
- Inventory of abiotic conditions, flora and fauna
- Analysis of the inter-relationships among the biotic and abiotic elements of a site (i.e. its ecology)
- Description of the proposed development, including all aspects that have the potential to affect adjacent natural features and functions
- Determination of the direct and indirect effects the proposed development will have on the existing conditions and consideration of cumulative effects
- Identification of potential improvements or enhancements to the existing Natural Heritage Network (NHN).
- Modification to the development proposal as well as evaluation of mitigation measures and monitoring, including restoration options

The EIS must determine if there will be 'negative impacts' (as defined by the [Provincial Policy Statement, 2020](#)) to the natural features or their ecological functions should the development proceed under a given proposed design. This information is required by decision makers to determine the need for modifications to proposed plans, the vegetation protection zone, Natural Heritage Network additions and other mitigation strategies to fairly evaluate the implications of a land use change. Ultimately, this information is required to achieve decisions that are consistent with the Provincial Policy Statement, 2020. Reference should also be made to the [Toronto and Region Conservation Authority's Environmental Impact Statement Guidelines, 2014](#).

Also, if subject lands are located in Provincial Plan Areas, then a Greenbelt Plan Conformity Report or Oak Ridges Moraine Conservation Plan Conformity Report may be required

### **Agriculture Impact Assessment**

The Agricultural Impact Assessment (AIA) shall be prepared by a Qualified Person with Planning and Agriculture technical expertise. The Province has currently prepared a draft [AIA Guidance Document \(March 2018\)](#).

### **Archaeological Assessment**

An Archaeological Assessment shall be prepared by a qualified Archaeologist licensed under the *Ontario Heritage Act*. An Archaeological Assessment Stage 1 is a minimal requirement for

development approvals to identify archaeological potential of the Block Plan area or specific site. Archaeological assessment reports are to follow the guidelines set out by the Ministry of Citizenship and Multiculturalism, as well as licensing requirements developed under the *Ontario Heritage Act*. For development proposing alteration to a watercourse, a marine archaeology survey conducted by a licensed marine archaeologist will be required.

Owner/Agents are strongly encouraged to engage affected Indigenous Peoples in the development of archaeological assessments to determine if their traditional and/or treaty rights are impacted because of the development.

### **Cultural Heritage Impact Assessment**

A Cultural Heritage Impact Assessment shall be prepared by a Qualified Person relating to the conservation of the type of subject heritage resource, who should be registered in the “building specialist” category, under the Canadian Association of Heritage Professionals. A Cultural Heritage Impact Assessment shall identify and evaluate cultural heritage resources in each area to determine the impact that may result from the proposed development (new construction, demolition, and/or alteration) of the subject lands. The report will also recommend an appropriate intervention approach to the heritage resources as per Policy 6.3.3.2. of VOP 2010.

### **2.4 Site Alteration Management Plan**

All permit application packages must include a Site Alteration Management Plan (SAMP) which outlines the management of the proposed site alteration activities from the source site to the final receiving site. The SAMP must be prepared by a Qualified Person based on the scale of the project, site-specific conditions and the potential impacts to adjacent properties, the surrounding community, and natural environment. Smaller scale projects with limited potential impact may have limited scope and fewer details compared to larger scale projects that include transportation & importation of excess soils or significant changes to grade. Applicants and Qualified Persons are encouraged to incorporate the [MECP Management of Excess Soil – A Guide for Best Management Practices](#) into the development of the SAMP.

### **Rationale Document**

Brief description of the proposed site alteration and overall scope of the SAMP. The rationale section should also include a list of all reports, plans and items included in the SAMP.

### **Proposed Work Schedule**

Applicants must include a proposed work schedule including:

1. Proposed start date and end date



2. Timing and brief description of major activities and milestones. – ex. installation of silt fencing, preparatory work, filling activities and final surface cover application.

The project work schedule to be reviewed and confirmed during pre-construction meeting

#### **Erosion and Sediment Control Measures & Grading Plan:**

Erosion and Sediment Control (ESC) measures are required to control erosion, sedimentation, and surface water flow during the site alteration. ESC measures also ensure no significant Adverse Impact occurs because of site alteration including, blockage, siltation, contamination, flooding or increased run off to watercourses and adjacent or surrounding properties. ESC measures are also helpful to mitigate and control dust.

The Grading Site Plan must include sufficient topographic and site condition details to illustrate:

- Existing topography and conditions
- Existing surface water flow on and around the site
- Impacts of the site alteration on surface water flow
- Proposed final grades and conditions
- Propose final surface water flow on and around site.

Please refer to **Appendix E** for detailed drawing requirements.

#### **Geotechnical Assessment**

Where the site alteration has the potential to result in unstable geotechnical conditions that includes conditions of slope stability, meeting compaction criteria, analyzing existing soil conditions and characterization, construction of retaining wall over 1.0m high, a geotechnical assessment may be required.

#### **Soil Quality Analyses**

The identification of appropriate soil quality and soil types of excess soil to be received at the site. Soil quality analyses conducted by a Qualified Person, and based on site location/sensitivity, anticipated land use, ground water use/sensitivity, pre-existing site conditions or other factors as to ensure that there is no likelihood of adverse effect and demonstrating appropriate reuse in compliance with the requirements of the On-Site and Excess Soil Regulation O. Reg. 406/19.

### **Excess Soil Tracking**

Implementation of a tracking system to document and manage excess soil from source site to receiving site as per O. Reg 406/19. Excess Soil Tracking methodology to include:

- Bills of lading and tracking
- Receiving site assessment and
- Inspection and auditing procedures.

Details to be confirmed during pre-construction meeting.

### **Traffic and Transportation Plan**

Provide a transportation plan to manage traffic as well as access to and from source site and receiving site. Traffic and transportation plan to include details on:

- Haul routes
- Traffic controls
- Traffic volume – trucks to/from sites per day.
- Road maintenance plan –protocols to monitor, mitigate and respond to dust/mud tracking.

Details to be confirmed during pre-construction meeting.

### **Dust Control Plan**

Protocols for site alterations where dust could impact neighbouring properties and community, a dust plan may be required. The dust control plan to include:

- Method for monitoring dust
- Response plan to address dust incidents.

