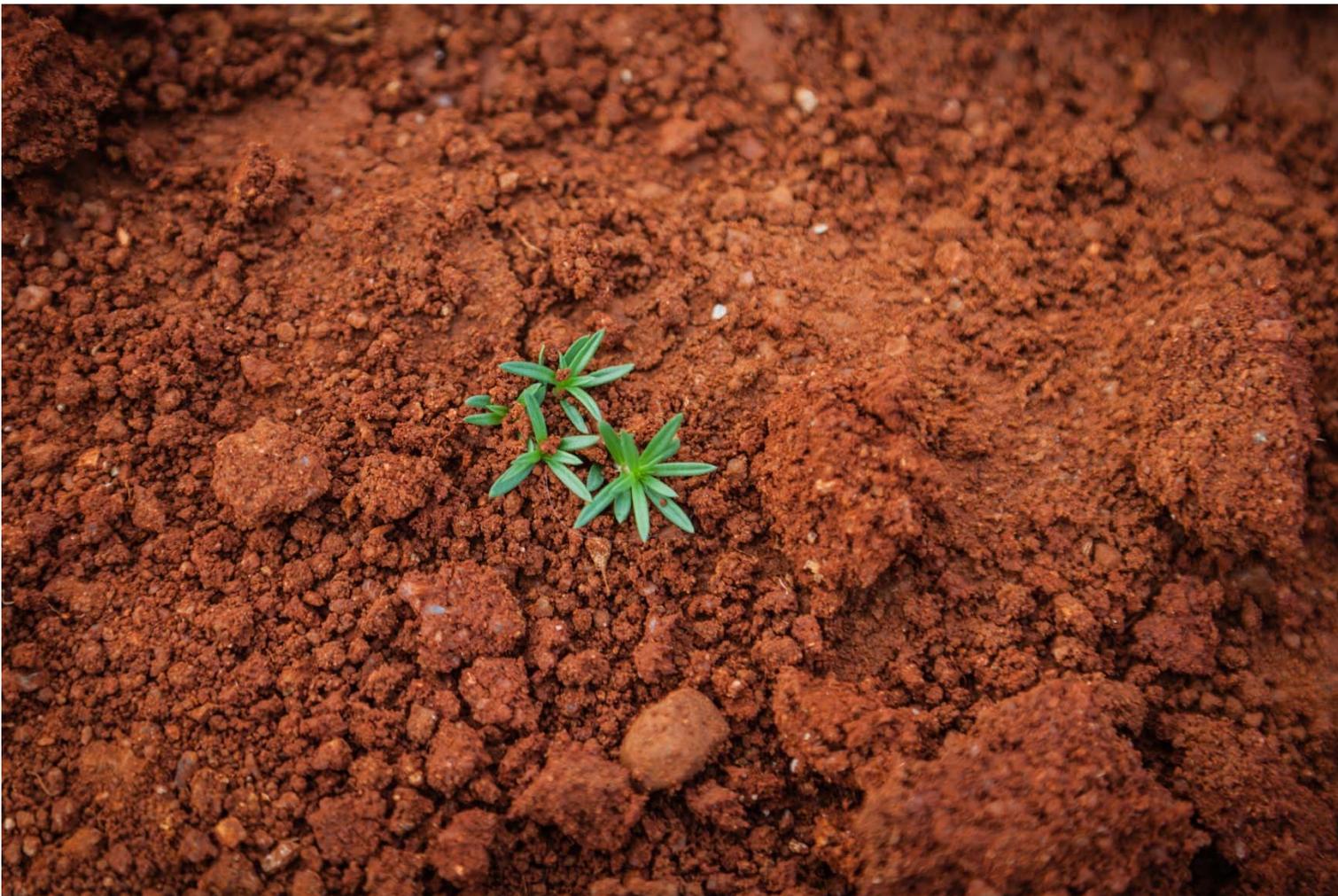


DRAFT EXCESS SOIL OFFICIAL PLAN AMENDMENTS

TOWN OF CALEDON



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1.0 RATIONALE

The Town of Caledon is developing Official Plan policy language to help the Town comply with Provincial guidance and direction on excess soil, be better prepared to respond to requests to accommodate soil on receiving sites and help protect the community and natural environment.

