



Site Alteration Committee

MINUTES

Minutes of the Site Alteration Committee held on Thursday, May 16, 2019, at 3:00 p.m., in the Esqueusing Boardroom, Town Hall, Halton Hills.

MEMBERS PRESENT: Councillor Ted Brown (Chair)
Andrew Stabins (Vice-Chair)
Councillor Bryan Lewis
Councillor Clark Somerville
Ralph Padillo
David McKeown
Bill Allison

REGRETS: N/A

STAFF PRESENT: Bill Andrews, Director of Engineering
Maureen Van Ravens, Manager of Transportation
Steve Grace, Program Manager, Water Resources
Jeff Jelsma, Manager of Development Engineering
Steve Burt, Development Engineering Coordinator
Nova Bonaldo (Recording Secretary)

OTHERS PRESENT: Michael Van Dongen, Van Dongen's Garden Centre, Landscaping, Nurseries (Agent)

1. Disclosure of Pecuniary Interest

Nil.

2. Delegation

- a) SA-18028, Delegation: Michael Van Dongen, Agent representing Agnes and Adrian Van Dongen, Property Owners – 9268 Fifth Line

On behalf of the Owners, the Agent is requesting an exception to the requirement for Environmental Impairment/Pollution Liability Insurance, as per the condition identified under Item 2.(h) of Schedule C of the Site Alteration By-law 2017-0040, to their previously conditionally approved application for a Large Scale/Commercial Site Alteration permit to import fill to the property's rear 8.4 hectares.

Facts

The Agent met with the Site Alteration Committee on May 19, 2018 to discuss a Large Scale/Commercial Site Alteration application at the above noted address to import fill and hosted a site visit on July 10, 2018 at 9268 Fifth Line to further inform and demonstrate the location and need of the proposed works to the Site Alteration Committee Members.

The Agent appeared again before the Site Alteration Committee on July 19, 2018 to request that the application proceed by way of a simple form, "Alteration of a Site". The Site Alteration Committee agreed that the permit fees would be a hybrid of both the "Alteration of a Site" and the "Alteration of a Site - Large Scale/Commercial" and carried the following recommendation:

Recommendation No. SA-2018-0004

THAT the Site Alteration Committee recommends the "Terms and Conditions of All Permits" listed in Schedule C of the Site Alteration By-law No. 2017-0040;

AND FURTHER THAT the Agent provides the administrative fee of \$1,419.00 plus \$50.00/ha (\$420.00), additional fees of \$5,760.00 ($38,400\text{m}^3 \times \0.15), and refundable securities in the amount of \$10,000.00 as indicated in the Refundable Security Notice;

AND FURTHER THAT the Site Alteration Committee supports the proposed works, subject to the applicant meeting all conditions to the satisfaction of staff.

The Agent is requesting for an exception to the requirement for Environmental Impairment/Pollution Liability Insurance, as per the condition identified under Item 2.(h) of Schedule C of the Site Alteration By-law 2017-0040 and requesting that the Site Alteration Committee review By-law 2017-0040 to ensure it is fair and applicable to all site alteration permit applications.

Analysis & Discussion

The Agent communicated the obstacles that have been encountered in acquiring Environmental Impairment/Pollution Liability Insurance in order to comply with Schedule C, Item 2.(h) of Site Alteration By-law 2017-0040. To acquire \$5,000,000.00 Environmental Impairment/Pollution Liability Insurance coverage would cost an unattainable amount as a farmer and as an applicant planning to move the soil themselves and not hire a contractor to do the works.

The Agent expressed appreciation for staff's assistance with the process and documents required to apply for the site alteration permit. The Agent also appreciates the importance of Site Alteration By-law 2017-0040 however would like to suggest that the by-law is reviewed and revised to better assist agricultural property owners who manage and own smaller farming operations.

The Site Alteration Committee members, staff, and the Agent discussed the importance of attaining Environmental Impairment/Pollution Liability Insurance for Large

Scale/Commercial site alterations to protect the applicant and the Town of Halton Hills in the event of soil contamination. There was discussion on whether the insurance coverage is occurrence based or claim based, the length of the term of coverage, and how the coverage will be applicable in the future after the site alteration works are complete and the permit is closed.

The Site Alteration Committee Members and staff discussed options for various solutions to assist the applicant in attaining the site alteration permit and begin the works as soon as possible, while keeping in consideration the importance of the Environmental Impairment/Pollution Liability Insurance coverage, the terms and conditions of all permits under Site Alteration By-law 2017-0040, and the value of time in the agricultural and farming community.

Schedule C, Item 2.(h) of Site Alteration By-law 2017-0040 was incorporated and recommended by the Town's Solicitor when By-law 20110-0119 was repealed. It was suggested that the Town's Solicitor be consulted on whether additional wording regarding application-based flexibility be incorporated into the by-law. Steve Grace indicated that this year, the Ministry of Environment will be changing its legislation regarding the amount of fill that can be placed or removed. Once issued, the Town will review the by-law in its entirety and align it and the Schedules with the new legislation and include any required amendments.

***Action Item:** Staff to consult with the Town's Solicitor regarding Site Alteration By-law 2017-0040, required insurance, and how to assist the applicant in the interim.

Conclusion

Site Alteration Committee deferred making recommendations due to Schedule C, Item 2.(h) of Site Alteration By-law 2017-0040 condition not being met and will await legal advice. A Site Alteration Committee meeting will be held June 4, 2019 to discuss staff's findings and information that will be provided from the Town's Solicitors.

***Action Item:** Staff to schedule a Site Alteration Committee meeting for Tuesday, June 4, 2019 at 5:00pm in the Esquering Boardroom at Town Hall.

3. Terms of Reference – Approve Updates

- **Item #5: Meeting Dates**
- **Item #12: Town Policies, Guidelines, and Procedures**

Motion to approve the updates to Item #5 and #12 of the Terms of Reference was carried.

4. Local Board and Committee Member Acknowledgement of Receipt and Understanding – Hand-out

Site Alteration Committee Members signed and submitted the Local Board and Committee Member Acknowledgement of Receipt and Understanding of the Code of Conduct for

Local Boards and Committees and the Serving Persons with Disabilities Customer Service Brochure to the Recording Secretary. Signed documents will be submitted to the Clerk Department.

5. Fill Operations – Update

Staff provided verbal updates regarding on-going fill operations and responded to Site Alteration Committee questions and concerns.

***Action Item:** Staff to draft a letter addressed to the Chair of the Niagara Escarpment Committee (NEC) for Mayor Bonnette's signature requesting updates on on-going fill operations within the NEC area. Halton representatives on the NEC to be copied on the letter as well.

6. Upcoming Items for the next Agenda

Nova Bonaldo explained that going forward, "New Business" will be replaced by "Upcoming Items for the next Agenda" as per the Clerk's direction.

a.) Litigation regarding dumping on 5 Side Road

7. Next Meeting

Tuesday, June 4, 2019 at 5:00p.m. in the Esqueving Boardroom, Town Hall.

8. Adjournment

The meeting adjourned at 4:35p.m.