

Request for Decision

Title	Bylaw 1662/24 – Site Grading Amendments 2025 - First Reading
Proposed Motion	That Council give first reading of Bylaw 1662/24.
Administrative Recommendation	Administration recommends that Council give first reading of Bylaw 1662/24, to allow for the proposed Land Use Bylaw amendment to proceed to a Public Hearing to receive feedback from affected parties.
Previous Council / Committee Direction	<p><u>February 27, 2024 Regular Council Meeting</u> Motion 054/24: That Council give third reading of Bylaw 1632/23 (Efficiency and Effectiveness Amendments 2023).</p> <p><u>July 10, 2017 Regular Council Meeting</u> Motion 351/17: That Council give third reading to Bylaw 1385/17 (Land Use Bylaw).</p>
Report	<p><u>Background Information</u></p> <ul style="list-style-type: none"> The Land Use Bylaw (LUB) is a “living document” which is intended to include periodic reviews and updates. The last general update was made in February 2024. Site Grading Amendments were proposed and passed as an interim 2024 measure on February 27, 2024 while an Administrative working group was reviewing site grading policy and regulations. The interim amendments were: <ul style="list-style-type: none"> Adjust site grading to be a discretionary use to provide notification to adjacent landowners and to allow Administration discretion to ensure applications are compliant with the County's Drainage Master Plan. Clarify that approvals are required if site grading will occur within a natural wetland or drainage course to protect potential impacts to existing drainage and support other regulations until such time as the review of the regulations is completed. Interim regulations appear to be working as intended, as evidenced by the reduction in site grading issues in 2024. Site grading regulation has multiple variables that make policy and regulation complicated for landowners and the County, such as:

- Provincial Jurisdiction: Aspects of site grading include grading of wetlands and water courses, creation of stormwater management facilities, procurement and use of material. Soil (both clean and contaminated) is regulated fully or in part by the Province with various degrees of enforcement that affect County residents.
- Dumping: Marginal or reclaimed material from offsite construction sites may be contaminated and should be disposed of in a class 3 landfill. However, it is cheaper to “give” away to various residents.
- Flooding: Graded material not designed correctly could cause flooding or redirection of stormwater onto neighbouring buildings or lands.
- Material: Residents have voiced concerns, including aesthetics, safety, environmental contamination, weeds, types and storage of material (including concrete, concrete washout, soil berms, and clay).
- Red Tape: It can be difficult to find the correct balance between mitigating the above issues while ensuring clear, simple, and predictable regulations.

Site Grading Amendments

- The overall goal of the approach is an effective and balanced approach across the county that considers site context and provincial jurisdiction by completing the following:
 - Introduce specific site grading regulations for different uses, including Industrial/Commercial, Residential, and Agricultural.
 - Introduce new terminology that differentiates types of material and fill while respecting provincial jurisdiction.
 - Change site grading from a discretionary to permitted use for industrial and commercial sites – with enhanced regulations.
 - Consolidate regulations into the Land Use Bylaw (i.e., repeal Bylaw 653/89 - A Permit System to Control the Removal of Topsoil).
 - Ensure regulations are harmonized between the General Municipal Servicing Standards, Land Use Bylaw, Surface Drainage Bylaw, and provincial regulations.
- Changes to Applications
 - A typical grading only application would be a discretionary use for residential/agricultural areas, allowing an option for affected parties to appeal an approval. Grading to be undertaken as part of a separate development would be “included” within the separate development approval.
 - Commercial or industrial grading would be a permitted use with enhanced regulations.
 - Typically, permits would be required if an application meets any of the following:
 - Disturbs a wetland, drainage course, flood risk area, or natural flow.
 - Requires a 0.6m grade change (formerly 0.75m).