1.1 Introduction

This document provides proposed Official Plan policy language that could be implemented to help the Town comply with Provincial guidance and direction on excess soil, prepare the Town to better respond to requests to accommodate soil on receiving sites and help protect the community and natural environment.

Significant quantities of soil are being generated through land development in Southern Ontario that cannot be reused on site. This soil, which must be accommodated elsewhere, is often referred to as *excess soil*. The Town of Caledon may have sites that could be destinations for excess soil, *receiving sites*, and sites where excess soil is generated that must be accommodated elsewhere, *source sites*.

The Ontario Ministry of the Environment and Climate Change (MOECC) encourages the beneficial reuse of excess soil “in a manner promoting sustainability and the protection of the environment”¹ In alignment with Provincial guidance and direction, the Town of Caledon wants to implement policies to help support beneficial reuse of soil both generated and received in the Town in a manner that protects residents and the environment.

1.2 Receiving Sites

Caledon could be an attractive destination for excess soil and large-scale operations established to accept this soil in exchange for remuneration (often referred to as commercial fill operations) both because of its proximity to other urban areas and because it houses several former pits and quarries.

Regulation is needed to help ensure that soil receiving sites and commercial fill operations do not create adverse effects for the natural environment or surrounding community. A report prepared by the Canadian Urban Institute, *Commercial Fill Operations – Options for Policy and Regulation*, describes recommended actions the Town could take to be prepared to regulate and administer commercial fill operations. The recommendations related to Official Plan updates are incorporated in the proposed

What is Excess Soil?

The Ontario *Excess Soil Management Policy Framework* defines Excess Soil as:

Soil that has been excavated, typically as a result of construction activities that cannot or will not be reused at the site where the soil was excavated and must be moved off site. In some cases, excess soil may be temporarily stored at another location before the excess soil is brought back to be used for a beneficial reuse at the site where the soil was originally excavated.

It could include naturally occurring materials commonly known as earth, topsoil, loam, subsoil, clay, sand or gravel, or any combination thereof.

Excess soil does not refer to such materials as compost, engineered fill products, asphalt, concrete, reused or recycled aggregate product, mine tailings or other products, including soil mixed with debris such as garbage, shingles, painted wood, ashes, or other waste.

¹ Ontario Ministry of the Environment and Climate Change (2014). Management of Excess Soil – A Guide for Best Management Practices. Retrieved from: <https://www.ontario.ca/page/management-excess-soil-guide-best-management-practices>

policy language in this document. The other recommendations listed in the report should also be implemented to ensure that the Town has a consistent and robust approach to regulating large-scale soil importation.

1.3 Source Sites

Recent updates to *The Oak Ridges Moraine Conservation Plan, 2017*²; *The Growth Plan for the Greater Golden Horseshoe, 2017*³; and *the Greenbelt Plan, 2017*⁴ indicate that municipal planning policies and development proposals, including the implementation of infrastructure projects, should “incorporate best practices for the management of excess soil generated or fill received during any development or site alteration”. The proposed language in this document also responds to this Provincial direction to incorporate best practices for the management of excess soil on source sites.

1.4 Process for Updating the Policy Language

Caledon’s Official Plan describes the “principles, goals, objectives and policies intended to guide future land use, physical development and change, and the effects on the social, economic, and natural environment within the Town of Caledon”. The Town has commenced its review of the Caledon Official Plan for the purposes of conforming to new Provincial directions as well as updating existing policies.

This document contains proposed policy language, to be considered for incorporation into the Town of Caledon’s Official Plan related to excess soil reuse on both source sites and receiving sites. The key goal of the proposed policy language is to provide the auspices for and complement the Town’s site alteration by law, which will be updated in the near future.

The proposed policy language has been developed by:

- Reviewing Caledon’s current Official Plan, Provincial policy and guidance related to excess soil management, and approaches taken in other jurisdictions; and
- Insights gained from industry professionals during a well-attended Town-sponsored event – the 2017 Ontario Excess Soil Symposium.