If requested, details to be confirmed during pre-construction meeting.

### **Site Security Plan and Access Control**

Protocol for securing site and controlling access to limit potential for illegal dumping and/or unauthorized access.

If requested, details to be confirmed during pre-construction meeting.

### **Noise and Vibration**

For site alteration where there is potential for noise impacts to adjacent properties, a noise and vibration monitoring plan may be required. The monitoring plan to include:

- An assessment of potential noise impact
- Monitoring and mitigation measures.

### **Reporting & Record Keeping**

For site alteration that require regular reporting of site activities; the applicant to provide details related to:

- Site monitoring program and inspection schedule
- Site operations reporting program and schedule
- Method of calculating and reporting volume of imported fill

Details to be confirmed during pre-construction meeting. It is highly recommended that Project Leader assign an Environmental Monitor to provide regular reporting to the city.

### **Regional approvals, if applicable, related to:**

- Tree protection of regional trees
- Significant Woodland Removals
- Road access

### **2.5 Permit Fees**

The applicable permit fee must be included with the initial application submission. The permit fee includes the application review process, general permit administration and the regular monitoring and inspection of the site alteration. Please refer to Schedule K of the Fees and Charges By-law, as amended.

Other applicable fees when required, may include:

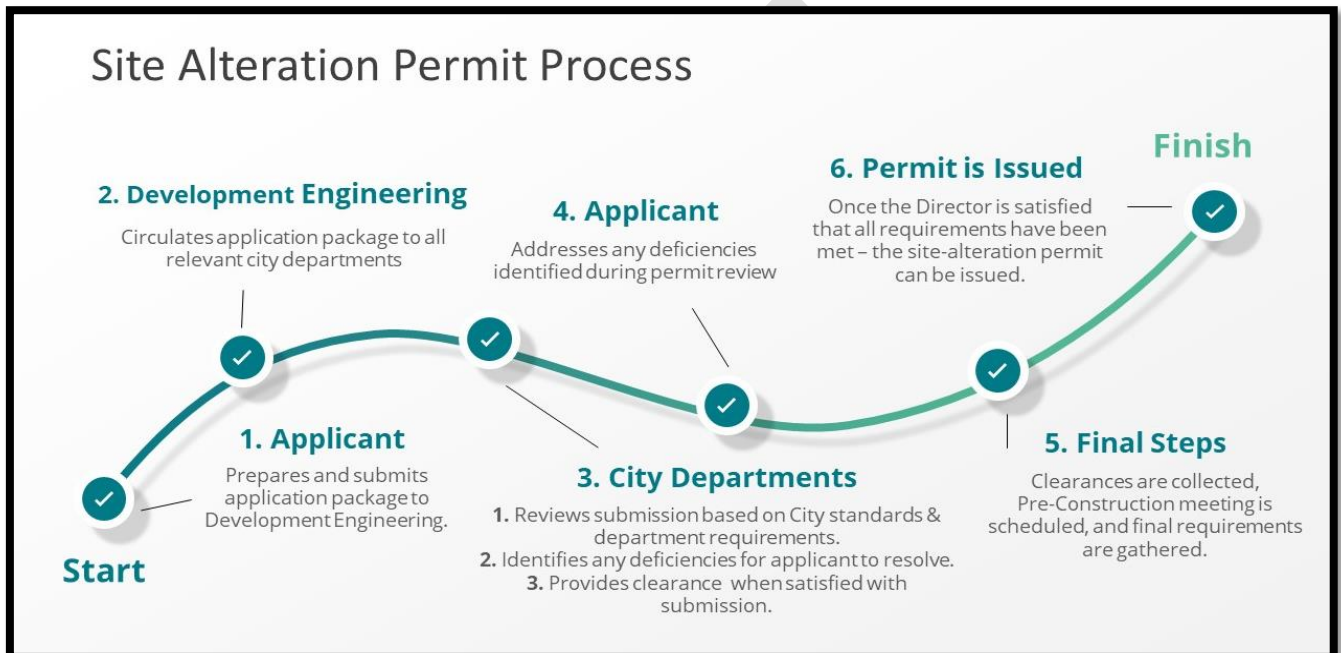
- Permit renewal fee
- Permit amendment fee
- Permit transfer fee
- Additional Inspection fee to recover costs related to repeated and continued non-compliance.

## **3. Permit Review Process**

Please note that the submission and permit requirements may vary based on site-specific conditions, the proposed scale of the site alteration and/or concerns from the local community. As per the Site Alteration By-law, the Director has the authority to request additional information as well as impose site-specific conditions to address the site-specific concerns. Alternatively, the Director may also waive certain permit requirements or conditions for the same reason.

The Development Engineering Department coordinates the circulation of the site alteration permit application submission to several City departments. Each department will review the application to determine compliance with city standards and requirements.

Please note that the permit review process will only commence once the permit application submission is deemed complete by Development Engineering Department.



Furthermore, a permit application will be deemed incomplete or abandoned and the file closed when a period of 6 months has elapsed during which the applicant:

- i. has not provided all required information, permit fees and/or security deposit as required by the Director, or
- ii. has not resolved any deficiency or deficiencies identified during the city's technical review.

Once a permit application file has been closed, it cannot be re-opened. The applicant may be eligible for a partial refund of paid permit fees. The Director shall determine the amount of the eligible refund based on the status of the application review. If a Site Alteration permit is still required, the applicant must prepare a new submission and pay the applicable permit fee.

Finally, **submitting a permit application package does not provide any guarantee to the applicant of obtaining a permit under the Site Alteration By-law.** The Director has the

authority to refuse a permit application. In the event of a permit refusal, the Director shall provide the applicant with written response of the decision.

