



Summary

City of Vaughan

Site Alteration By-law Engagement Summary

October, 2023

Overview

The engagement process to seek public feedback on the Draft Site Alteration By-law included two components, an in-person public Open House held on Thursday, Sept. 28 from 7 to 9 p.m. at the Maple Community Centre (10190 Keel St.) and an online survey.

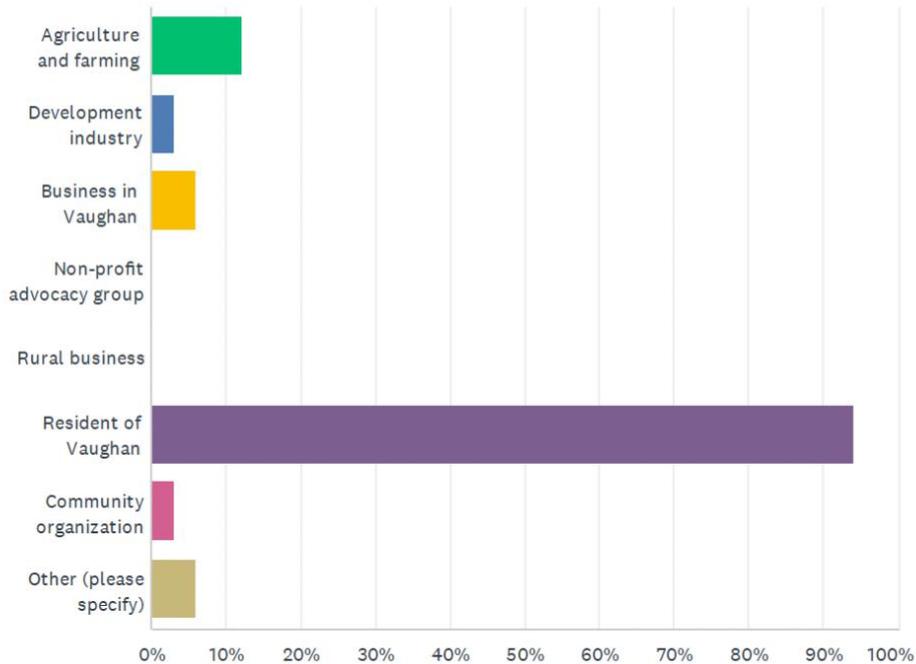
Attendance at the Open House was light, with two people stopping by to engage with the display boards and staff team. There was interest in the new by-law and questions related to what site alteration is and why the new by-law is being proposed. One person signed up to receive email updates from the City. The display boards shared at the Open House are included as Attachment 1.

The online option for participation received more interest, with 33 participants sharing their thoughts from Sept. 13 and October 15, 2023 (32 days). The survey asked eight questions and was hosted on Survey Monkey. Links to the survey were made available to the community through a pamphlet (included as Attachment 2) distributed by the City of Vaughan in residential areas that had previously expressed interest in site alteration issues. The survey was also promoted through social media, a public service announcement, City and councillor eNewsletters, roadside signs, community centre televisions and direct emails from City staff. Quantitative and qualitative responses to the online survey are provided in this report.

Summary of Feedback

Q1 What sector and/or community(ies) are you a part of? Select all that apply.