Input received through public consultation will be incorporated in the final policy language.

2.0 EXISTING POLICY

The current Town of Caledon Official Plan does not contain policies on the use or handling of soil that relate to excess soil. The references to soil relate mostly to its ecosystem properties and so no changes to this section are proposed.

3.2.5.14 Soils

3.2.5.14.1 Due to their contribution to ecosystem integrity, the Town encourages the conservation and protection of productive soils and native soils vulnerable to erosion.

3.2.5.14.2 Soils which possess inherent instabilities or other characteristics that may pose a serious hazard to human health and property shall generally be excluded from development and placed in an appropriate restrictive designation such as EPA.

3.2.5.14.3 The establishment of appropriate ecosystem linkages through the revegetation of erosion prone soils and lands is strongly encouraged, and may be required as a condition of development approval.

² Ontario Ministry of Municipal Affairs and Housing (2017), Oak Ridges Moraine Conservation Plan. Retrieved from: <http://www.mah.gov.on.ca/Page13788.aspx>

³ Ontario Ministry of Municipal Affairs and Housing (2017), Growth Plan for the Greater Golden Horseshoe. Retrieved from: http://placestogrow.ca/index.php?option=com_content&task=view&id=430&Itemid=14

⁴ Ontario Ministry of Municipal Affairs and Housing (2017), Greenbelt Plan. Retrieved from: <http://www.mah.gov.on.ca/Page13783.aspx>

3.0 PROPOSED POLICY AMENDMENTS

The following revision is suggested to clarify the requirement for rehabilitation of lands from which topsoil has been removed in this existing section under 5.1.1.18 – Protection of the Resource Base.

5.1.1.18 Protection of the Resource Base

5.1.1.18.4 The Town of Caledon will discourage the removal of topsoil and limit the addition of non-native topsoil/fill onto Prime Agricultural lands to material which may enhance the soil structure and meets applicable legislation. Consideration will be given to regulating such activities through a topsoil preservation by-law or fill by-law **in a manner that is consistent with protection of the agricultural land resource base.** ~~Rehabilitation of the lands from which the topsoil has been removed, if taken from within the Town of Caledon, should be a consideration.~~ **Lands from which topsoil has been removed shall be rehabilitated, unless a permit has been issued for its removal.**

The Oak Ridges Moraine Conservation Plan, 2017; The Growth Plan for the Greater Golden Horseshoe, 2017; and the Greenbelt Plan, 2017 all include similar language, which state that municipal planning policies will incorporate best practices for the management of excess soil. Language adapted from the three land use plans is provided below in a new proposed Section under 5.0 – Land Use Policies entitled Excess Soil.

5.18 EXCESS SOIL

5.18.1 Development proposals shall incorporate best practices for the management of excess soil generated and fill received during development or site alteration, including infrastructure development, to ensure and demonstrate that:

- a) excess soil is reused on-site or locally to the maximum extent possible;
- b) excess soil reuse planning shall be undertaken concurrently with development planning and design; and
- c) the quality of fill received and the placement of fill at the site will not cause an adverse effect with regard to the current or proposed use of the property, the natural environment or cultural heritage resources and is compatible with adjacent land uses.

The Growth Plan for the Greater Golden Horseshoe, 2017; and the Greenbelt Plan, 2017 both include similar language, which state that appropriate sites for excess soil storage and processing are permitted close to areas where development is concentrated or areas of potential soil reuse. Proposed language to address this is provided below.

5.1.18.2 The Town will permit appropriate sites for excess soil storage and processing close to areas where proposed development is concentrated or areas of potential soil reuse.

The proposed language below explains how the Town could further use the planning process to promote best practices for the management of excess soil on source sites.

5.1.18.3 As a condition of draft plans of subdivision approval, applicants shall be required to demonstrate that soil management best practices have been integrated into planning, design, grading and construction practices that minimize mass grading, substantial import or export of fill and disturbances to landform character, existing trees, significant vegetation and steep slopes.