### **3.1 Requirements Prior to Permit Issuance**

#### **Security Deposit**

A security deposit is collected to provide the City with financial resources to address issues of non-compliance or liabilities from issuing permit for the proposed site alteration. The City may retain professional services and/or contractors to carry out any required maintenance and repair activities related to permit condition, notice or order. Some examples of potential issues the security deposit may be used to correct include, but are not limited to:

- mud tracking, dust, and noise complaints
- insufficient erosion and sediment control measures
- insufficient fencing and site access control
- contaminated soil and/or impacts to soil, surface and/or groundwater
- closure of site due to non-compliance or incomplete work
- stabilization or restoration of subject lands

The security deposit must be in the form a certified cheque or an unconditional irrevocable letter of credit and received by the City **before** a Site Alteration permit can be issued. Please refer to **Appendix F** of this guide for a sample of the letter of credit template. The security deposit must remain in full effect for the duration of the permit and will only be released when the permit is closed, or the site alteration work is transferred to the authority of a related development agreement. The calculation of the security deposit is based on the following formula:

**\$1000 per day based on work schedule plus estimated total ESC costs plus site stabilization costs of \$2 per square metre of work site area (using hydro seed)**

Should the City draw against the security for any reason, the permit holder must replenish the security deposit to the original amount within 30 days of the City's request.

#### **Liability Insurance**

Applicants must also provide liability insurance in the amount of \$5,000,000 per occurrence against all claims including personal injury, death, property damage or environmental damage resulting directly or indirectly from site alteration or fill activities. The City shall be named as additional insured and the coverage shall remain in place until the termination of all requirements and conditions listed in all permits, agreements, and orders related to the site alteration on the subject site.

A valid copy of the liability insurance certificate must be on file for the duration of the permit. In the event of a policy renewal, the permit holder is to provide the City with an updated copy of the certificate within 30 days of renewal. Please click [here](#) for a sample insurance certificate.

### **Site Alteration Agreement & Permit Conditions**

The subject site landowner and permitholder must also enter into an Agreement with the City prior to the issuance of a Site Alteration permit. The template agreement and schedule of general conditions is included as **Appendix G** of this guide. Any site-specific conditions imposed by the Director would be added to Schedule A, as required.

The Agreement does not expire and can only be terminated once all terms and conditions have been fulfilled to the satisfaction of the Director, including the completion of all necessary final inspections, or execution of the related development agreement.

### **Demolition Permit**

Should the proposed site alteration require the demolition of a building, a copy the demolition permit must be provided prior to issuance of the Site Alteration permit.

### **The Pre-Construction Meeting**

The pre-construction meeting is the final review of the proposed site alteration activities to confirm that all requirements set out in the Site Alteration By-law and this guide have been met. Attendees of the pre-construction meeting usually include Development Engineering staff, the subject site landowner and/or authorized agent, the Qualified Person that prepared the SAMP, various contractors, and other relevant city stakeholders.

Once the Director has been satisfied that all permit application requirements have been met, the Site Alteration permit will be issued.

## **4. Permit Expiry, Renewal, Amendments, Transfers, and Revocation.**

This section outlines the various status changes for an issued permit.

### **Permit Expiry**

All issued permits are valid for a period of one (1) year from the date of issuance, unless otherwise indicated by the Director. If a permit has expired, the owner and the permit holder remain responsible to satisfy all permit conditions.

Furthermore, should the site alteration activities not commence within 90 days of the permit issuance, the permit shall be deemed expired, regardless of one year validity period.

### **Permit Renewal**

Site Alteration permits are valid for a period of one (1) year from the date of issuance, unless otherwise specified by the Director. The permit holder may submit a **one-time** renewal request to the Director within three (3) months prior to the Permit expiry date and up to three (3) months following the Permit expiry date. Once this time has elapse, the renewal request will not be accepted, and a new permit application will be required, including all applicable permit fees.

Should the renewal request include significant changes from the original application, the Director may require an amendment to the original permit or an application for a new permit.

All permit renewals are subject to a fee of fifty percent (50%) of the original application fee, as per the Fee and Charges By-law.

### **Permit Renewal Request Process:**

1. Complete Site Alteration permit renewal form and submit to [depermits@vaughan.ca](mailto:depermits@vaughan.ca)
2. City review renewal request, including site inspection to document current project status.
3. Payment of permit renewal fee upon acceptance of request.
4. Site Alteration permit is renewed for a period of one (1) year, or as determined by the Director.

### **Permit Amendments**

Should there be significant changes to the original issued permit scope of work, the permit holder must submit a Site Alteration permit amendment request. City staff may request additional documentation based on the proposed amendment and scope of work.

All permit amendments are subject to a fee of fifty percent (50%) of the original application fee, as per the Fees and Charges By-law.

### **Permit Amendment Request Process:**

1. Complete Site Alteration permit amendment form and submit to [depermits@vaughan.ca](mailto:depermits@vaughan.ca)
2. City review amendment request, including site inspection to document current project status.
3. Payment of permit amendment fee is required upon acceptance of request.
4. Site Alteration permit is amended and may include revised and/or new terms and conditions.

## Permit Transfers

Site Alteration permits are not transferable to another property. However, Site Alteration permits may be transferred to a new owner provided that the new owner:

1. Provides an undertaking to transfer the permit and all original terms and conditions.
2. Executes a new Site Alteration Agreement with the city.
3. Provides the necessary security deposit and financial assurances, at which time any security deposit and financial assurances provided by the original permit holder and/or owner will be released.

Should the new owner not provide the necessary requirements listed above, the Site Alteration permit shall be revoked as of the property transfer date.

## Permit Revocation

The Director may at any time and without notice **revoke** a Site Alteration permit for any of the following reasons:

1. Permit was obtained on mistaken, false, or incorrect information.
2. Permit was issued in error.
3. The owner or permit holder has submitted a written request to revoke the permit.
4. The permit holder is in non-compliance with a Stop Work Order or an Order to Comply.
5. The land has been transferred and the new owner has not complied with the necessary permit transfer requirements.
6. The safety, health, and well-being of the community.
7. Financial impact to the city.

Once a permit has been revoked, all site alteration activities must cease. The owner, permit holder and person(s) completing the site alteration activity are all jointly responsible to stabilize or restore the site to its original condition to prevent any negative impact to adjacent properties and the natural environment.