Answered: 33 Skipped: 0

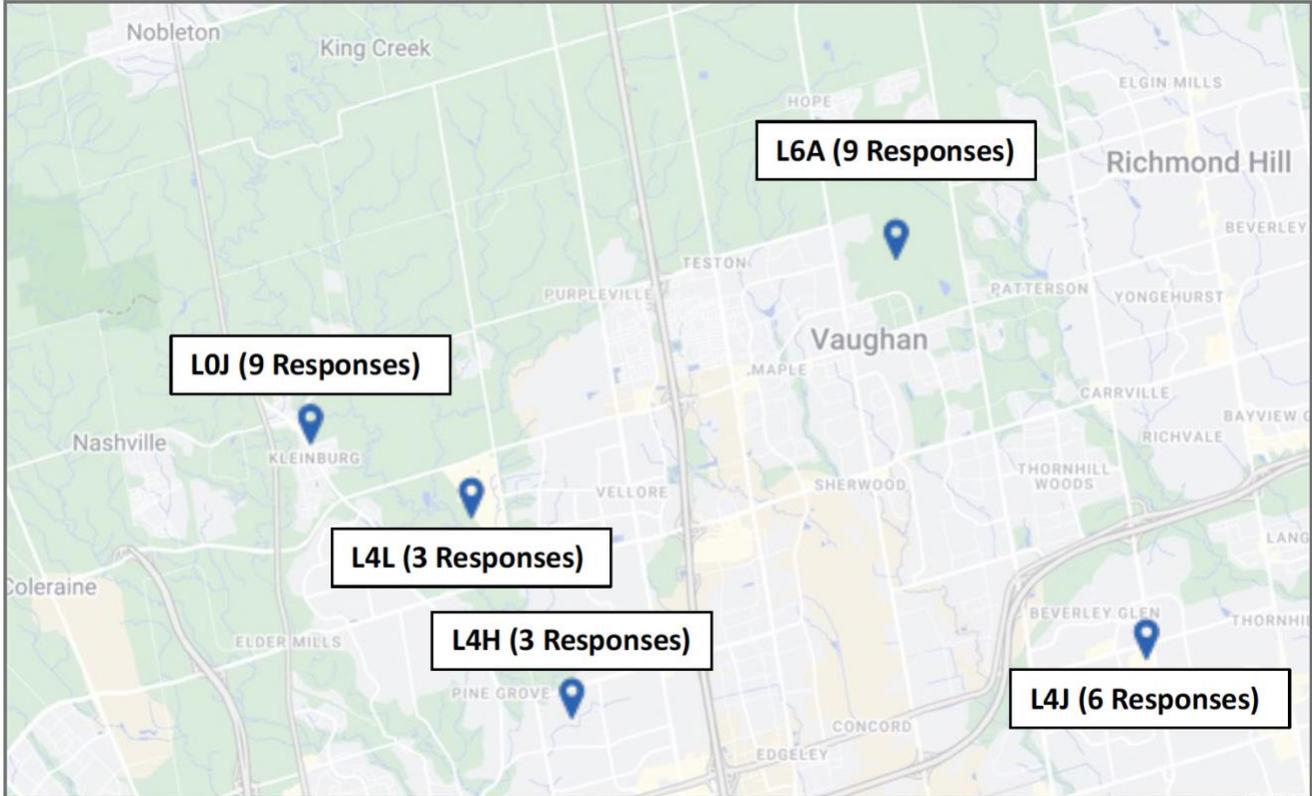


ANSWER CHOICES	RESPONSES
Agriculture and farming	12.12% 4
Development industry	3.03% 1
Business in Vaughan	6.06% 2
Non-profit advocacy group	0.00% 0
Rural business	0.00% 0
Resident of Vaughan	93.94% 31
Community organization	3.03% 1
Other (please specify)	6.06% 2
Total Respondents: 33	

#	OTHER (PLEASE SPECIFY)	DATE
1	Visitor	10/10/2023 1:08 PM
2	municipal employee	9/13/2023 2:36 PM

Q2 What are the first three digits of your postal code?