A best practice for the use of the Official Plan to address excess soil management issues on receiving sites is to provide the auspices for the Site Alteration By-Law. It is proposed that the Section on Site Alteration and Tree By-Laws be subdivided and more information on the goals and objectives, requirements, restrictions and haul routes for site alterations be provided in a new Section 6.2.16.1 Site Alteration By-Laws.

6.2.16 Site Alteration and Tree By-laws

6.2.16.1 Site Alteration By-Laws

The Town shall adopt a Fill and Site Alteration By-law in conformity with Section 142 of the *Municipal Act, 2001* (and as amended by the *Municipal Statute Law Amendment Act, 2006 (Bill 130)*, in accordance with the provisions of the *Oak Ridges Moraine Conservation Act, 2001*.

6.2.16.2 Goals and Objectives

The Town's Fill and Site Alteration By-law will outline general requirements, exemptions, permit conditions, fees and charges, application and public process requirements, as well as processes for administration and enforcement.

The objectives of the Fill and Site Alteration by-law will be to ensure:

- a) Any changes to grade are appropriate to protect environmental features and do not adversely affect adjacent properties;
- b) Groundwater and surface water quality is maintained;
- c) No discharge of a contaminant into the natural environment that could cause adverse effects;
- d) Protection of natural heritage features and areas;
- e) Haul routes are designed that minimize damage to the Town's roads and disturbance to residents and businesses; and
- f) The costs for the site alteration are borne by the project proponent.

6.2.16.3 Requirements

Unless otherwise exempted through the Town's Fill and Site Alteration By-Law, the following requirements will apply:

- a) Site alterations and large-scale site alterations will only be permitted where a permit has been granted by the Town in accordance with the Fill and Site Alteration By-Law;
- b) Excess soil transportation and management on source sites and receiving sites shall be conducted in accordance with the Ministry of the Environment and Climate Change "Management of Excess Soil – A Guide for Best Management Practices, 2014" (MOECC BMP);
- c) Fill proponents shall provide all necessary documentation to demonstrate compliance with the Oak Ridges Moraine Conservation Plan, Greenbelt Plan, Niagara Escarpment Plan, Growth Plan for the Greater Golden Horseshoe and the Lake Simcoe Protection Plan.

6.2.16.4 Restrictions

Site alterations are prohibited in the following areas:

- a) Environmental Policy Areas and Environmental Zones 1 and 2, designated in the Town of Caledon, except as otherwise permitted by this Plan;
- b) Any lands in the Oak Ridges Moraine, unless the applicant for a permit under the by-law can demonstrate that such site alteration is permitted pursuant to the Oak Ridges Moraine Conservation Plan; or such a site alteration is directly associated with a building permit issued by the Town or any other development agreement with the Town; and
- c) Areas designated as "Wellhead Protection Areas" or "High Aquifer Vulnerability Areas" or "Key Natural Heritage" or "Key Hydrologic Features" in the Oak Ridges Moraine Conservation Plan, unless such site alteration is directly associated with a building permit issued by the Town or any other development agreement with the Town.

6.2.16.5 Haul Routes

For all large-scale site alterations, the following requirements shall apply:

- a) Haul routes for the transportation of excess soil to sites permitted for large-scale site alterations shall only be located on the High Capacity Arterials as identified on Schedule J to this Plan and on Charleston Sideroad, Old Church Road between Regional Road 7 and Regional Road 50 and King Street between Highway 10 and Regional Road 50;
- b) Generally, any improvements required to a public road due to transportation related to a site alteration shall not be at public expense.

Glossary of Terms

The following terms are proposed to be added to the Glossary of Terms.

“Large-scale site alteration” means any site alteration where greater than five hundred (500) cubic metres of fill is being placed or dumped in any twelve (12) month period or resulting in a change to the existing landform of greater than six hundred (600) millimeters from the existing grade.

“Management of Excess Soil – A Guide for Best Management Practices, 2014” (MOECC BMP) means the document released by the MOECC in January 2014 and which addresses management of excess soils, as amended.

“Site alteration” means the placement or dumping of fill on land, the removal of topsoil from land or the alteration of the 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.