## 5. On-Site Inspections of Site Alteration

All permitted site alteration undertaken will be regularly inspected to ensure compliance with permit conditions and the Site Alteration By-law. The inspection schedule and required reporting will be confirmed at the Pre-Construction Meeting. The cost of all regular site inspection is included in the permit fee. **It is highly recommended that Project Leader assign an Environmental Monitor to provide regular reporting to the City.**



### **Additional Inspection Fee**

Responding to complaints or matters of non-compliance is an added demand on already constrained city resources. Therefore, any additional inspections required to address repeated and/or continued non-compliance with the issued permit or the Site Alteration By-law, will be subject to an Additional Inspection Fee and charged to the permit holder. This additional inspection costs must be paid to the city within 30 days of written demand. Furthermore, any unpaid inspection fees will become a debt owing to the city and may be recovered by either drawing upon the security deposit provided or adding the costs to the municipal tax roll for the subject site and collect in the same manner as property taxes.

### **6. Enforcement and Complaint Resolution Process**

The city has an obligation to respond to and investigate all site alteration related complaints received from the community. When a complaint is received, or an Inspector observes an issue, a complaint file is created, and the investigation process is initiated. Please refer to **Appendix H** of this guide for Site Alteration Enforcement Process Map. Any complaint related to a Site Alteration permit must be resolved prior to the closing of the permit and release of any financial securities. Furthermore, the City has authority to impose various enforcement options including, Administrative Monetary Penalties, Provincial Offences Fines, Notices and Orders as well as pursuing matters of non-compliance in court.

### **7. Closure of Permit**

To initiate the closure process, permit holders are required to contact the city to initiate final inspections. If requested by the city, permit holders must provide a final topographic survey to confirm total volume of material received and/or exported, certifications and other documentation as required.

Final inspections confirm that conditions related to the permit have been fulfilled and any complaints or non-compliance matters have been resolved. Upon the satisfactory completion of site inspections, any remaining security deposits and financial assurances held by the City shall be released in full to the permit holder. The permit file will be permanently closed and all records and documentation to be saved in accordance with City policies and procedures.

## Terms & Definitions:

**Adverse Impact:** means one or more of the following:

- a) Impairment of the quality of the natural environment for any use that can be made of it;
- b) Injury or damage to Property or to plant or animal life;
- c) Harm or material discomfort to any Person;
- d) A negative effect on the health of any Person;
- e) Impairment of the safety of any Person;
- f) Rendering any Property or plant or animal life unfit for human use;
- g) Loss of enjoyment of normal use of Property; and
- h) Interference with the normal conduct of business

**Development:** means the construction of buildings and above or underground services such as roads, parking lots, paved storage areas, watermains, storm and sanitary sewers, general grading works and similar facilities on any lands in the City of Vaughan.

**Director:** means the Director of Development Engineering for the City of Vaughan or their designate.

**Drainage:** means the movement of water to a place of disposal, whether by way of natural characteristics of the ground surface or by an artificial method.

**Enforcement Officers:** means a Person appointed under the authority of the Delegation By-law as a Municipal Law Enforcement Officer, pursuant to section 15 of the *Police Services Act*, to enforce the provisions of this By-law, or a sworn member of York Regional Police, Ontario Provincial Police, Royal Canadian Mounted Police.

**Excess Soils:** means soil, crushed rock, soil mixed with rock or crushed rock, that has been excavated as part of a project and removed from the project area.

**Fees and Charges By-law:** means the Fees and Charges By-law 010-2023, as amended, or its successor by-law.

**Fill:** means any type of material deposited or placed on lands and includes without limitation, topsoil, soil, liquid soil as defined by Ontario Regulation 406/19, stone, concrete, construction material/rubble, asphalt, sod, or turf, either singularly or in combination.

**Grade** means ground surface elevation of the land as it relates to:

- (a) **Approved Grade** means the final elevation of the ground surface following the Site Alteration as approved by the Director in accordance with this By-law;
- (b) **Existing Grade** means the elevation of the existing ground surface prior to any Site Alteration including the natural Grade prior to human activities or any previously Approved Grade;
- (c) **Proposed Grade** means the proposed elevation of the ground surface of land upon which Site Alteration is proposed; and
- (d) **Unapproved Grade** means the elevation of the ground that is not an Existing Grade or Approved Grade.

**Inspector:** means a Person employed as a City of Vaughan Municipal Services Inspector to carry out observations and inspections of Site Alteration activities for compliance with the Site Alteration By-law or where a Permit has been issued and includes Enforcement Officers.

**Natural Heritage Features** means lands containing sensitive and/or significant natural features and functions as defined by the *Greenbelt Plan (2017)*, as amended, or superseded, including but not limited to valley and Stream Corridors, Wetlands, Woodlands, Habitat of Endangered or Threatened Species, Fish Habitat, Significant Wildlife Habitat and Areas of Natural and Scientific Interest.

**Permit** means permission given in writing by the Director to perform work regulated by this By-law or part thereof and shall include all information contained within an approved Site Alteration Management Plan and any special conditions identified by the Director.

**Permit Holder** means a Person who has been issued and maintains a valid Permit pursuant to the terms of this By-law. Permit Holder can be the “**Owner**”, “**Authorized Agent**”, or “**Project Leader**”.

**Project Leader** means the Person or Persons who are ultimately responsible for making decisions related to the planning and implementation of the Site Alteration as set out in O. Reg 406/19.

**Qualified Person (QP):** means a licensed professional (Engineer or Geoscientist) as defined in Section 5 or 6 of Ontario Regulation 153/04 or others who possess expert or special knowledge regarding matters contained within the Site Alteration By-law, including but not limited to agrologists, archaeologists and arborists.

**Receiving Site** means a Site at which Excess Soil is used for a beneficial purpose and does not include a waste disposal site; also referred to as **Reuse Site**.

**Site:** means the lot or lots of a property altered or prosed to be altered by means of a Site Alteration; also referred to as Source Site.

**Site Alteration:** means the placement of fill on land, the removal of topsoil from land or the alteration of grade of land by any means, including the removal of vegetation cover, the compaction of soil or the creation of impervious surfaces, or any combination of these activities.

**Temporary Storage of Fill** means the Temporary Storage of Fill at a Temporary Fill Storage Site or a period of time as set out in O.Reg 406/19.

**Temporary Fill Storage Site** means a waste disposal site, other than a Class 2 Soil management site, at which Excess Soil is managed on a temporary basis and that is operated, by a Person who is not the Project Leader for all of the projects from which the Excess Soil was excavated, for the primary purpose of storing the Excess Soil from one or more projects until the Excess Soil can be transported to a Site for the final Placement or disposal.