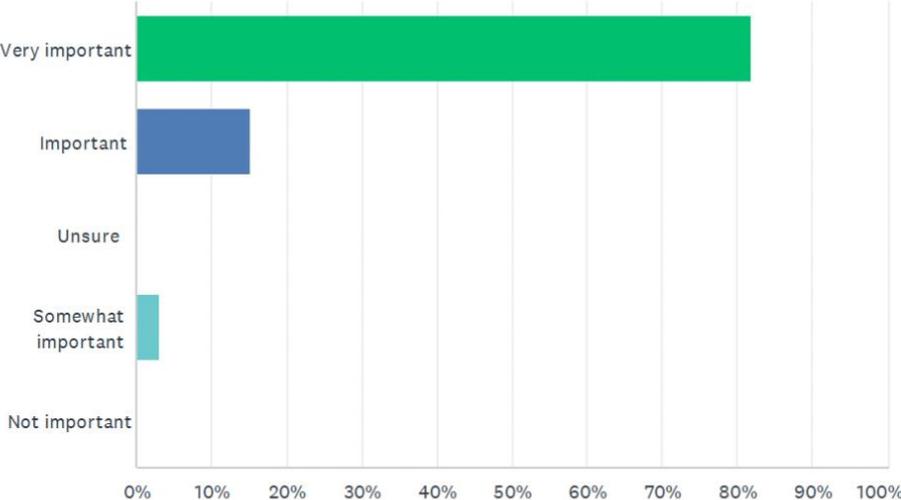
Answered: 33 Skipped: 0



All participants were asked the first three digits of their postal codes. The highest number of participants, nine each, said L0J and L6A; six participants said L4J, five participants said L4H, and three participants said L4L.

Q3 How important is it to you that the City of Vaughan support responsible development?

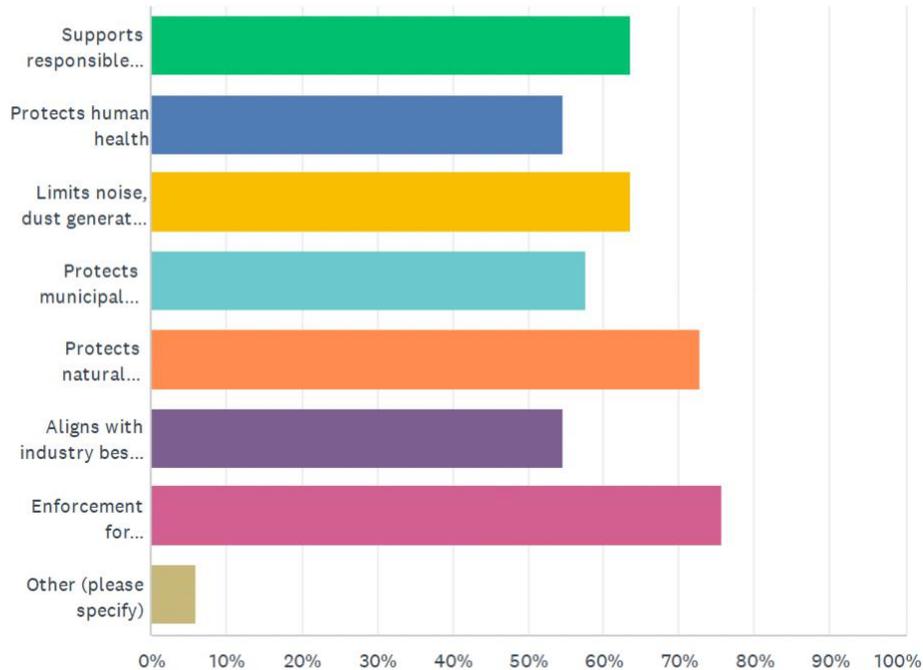
Answered: 33 Skipped: 0



ANSWER CHOICES	RESPONSES	
Very important	81.82%	27
Important	15.15%	5
Unsure	0.00%	0
Somewhat important	3.03%	1
Not important	0.00%	0
TOTAL		33

Q4 What improvements supported by the new Site Alteration By-law are of most interest to you? Select all that apply.

Answered: 33 Skipped: 0

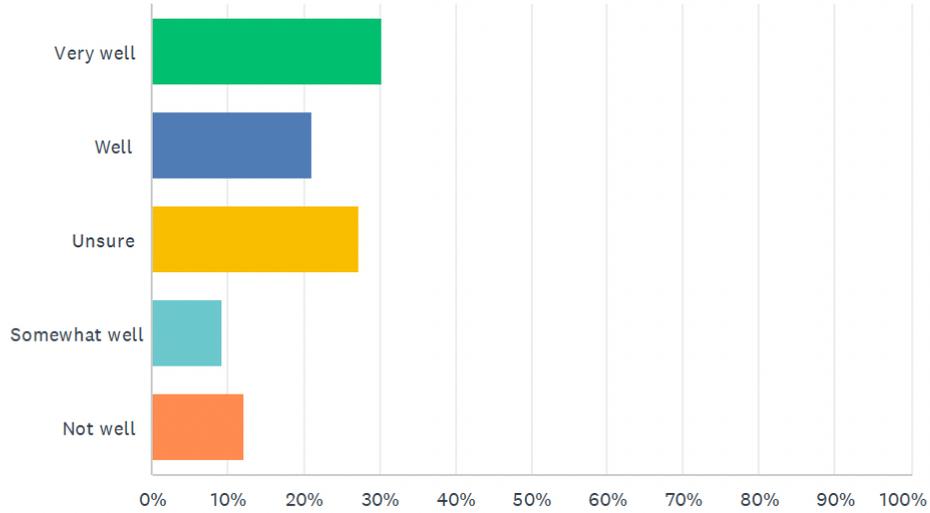


ANSWER CHOICES	RESPONSES
Supports responsible development	63.64% 21
Protects human health	54.55% 18
Limits noise, dust generated by increased truck traffic	63.64% 21
Protects municipal infrastructure (e.g. roads)	57.58% 19
Protects natural heritage and the environment	72.73% 24
Aligns with industry best practices	54.55% 18
Enforcement for non-compliance	75.76% 25
Other (please specify)	6.06% 2
Total Respondents: 33	

#	OTHER (PLEASE SPECIFY)	DATE
1	TRAFFIC!!!!	9/21/2023 10:31 AM
2	This plan to create a by-law under the guise of "protecting" the environment is the first step in impeding citizens' ability to garden/farm (food security). This is following the WEF plan.	9/13/2023 10:36 AM

Q5 How well does the proposed Site Alteration By-law address the issues and/or opportunities that are of most interest to you?

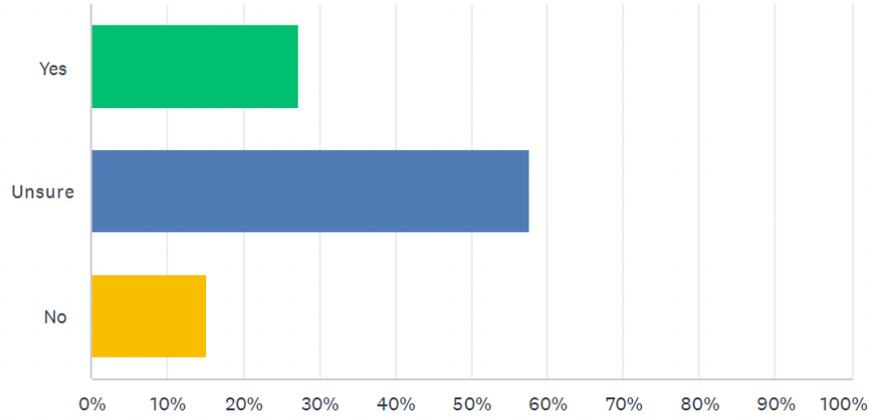
Answered: 33 Skipped: 0



ANSWER CHOICES	RESPONSES	
Very well	30.30%	10
Well	21.21%	7
Unsure	27.27%	9
Somewhat well	9.09%	3
Not well	12.12%	4
TOTAL		33

Q6 Is there anything major that's missing or off-base in the proposed new Site Alteration By-law?

Answered: 33 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	27.27%	9
Unsure	57.58%	19
No	15.15%	5
TOTAL		33

Q7 If any, what final refinements would you like to see the City consider to address your concerns?

Answered: 20 Skipped: 13

Twenty of the 33 participants answered this question, with a summary of the feedback provided below.

- **Ensure that the public understands what's included in the by-law.** The by-law needs to be written so that residents and businesses better understand the DOs and DONTs included in the by-law. Suggestions included simplifying the language of the by-law and making instructional videos available online.
- **Ensure early planning and stronger enforcement.** The amendments in the by-law are useful only if enforced properly. A participant suggested: a) enforcing through by-law officers and/or regional police force; b) ensuring that trucks over the weight limit are not able to use secondary roads; c) cutting of hydro connections to sites that are in violation of the designated land use; d) removing culverts used by trucks to bring in or remove fill from these sites. There were also concerns that monetary fines are not enough and fines should include revoking building permits as well.
- **Ensure that development is not hindered due to this by-law.** There was a concern that too much overhead and regulations might hinder building affordable housing. There was a suggestion to ensure the by-law is reasonable in what it requires from the developer, and easy to comply with.
- **Ensure that greenspaces are preserved.** Suggestions included stopping construction and aggregate companies from existing in greenspaces and agricultural areas. There was also a suggestion to ensure there is support and retention for healthy soil. A participant also said it should be ensured that the changes do not lead to flooding.
- **Fill should be tested for contamination and be approved before use.** There should also be higher penalties for contaminated fill.
- **Monetary fines are not enough, consider including fines like revoking business permits.** There were concerns that the fines, including the Administrative Monetary Penalties are inadequate may be considered cost of doing business by some offenders, and suggestions that there should be special compounding fines for repeat offenders.
- **Participants expressed concerns about container trucks, near greenspaces and wetlands.** They said the trucks make the traffic unsafe, specially in residential areas, and harm the properties and wildlife.