**Appendix A – Site Alteration By-law**

**Appendix B – Agent Authorization**

AGENT AUTHORIZATION – Site Alteration

**Property Description:**

Address: \_\_\_\_\_

City: \_\_\_\_\_ Postal Code: \_\_\_\_\_

**Legal Description:** Plan: \_\_\_\_\_ Lot: \_\_\_\_\_ Conc: \_\_\_\_\_

**Landowner Information:**

Registered Landowner: \_\_\_\_\_

Registered Landowner: \_\_\_\_\_

Corporation Name: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

The undersigned, registered landowners of the above noted property, do hereby authorize:

\_\_\_\_\_, of \_\_\_\_\_  
(Agent) (Firm)

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

To act on my (our) behalf and take all action necessary for the processing, issuance and acceptance of this permit, agreements, terms and conditions and if applicable all permit compliance and enforcement matters.

I (We) hereby certify the above information submitted in this application is true and accurate to the best of my (our) knowledge.

\_\_\_\_\_  
Registered Landowner

\_\_\_\_\_  
Registered Landowner

Date: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Witness Name

\_\_\_\_\_  
Witness Signature

## Appendix C- On-Site And Excess Soil Regulation O. Reg 406/19 Acknowledgement Form



Development Engineering Department  
Site Alteration Permit  
O.Reg 406/19 Acknowledgement Form

### On-Site and Excess Soil Regulation O. Reg. 406/19 Acknowledgment

**To be signed by the Project Leader<sup>1</sup> (As defined under O. Reg. 406/19) of the Subject Lands**

**Re: Subject Lands** \_\_\_\_\_ **EF Permit #** \_\_\_\_\_

I \_\_\_\_\_ the Project Leader of the above-noted lands hereby acknowledge that it is my responsibility to ensure compliance with all applicable legislation, guidelines and other government directives pertaining to the excavation and management of excess soil including, but not limited to, *O. Reg. 406/19* and the *Environmental Protection Act*, as amended. I further acknowledge that the City of Vaughan is not responsible for the planning, reporting, documentation, registration, and/or implementation requirements prescribed under *O. Reg. 406/19* and that such materials submitted as part of a site-alteration permit application were prepared by a Qualified Person<sup>2</sup>. I further acknowledge and agree that if the Subject Lands are in contravention of the requirements of *O. Reg. 406/19* or the *Environmental Protection Act* that the City of Vaughan is not responsible for losses or damages related to environmental orders, fines, and/or remedial activities not caused by the City of Vaughan's negligence and will not sue or initiate a claim over or against the City of Vaughan, except where it is alleged that the City of Vaughan has been negligent.

Dated at: \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
Project Leader Signature

\_\_\_\_\_  
Print Name and Affix Corporate Seal (if applicable)

<sup>1</sup> "Project Leader" means, in respect of a project, the person or persons who are ultimately responsible for making decisions relating to the planning and implementation of the project (*Excerpt and as defined under O.Reg.406/19*)

<sup>2</sup> "Qualified Person" means, a person meets the qualifications to be a qualified person, if person holds a license, limited license or temporary license under the Professional Engineers Act, or the person holds a certificate of registration under the Professional Geoscientists Act, 2000 and is a practicing member, temporary member, or limited member of the Association of Professional Geoscientists of Ontario (*Excerpt and as defined under O.Reg 406/19 and O.Reg 153/04*)

## Appendix D- Public and Private Tree Preservation and Removal Requirements

### Development Planning Department: Tree Preservation and Removal Requirements

It is the City's objective to protect and preserve trees and/or woodlots as per Official Plan Amendment (OPA) 400. It is further recognized that not all trees, and/or woodlots, can be, or are designated to be preserved. To confirm tree preservation measures and the tree removal requirements, the following information is required by the Development Planning Department. The requirements listed in this document do not include regional trees, trees located on City property, TRCA (Toronto and Region Conservation Authority) lands and woodlots. For these locations, separate clearances and approvals would be required.

- Owners are required to consult with the Development Planning Department prior to commencing any tree removal activities on site.
- The City's Tree Protection By-law and Tree Protection Protocol remain in effect until a Tree Protection Agreement has been executed between the Owner and the City, or a tree removal permit is obtained. Any person and/or corporation who contravenes with any provision of the Tree Protection By-law is guilty of an offence and upon conviction is liable.
- An owner may wish to proceed with site works and tree removal prior to the execution of the Subdivision or Site Plan Agreement. These works would only be permitted with the issuance of a site-alteration permit and Tree Protection Agreement (TPA) for any proposed removal of more than 5 trees of 20cm DBH and higher.
- As per the City's Tree Protection Protocol, the requirements for a Tree Protection Agreement include:
  1. Arborist report that includes
    - Tree protection costs
    - Tree removal costs
    - Tree compensation costs for all trees
  2. Tree inventory and preservation plan prepared by a Certified Arborist or Landscape Architect
  3. Tree Protection Agreement fee payment as per Fees & Charges By-law, as amended.
  4. Letter of Credit for the total of the tree protection, removal, and compensation costs.  
The letter of credit for the tree protection agreement is to remain in place until the execution of the Subdivision or Site Plan Agreement.
- Where an approved draft plan includes a woodlot designed for preservation as outlined in OPA 400, no part of the designed woodlot shall be removed and tree hoarding is required, to the satisfaction of Forestry Division. This protective hoarding should be installed as per [City-Wide Urban Design Guidelines Tree Hoarding Protection Detail ULA110A and ULA110B](#). Protective hoarding must be approved by City staff prior to the commencement of any site earth works.
- Notwithstanding the item listed above, where a portion of a woodlot, designated for preservation, has been identified for removal as part of approved draft plan, tree/vegetation removal remains subject to review and approval of vegetation assessment, preservation, and remedial planting plan. This approval is part of the subdivision or site plan agreement process and is subject to detailed engineering design including but not limited to grading and servicing. No vegetation will be permitted to be removed within 10 meters of any top of bank approval for any tree/preservation removals, in this situation, will be contingent on detailed vegetation assessment preservation and remedial planting plans which would be required at the subdivision agreement stage and

subject to detailed engineering design, including but not limited to, grading and servicing. Review and clearances from both the City's Environmental staff and the TRCA are required.