Language-specific refinement suggestions included:

- Consider adding a reference in the by-law that acknowledges that the alteration of any particular site has the potential to also impact adjacent sites, especially natural features and tree canopies. For example, the existing statement in the draft by-law reads “recognize a landowner’s right to alter land to prepare it for development”, which does not prompt developers to consider impacts on adjacent sites. A participant said grade and natural features should be carefully assessed, monitored and restricted.

- A participant had concerns about the definition of the term “development” under section 2.0, the participant said the term “paved storage areas” in this definition may be used as a loophole by offenders to evade compliance. For example, reference to “paved” could mean that the by-law would then permit the storage of heavy equipment and shipping containers on unpaved areas (such as gravel fill) on recently altered land.

Some suggestions for Section 5.0 Exemptions, included:

- City should be held to the same standards.
- Land not designated under the Aggregate Resources Act must not be exempt.
- Waste disposal sites must not be exempt, since there is a high risk of toxic run off.
- Need for clarity on why there is an agricultural exemption.

Participant questions included:

- Will the Ministry of Environment be involved? Who are the professional experts and engineers that will oversee and enforce this?
- How is Vaughan protected from site alteration on activities next door and outside of Vaughan jurisdiction? Participant noted the significant site alteration on Diana Drive, King City next to Highway 27.
- Are fines mentioned in section 9.0 one-time fines?

Additionally, there was also a concern about this by-law being abused by the City to impact or impeded the residents’ ability to garden or farm.

Q8 Do you have any other comments or advice for staff as they prepare to take the proposed new Site Alteration By-law to Vaughan Council?

Answered: 19 Skipped: 14

19 of the 33 respondents answered this question. The detailed feedback is below:

- **Need for stronger enforcement policies.** Participants said there should be higher penalties and deterrents like revocation of building permits for those that don't follow the by-law. Suggestions included having systems to identify and stop illegal activities in initial stages and charging the developers for cost of removing culverts.
- **Ensure and confirm that the public understands what the by-law means.** The by-law should clarify what the proposed key changes mean in practice. There was also a suggestion to establish metrics to measure and confirm that residents and businesses understand the by-law.
- **Create a process to check that sites are cleaned after the development is wrapped up.** Debris left over after a development is over can be a hazard and may block traffic or emergency lanes. After every construction project, the City should do a drive-by and check that sites are cleaned.
- **Create safe dumping grounds,** where the soil and other environmental items cleared from development sites can be delivered and processed by appropriate environmental organizations.
- **Review and compare the draft Site Alteration By-law with similar by-laws from neighbouring municipalities,** and ensure all aspects covered by these by-laws are considered in the amended by-law for Vaughan.

Other feedback included:

- Need to implement the by-law quickly to ensure illegal activity is stopped soon.
- Consider properties on Vaughan boundaries that are negatively impacting Vaughan.
- Take traffic into consideration – including industrial traffic going through residential areas.
- Keep greenspaces intact and preserve the beauty of the city.
- Ensure a responsible approach to development especially in residential areas.
- Ensure there are clear exemptions in place for farming, and protect people's ability to garden/farm on their property.
- Need for clarity on whether soil and fill samples will be tested and who will be responsible for determining the impact of drainage and grading.

Attachment 1. Pamphlet

A new Site Alteration By-law is proposed for Vaughan.

We want to hear from you!