- The stockpiling of topsoil on any park block is not permitted without prior written approval from the Development Planning Department. When stockpiling is permitted within a designated park block, a security in the form of a Letter of Credit in the amount of \$50,000 is required which the City can draw upon to recover the cost to the City of performing any works, which the owner has failed to perform.

The Development Planning Department will coordinate and notify the Regional Forestry Coordinator of any tree preservation and tree removal approvals.

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## Appendix E – Erosion and Sediment Control Checklist

### **EROSION AND SEDIMENT CONTROL CHECKLIST**

Name: \_\_\_\_\_ Date: \_\_\_\_\_

*The following checklist is to be completed by the Qualified Person by checking each item certified or outlined on the Erosion and Sedimentation Control drawing.*

✓ = **Provided and/or in Compliance**

X = **Not Provided**

- A key map showing the location of each lot, including the nearest major intersection and north arrow;
- The lot boundaries and lot size in hectares;
- All dimensions shall be in meters;
- Drawing must be to scale with scale ranging from 1:250 to 1:1000;
- The land use type of subject and adjacent properties;
- The location and use of existing or proposed buildings and other structures on the lot or adjacent properties, only provide information relating to proposed site alteration;
- Easements and rights-of-way over, under, across or through the lot, if applicable;
- The location and dimensions of utilities, structures, roads, highways and paving located within a minimum of thirty (30) meters beyond each lot boundary;
- The location of lakes, streams, wetlands, channels, ditches, other watercourses and other bodies of water on and within a minimum of thirty (30) meters beyond each lot boundary;
- The Regional Storm Flood Plain and Toronto and Region Conservation Authority Fill Regulation lines;
- The existing lot topography extending a minimum of thirty (30) meters beyond each lot boundary;
- The existing lot drainage patterns, including directions of overland flow and overland flow route within a minimum of thirty (30) meters beyond the lot boundary,
- The location and dimensions of any existing storm water management ponds, if applicable;
- The proposed final grades and drainage system to be used upon completion of the filling operation;
- Re-routing of drainage from adjacent lands (passing through subject site) around disturbed areas where required or practical;
- Phasing limits of topsoil stripping and filling operations;
- The location, dimensions, design details and design calculation of all construction site erosion control measures;
- Methodology and sequence of implementation of erosion and sedimentation control measures;

- City of Vaughan details for erosion and sedimentation control fencing;
- Additional silt fences along the downslope portions of the site perimeter susceptible to sheet drainage;
- Construction access road location and treatment details;
- Provisions for the maintenance of the construction site erosion sediment control and dust control measures during construction and after, as required;
- The location and dimensions of all temporary stockpiles;
  - Note:**
    - *Stockpiles anticipated to remain in place for more than 30 days are required to be seeded to prevent wind erosion;*
    - *Stockpiles of greater than 100 cubic meters are not permitted within the downslope drainage length of 10m to a roadway or drainage channel.*
- Sedimentation control ponds shall be provided for areas greater than 2 hectares;
- Sedimentation pond size with rip-rap on overflow spillway (all ponds require a volume of 125 cubic metres per hectare with minimum 4:1 L:W pond ratio otherwise 185m<sup>3</sup>/ hectare pond volume required);
- Pond outlet direction and capacity (all ponds require outlets of sufficient capacity to a watercourse or a drainage easement);
- Access facility for clean-out of sedimentation pond;
- Compaction certification by a professional soil engineer for all sedimentation pond berms greater than 1m in height (required prior release of fill permit securities);
- Notes on drawing for removal of accumulated silt when sedimentation pond reaches 50% of its capacity.

## Appendix F – Letter of Credit Template

## Appendix G – Draft Site Alteration Agreement Template

**THIS AGREEMENT** made on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

BETWEEN:

\_\_\_\_\_

Hereinafter called “Owner”  
OF THE FIRST PART,

-and-

\_\_\_\_\_

Hereinafter called “Permit Holder”  
OF THE SECOND PART,

-and-

THE CORPORATION OF THE CITY OF VAUHGAN  
Hereinafter called the “City”

NOW WHEREAS the Owner has applied to the City for a Site Alteration Permit to alter existing grades on the property.

AND WHEREAS the Owner of the property located in the City of Vaughan, in the Regional Municipality of York (hereinafter called the “Region”, being all of Lot No. \_\_\_\_\_, Block No. \_\_\_\_\_, Plan No. \_\_\_\_\_, Concession No. \_\_\_\_\_, identified as Number and Street and hereafter referred to as the “Property”

AND WHEREAS the Owner and Project Leader will be responsible to co-ordinate and oversee all site alteration and fill activities on the property/land;

AND WHEREAS the City has enacted the Site Alteration By-law No. **XX-2023**, as amended, being a by-law to prohibit or regulate the removal of topsoil, the management of excess soils and the placement of fill that alters the grade of lands within the City of Vaughan;

AND WHEREAS the Site Alteration By-law **No. XX-2023** requires that where site alteration is to be conducted on any property, the Owner shall provide information set out in the By-law and shall enter into an Agreement with the City;

AND WHEREAS the Owner/Project Leader has requested the City to issue a Site Alteration Permit to allow them to conduct site alteration and fill activities on their property in accordance with the By-law and Site Alteration Management Plan (SAMP) dated **MONTH DAY, YEAR**;

AND WHEREAS the Owner/Project Leader has requested the City to issue a Site Alteration Permit to allow for the import/export/cut & fill operation to a maximum of XX cubic metres of approved material and the Owner has agreed not to exceed this amount;

AND WHEREAS the Owner/Project Leader has agreed not to contaminate or cause adverse impacts on the natural environment or adjacent properties and agrees to abide by all applicable regulations, including Ontario Regulation 406/19, Ontario Regulation 153/09 and the Site Alteration By-law XXX-2023 as amended;

AND WHEREAS the Owner will pay all applicable fees and provide the required Security Deposit calculated as per the Fees & Charges By-law as amended and detailed in the Applicants Guide;