Example of a site in Vaughan undergoing alteration in preparation for development

There are three ways to share your feedback



Attend the Open House
Thursday, Sept. 28
7 to 9 p.m. (drop-in)
Maple Community Centre



Take the online survey
vaughan.ca/SiteAlteration



Call or email
(see back of this pamphlet for details)



Example of a site in Vaughan undergoing alteration in preparation for development

What is Site Alteration?

Site alteration is one way to describe a change to a property. For the purposes of the new proposed by-law, these changes include:

- placing or dumping of soil, also known as fill, on land (fill is used in development to fill low areas in the ground, change the height of the ground, build berms, etc.).
- topsoil removal.
- when the grade of the land is changed (e.g. to make land level or create a slope).

Why is a new by-law needed?

Vaughan's current Fill By-law 189-96 was created in 1996 and has been updated several times since then. It is now out of date and not aligned with current policies, industry best practices and the needs of Vaughan.

Who is this relevant to?

In addition to the City of Vaughan, the Province of Ontario and the Toronto and Region Conservation Authority, this new by-law is also relevant to:



the farming community and rural landowners whose properties often receive excess fill and soil, sometimes illegally.



the development industry as the building of new housing and infrastructure often generates excess soil.



residents of Vaughan who experience both the benefits of new development and challenges like noise and dust from trucks moving soil and fill.

What changes does the new by-law introduce?

Four key changes include:

- expanding the scope to align with new provincial policies and industry best practices.
- clarifying the process, roles, rights and responsibilities.
- clarifying monetary responsibilities and enforcement.
- clarifying terminology.

What improvements will the new Site Alteration By-law bring?

- ✓ Supports responsible development
- ✓ Protects natural heritage and the environment
- ✓ Protects human health
- ✓ Strengthens the City's ability to enforce non-compliance
- ✓ Limits noise and dust generated by increased truck traffic
- ✓ Protects municipal infrastructure (e.g. roads)
- ✓ Aligns with industry best practices

When will a decision be made and by whom?

A staff report will be coming forward at a public meeting in early 2024 recommending that Vaughan Council repeal the existing Fill By-law and adopt the proposed new Site Alteration By-law.



Example of a site in Vaughan undergoing alteration in preparation for development

Information from you that will help the City finalize the proposed new by-law:



1. How important is it to you that the City of Vaughan support responsible development?
2. What improvements supported by the new Site Alteration By-law are of most interest to you?
3. How well does the proposed Site Alteration By-law address the issues and/or opportunities that are of most interest to you?
4. Is there anything major that's missing or off-base in the proposed new Site Alteration By-law? If so, what final refinements would you like to see the City consider to address your concerns?
5. Do you have any other comments or advice for staff?

If you are you interested in receiving email updates about this project, please sign up on the project website.

vaughan.ca/SiteAlteration

Vaughan is planning to strengthen rules to control:

- placing or dumping of fill.
- removal of topsoil.
- alteration of the grade of land.
- other activities that alter sites within the City of Vaughan.

Interested in learning more and sharing your thoughts?

Participate in the public consultation by attending the Open House, completing the survey or contacting us directly!

The deadline for feedback is Sunday, Oct. 15, 2023. After the consultation, staff will finalize the proposed new by-law for consideration by Vaughan Council in early 2024.

For more information visit:
vaughan.ca/SiteAlteration

Project contact:
Antonella Brizzi, Business Analyst,
Development Engineering department,
City of Vaughan,
905-832-8585, ext. 8364
Antonella.Brizzi@vaughan.ca

Attachment 2. Display Boards from Open House

Welcome!

Site Alteration By-law Open House



At today's Open House:

-  Learn more about the new Site Alteration By-law
-  Ask questions and share your feedback




What is the Site Alteration By-law

What is site alteration?



Site alteration refers to the placement of fill (soil) on land, the removal of topsoil or the alteration of the slope, or grade, of a piece of land. Site alteration is primarily undertaken to improve drainage, create noise berms, stabilize slopes or prepare land for development, as well as enhance natural features or improve the use of agricultural lands.

What site alteration isn't



The Site Alteration By-law does not apply to private residential landscaping or construction projects such as flower gardens or installing a patio. The by-law also does not apply to normal farming practices that includes the removal or replacement of topsoil on agricultural lands.

What is excess soil?



It's the excess soil generated on a development to the requirements of a development site after excavation. This excess soil is no longer needed at the source site and must be moved to a new location known as the reuse or receiving site. Improper management can negatively impact water quality, the natural environment and agricultural lands, and create local nuisance issues like noise, dust, increased truck traffic, road damage and soil erosion.



What improvements will the new by-law bring



Vaughan's current Fill By-law 189-96 was created in 1996 and has been updated several times since then. It is now out of date and not aligned with current policies, industry best practices, and the needs of Vaughan. The new by-law is being created with the following intent:

- To continue supporting responsible development.** Vaughan is growing rapidly. The new by-law reflects the City's commitment to support responsible development by providing expanded guidelines for development that includes site alteration. The new by-law will streamline the application process for activities with minimal impacts and introduce more rigorous controls, where required.
- To align with provincial policies and industry best practices.** The new by-law aligns with new provincial guidelines and regulations on the disposal of excess soil and reflects updates around site alteration and excess soil management that have been adopted by several Ontario municipalities.
- To better protect the natural environment and human health.** The new by-law includes stronger considerations for protecting the natural environment and human health for the residents of Vaughan, and includes considerations around soil quality, increased protection of natural heritage areas, drinking water, noise pollution and dust.
- To provide expanded guidelines around site alteration.** The new by-law provides more clarity on roles and responsibilities of the different stakeholders – including the City, the landowner, and the applicant – along with guidelines around permits, regulations, monitoring and enforcement.
- To provide the City with the ability to recover costs incurred when addressing issues of non-compliance.**



What is the process to change the by-law

A lot of research, learning, collaboration and coordination went into developing the proposed new Site Alteration By-law. This work started in 2020 and key activities included:

- Consultation within the City, including staff and elected officials that have received public and stakeholder feedback related to site alteration issues and opportunities.
- Review of resources provided by the Ontario Ministry of Environment, Conservation and Parks.
- Attendance at a range of webinars focused on updating fill by-laws from the perspective of different sectors, including those hosted by the Canadian Urban Institute, the Urban Land Institute (development perspective), Stantec (engineering perspective), Aird & Berlis (legal perspective) and the Ontario Ministry of Environment, Conservation and Parks.
- Review of site alteration by-laws in other municipalities.
- Review of information from the Ontario Soil Regulation Task Force and the Excess Soil Regulation Working Group (a group of municipalities sharing information on site alteration by-laws and implementation of excess soil regulations on capital works).

WE ARE HERE

Now we want to consult with you. It is important that we share information about the proposed Site Alteration By-law and seek your feedback before moving forward with a staff report to Vaughan Council.

A staff report will be coming forward at a public meeting in early 2024 recommending that Vaughan Council repeal the existing Fill By-law and adopt the proposed new Site Alteration By-law.



Who's involved and how is the proposed Site Alteration By-law relevant to them?

There are many different interests that the City pays attention to when developing new by-laws. Those interests are identified below along with a short description of their primary role related to site alteration:

Province of Ontario creates and enforces provincial regulations, including those related to environmental protection, land use and soil management.

Farming community and rural landowners whose lands often receive excess fill and soil, sometimes illegally.

City of Vaughan has a responsibility to:

- facilitate responsible development that supports growth.
- protect human health, including drinking water.
- maintain and manage City infrastructure, including minimizing damage to roads.
- protect agricultural land and normal farming practices.
- protect natural heritage areas and the natural environment.
- minimize local nuisance issues like noise, dust, and increased truck traffic.
- limit adverse impacts to adjacent properties.

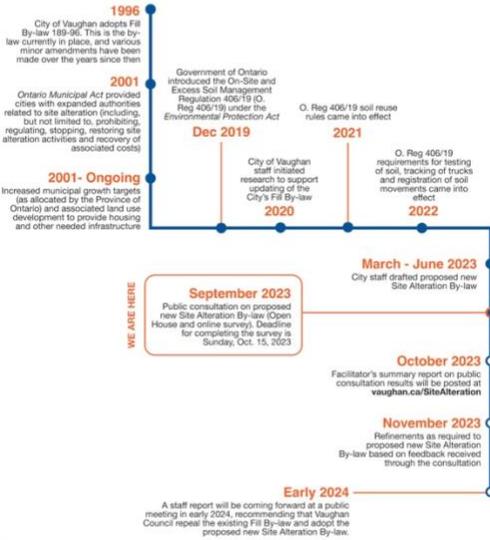
The development industry as the building of new housing & infrastructure often generates excess fill and soil.