NOW THEREFORE in consideration of the premises, the parties mutually covenant and agree as follows:

1. The lands, that make up the Property that is the subject of this Agreement are located in the City of Vaughan, in the Regional Municipality of York (hereinafter called the "Region", being all of Lot No. \_\_\_\_\_, Block No. \_\_\_\_\_, Plan No. \_\_\_\_\_, Concession No. \_\_\_\_\_, identified as Number and Street \_\_\_\_\_
2. The Owner and Permit Holder agrees to follow the details of the Site Alteration Management Plan prepared by a Qualified Person in accordance with Site Alteration By-law XX-2023, as amended, and in compliance with the Region, Conservation Authority and all applicable federal and provincial laws.
3. The Owner and Permit Holder acknowledge that the issuance of a Site Alteration Permit does not relieve the requirement to satisfy the City's Lot Grading, Municipal Servicing and Grading Criteria. The Owner and Permit Holder further acknowledge that any works undertaken under the issued site alteration permit will not compromise the City's Standards for Grading and Servicing.
4. The Owner and Permit Holder shall indemnify and save harmless the City and/or its employees from all action, suits, claims and demands whatsoever which may arise directly or indirectly by reason of a requirement of this Agreement, including, save and except for damage cause by the negligence of the City or its employees.
5. No waiver of any provision of this agreement shall be deemed or shall constitute a waiver of any other provision nor shall such waiver constitute a continuing waiver unless otherwise expressly provided. Any waiver of, or consent to depart from, the requirements of any provision of this Agreement shall be effective only if it is in writing and signed by an authorized representative of the party giving it, and only in the specific instance and for the specific purposes for which it has been given. No failure on the part of any party to exercise, and no delay in exercising, any right under this agreement shall operate as a waiver of such right. No single or partial exercise of any such right shall preclude any other or further exercise of any other right
6. The Owner agrees to obtain and keep in force throughout the term of this Agreement comprehensive liability insurance in an amount not less than \$5,000,000 per occurrence against all claims including personal injury, death, property damage and environmental damage resulting directly or indirectly from the site alteration and fill activities on the property, which policy shall include the City as a named additional insured. Owner shall provide the City with a certificate of insurance coverage prior to the City issuing the Site Alteration permit.
7. The Owner agrees to pay all applicable permit fees and any other costs incurred by the City related to the inspection, monitoring, and auditing of the site alteration activities.

8. Prior to the issuance of the Site Alteration Permit, the Owner shall provide a Security Deposit that provides the City with necessary financial resources to address issues of non-compliance or liability from granting permission to conduct the proposed site alteration activities. If the City draws upon the Security Deposit, the Owner shall provide additional funds to top up the Security Deposit back to the original amount within 30 days of the City's request.
9. The Owner agrees to obtain all necessary approvals, permits, acknowledgements, and clearances from all applicable agencies with jurisdiction prior to the issuance of a Site Alteration Permit.
10. Owner agrees that site alteration activities will not commence prior to issuance of a Site Alteration Permit.
11. The Owner acknowledges that the Site Alteration Permit issued by the City is valid for a period of 12 months from issuance. The Owner may submit a request to the Director for a one-time renewal of a permit as per Site Alteration By-law XX-2023, as amended.
12. The Owner agrees to Site Alteration Conditions as listed in Appendix A.
13. The Owner agrees that this Agreement does not expire and can only be terminated once all terms and conditions have been fulfilled to the satisfaction of the Director, including the completion of all necessary final inspections, or the related development agreement has been executed.
14. If any notice is required to be given by the City to the Owner with respect to this Agreement, such notice shall be delivered, mailed, or emailed to:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

Postal Code: \_\_\_\_\_

Attention: \_\_\_\_\_

Email: \_\_\_\_\_

If notice is to be given by the Owner to the City, it shall similarly be given to:

The City of Vaughan  
Development Engineering Department  
2141 Major Mackenzie Drive  
Vaughan, ON L6A 1T1

Attention: Frank Suppa, Director  
Email: [frank.suppa@vaughan.ca](mailto:frank.suppa@vaughan.ca)

IN WITNESS WHEREOF, the Owner and Permit holder have hereunto set their hands and seals, and Vaughan has hereunto affixed its corporate seal duly attested by the proper officers in that behalf,

SIGNED, SEALED AND DELIVERED

THE CORPORATION OF THE CITY OF VAUGHAN

In the presence of

---

Frank Suppa  
Director of Development Engineering

---

Owner

### **Schedule A – Permit Terms & Conditions**

**All permit holders under this Agreement and Site Alteration By-law XX-2023 shall:**

1. Notify the Director within 48 hours of commencing any land disturbing activity;
2. Notify all owners/residents directly adjacent or impacted by this work (transportation plan), 2 weeks before the commencement of the work;
3. Install all site control measures, as identified in the approved ESC plan prior to soil stripping.
4. Maintain all road drainage systems, stormwater drainage systems, control measures and other facilities identified in the Site Alteration Management Plan;
5. Repair any sedimentation or erosion damage to adjoining surfaces and watercourses resulting from site alteration activities.
6. Inspect the ESC measures at least once per week and after severe rain event and provide reporting to Director. Initiate and/or complete any necessary repairs within 48 hours to the satisfaction of the Director.
7. Maintain all roads and sidewalks used for access to the lands in good, mud and dust free condition during construction.
8. Construct additional control measures, not identified in ESC Plan, as deemed necessary by the Director to ensure no erosion and sediment damage to adjoining properties.
9. Maintain a copy of the SAMP, Site Alteration permit, inspection records and transportation tracking tickets on-site.
10. Adhere to the approved Site Alteration Management Plan and/or Fill Management Plan. Should there be any proposed changes to the approved plans, drawings and/or designs, the permit holder may submit a permit amendment request to the Director. The Director will determine the required documentation based on the scope of the proposed amendment. All permit amendments are subject to a fee as listed in the Fees & Charges By-law Schedule K.
11. Restore SWM facility used as ESC ponds during site alteration activity.

12. Be responsible for activities of agents, employees, contractors, and subcontractors who may create a situation of non-compliance of the permit.
13. Allow City employees and any person in the company of any City employee to enter the site for the purposes of inspecting for compliance with the Site Alteration Permit and SAMP; or to perform any necessary work to bring the site into compliance with SAMP and permit.
14. Acknowledge that site alteration activities are only permitted between the hours of 7am to 7pm, Monday through Saturday, and not permitted on Sunday or statutory holidays, unless a construction noise exemption has been issued.
15. The subject parcel of lands may lie in an area identified as being of high archaeological potential in the City's database of archaeological resources. The owner is advised that the following standard clauses apply:
  - a. Should archaeological resources be found on the property during construction activities, all work must cease, and both the Ministry of Citizenship and Multiculturalism and the City of Vaughan's Planning Department, Urban Design and Cultural Heritage Division shall be notified immediately.
  - b. If human remains are encountered during construction activities, the proponent must immediately cease all construction activities and shall contact the York Regional Police Department, the Regional Coroner, and the Registrar of the Cemeteries at the Ministry of Consumer Services.

**The City will:**

1. Inspect the site regularly to ensure compliance with the By-law, Site Alteration Agreement and the Site Alteration Management Plan that was submitted as part of the permit. Any additional inspections required to address matters of non-compliance will be subject to an additional inspection charge as listed in Fees & Charges By-law, as amended.
2. Upon failure by the permit holder to:
  - a. complete all or part of the works included in the Site Alteration Management Plan, or;
  - b. install, repair, or maintain any part of the works required within the time requested or;
  - c. undertake the necessary works due to emergency repair or clean up,

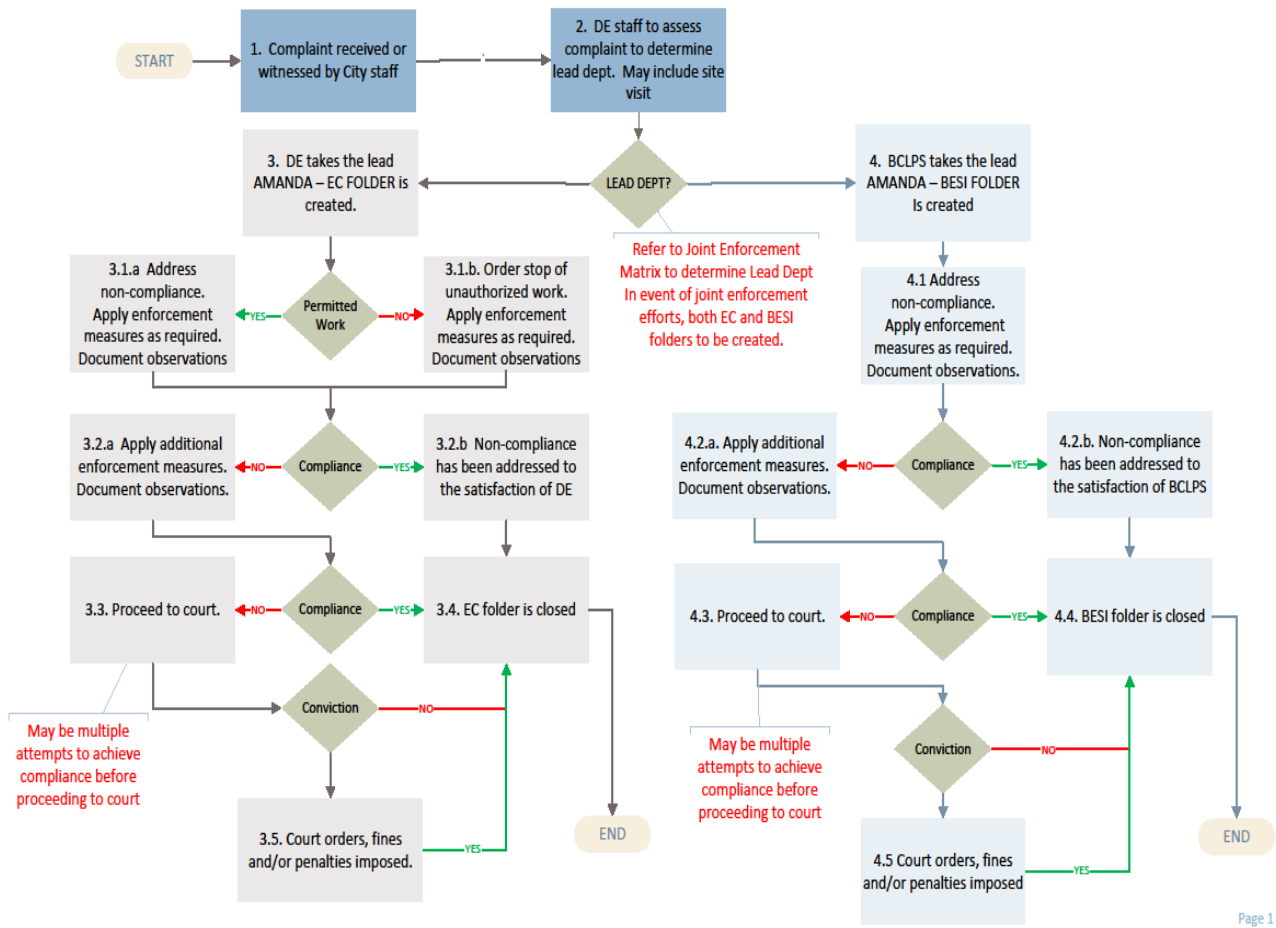
The City will complete the necessary works at the expense of the permit holder. If the costs to complete the required works are not paid to the City within 30 days of written demand, the City may recover all costs by either drawing upon the security deposit provided or by adding the costs to the tax roll for the property and collect in the same manner as municipal taxes.

3. If the costs for the work are greater than the security deposit provided and if the City is not reimbursed within 30 days of written demand, then the costs including interest will be added to the tax roll for the property and collected in the same manner as municipal taxes.
4. Require the permit holder to always maintain the security deposit at 100% of the initial posted value should funds be drawn from the security deposit to address an issue of non-compliance or restore and/or stabilize the subject lands.

**Additional Site-Specific Conditions as determined by Director:**

- 1.

# Appendix H – Site Alteration Enforcement Process Map





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