Residents of Vaughan who experience both the benefits of new development and challenges like noise and dust from trucks moving soil & fill.

Toronto and Region Conservation Authority (TRCA) is an important partner to Vaughan. Under the provincial *Conservation Authorities Act*, the TRCA has a mandate to enhance the region's natural environment and protect our land, water and communities from the impacts of flooding and increasingly extreme weather events. In collaboration with the TRCA, the City will be responsible for enforcement of the new by-law on conservation authority lands.

How did we get here?

Below is a brief timeline of the different processes involved in the development of the proposed new Site Alteration By-law, since the adoption of Fill By-law in 1996.



What is changing in the by-law?

There are four major types of changes being introduced with the new by-law. The table below identifies what's currently in place (with the Fill By-law from 1996) and what is now being proposed in the Site Alteration By-law.

Impact area	Current by-law (Fill By-law)	Proposed new by-law (Site Alteration By-law)
1 Expanded scope to align with new provincial policies and industry best practices	The current by-law was created in 1996 and does not include updated provincial policies around excess soil management through On-Site and Excess Soil Management Regulation 406/19 (O. Reg. 406/19).	The new proposed by-law aligns with the On-Site and Excess Soil Management Regulation 406/19 (O. Reg. 406/19), and industry best practices that have been adopted by several neighboring municipalities.
2 Clarity on process, roles, rights and responsibility	Limited clarity on the roles, rights and responsibilities of different stakeholders, including the City and landowners.	Recognizes the roles, rights and responsibilities of different stakeholders, including the City and landowners.
3 Clarity on monetary responsibilities and enforcement	Limited clarity on monitoring and enforcement tools and processes to address non-compliance.	Offers effective monitoring and enforcement tools and processes to address non-compliance. Enables cost recovery to limit burden on the Vaughan taxpayers.
4 Clarity on terminology	The current by-law provides limited clarity on terminology and definitions in the by-law.	More clarity on terminology, including and expanded list of terms that reflect: <ul style="list-style-type: none"> • current regulations. • environmental features. • industry best practices. • permit requirements. • enforcement terms. • site alteration activity.

Share your thoughts with us!

What sector and/or community(ies) are you a part of? Select all that apply.

Agriculture and farming

Development industry

Business in Vaughan

Non-profit advocacy group

Rural business

Resident of Vaughan

Community organization

Other (please specify)

How important is it to you that the City of Vaughan support responsible development?

Very important

Important

Unsure

Somewhat important

Not important

What are the first three digits of your postal code?

What improvements supported by the new Site Alteration By-law are of most interest to you? Select all that apply:

Supports responsible development

Protects human health

Limits noise, dust generated by increased truck traffic

Protects municipal infrastructure (e.g. roads)

Protects natural heritage and the environment

Aligns with industry best practices

Enforcement for non-compliance

Other (please specify)

How well does the proposed Site Alteration By-law address the issues and/or opportunities that are of most interest to you?

Very well

Well

Unsure

Somewhat well

Not well

Is there anything major that's missing or off-base in the proposed new Site Alteration By-law?

Yes

Unsure

No

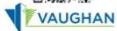
Share your thoughts with us!

If any, what final refinements would you like to see the City consider to address your concerns?

Do you have any other comments or advice for staff as they prepare to take the proposed new Site Alteration By-law to Vaughan Council?

Prefer to complete this online?

You can provide feedback through an online survey, at the link below (or just scan the QR code). The survey is open till Sunday, Oct. 15, 2023.



Project website:
vaughan.ca/SiteAlteration

Project contact:
Antonella Brizzi,
Business Analyst, Development Engineering
Department, City of Vaughan,
905-832-8585, ext. 8364,
Antonella.Brizzi@vaughan.ca