- Is located within 10m of property line (formally 20m).
 - Involves an area larger than 0.4ha, or volume more than 2,400m³.
 - For Residential over a 0.1m grade change within 1m of property line.
- Changes to Material
 - Material is proposed to be regulated based on the type of material and in accordance with the Province's regulations.
 - Topsoil will be regulated and Soil Conservation Bylaw 653/89 - A Permit System to Control the Removal of Topsoil on the Land will be repealed while ensuring a County Soil Conservation Officer will review and add or adjust conditions as part of a Development Permit Application.
 - Testing will be required for any material, with material exceeding standards removed, remediated, or managed.
 - Clean Fill and Marginal Fill will be tested for agricultural pests and a Tier 1 analysis. Only clean and marginal fill will be allowed on livestock or cropland.
 - A Safety Data Sheet will be required to be provided for material considered Construction Fill.
 - Recycled Fill will be managed in accordance with the provincial regulations such as the Beneficial Use of Waste Policy. A Safety Data Sheet shall be provided and a Tier 1 analysis of the site.
 - Changes to Regulations
 - Most regulations have been clarified or combined into the Land Use Bylaw from other relevant bylaws and provincial regulations. Examples include requirements for a Wetland Assessment Impact Report (from Provincial *Water Act* requirements) if a wetland is affected or requirements of an Erosion and Sediment Control Plan (from existing General Municipal Servicing Standards regulations).
 - Stockpiling of material is proposed to be changed to be considered a strictly temporary use while disallowing stockpiling that will create a visual detriment to the surrounding area.
 - Minor amendments to the Residential Lot Grading Policy/Procedure may be required for alignment if approved.

External Communication

- Should Council give first reading of the Bylaw, Administration will ensure public notification and advertising for the Public Hearing are completed in accordance with relevant legislation and County processes.

Relevant Policy/Legislation/Practices

- Land Use Bylaw 1385/17
- Bylaw 653/89
- Surface Drainage Bylaw
- General Municipal Servicing Standards
- Residential Lot Grading Policy

Implication of Administrative Recommendation	<p><u>Strategic Alignment</u> Planned Growth – The proposed approach attempts to balance regulations for a safe well-planned community with minimal red tape.</p> <p>Environmental Stewardship –The proposed approach conserves agricultural lands and protects wetlands and natural areas with consistent regulation of infill and material while ensuring material is tested to be safe to infill for pests, contamination and stormwater management within municipal jurisdiction.</p> <p><u>Organizational</u> The proposed bylaw would increase organizational efficiency for commercial and industrial grading development while ensuring better guidelines for development enforcement if needed.</p> <p><u>Financial</u> None.</p>
Alternatives Considered	<p>Council could choose to not implement the proposed changes. As part of Bylaw 1632/23 (Efficiency and Effectiveness Amendments 2023), site grading was adjusted to be a discretionary use instead of a permitted use. This allowed the development authority to on a case-by-case basis handle most of the issues regulated by the proposed bylaw on an ad hoc basis.</p>
Implications of Alternatives	<p><u>Strategic Alignment</u> Environmental Stewardship – The alternative approach conserves agricultural lands and protects wetlands and natural areas on a case-by-case basis.</p> <p><u>Organizational</u> The alternative option would increase organizational time needed for commercial and industrial grading permits.</p> <p><u>Financial</u> None.</p>
Follow up Action	<p>1. Schedule a Public Hearing with respect to Bylaw 1662/24 (Planning & Development Services, February 2025).</p>
Attachment(s)	<p>1. Attachment 1: Bylaw 1662/24 2. Attachment 2: Bylaw 653/89</p>
Report Reviewed by:	<p>Tyler McNab, Acting Manager, Planning & Development Services</p> <p>Angela Veenstra, Manager, Agriculture Services</p> <p>Milad Asdaghi, Acting General Manager, Development Services</p> <p>Travis Peter, Interim Chief Administrative Officer</p>

Strategic Alignment Checklist

Vision: *Offering a rich tapestry of historical, cultural, and natural experiences, Sturgeon County is a municipality that honours its rural roots and cultivates desirable communities. Uniquely situated to provide world-class agricultural, energy, and business investment opportunities, the County prioritizes responsible stewardship and dreaming big.*

Guiding Principles: Collaboration | Accountability | Flexibility | Excellence | Safety | Future Readiness | Affordability | Innovation

Community Outcome	Not consistent	Consistent	N/A
Planned Growth			
<ul style="list-style-type: none"> Internationally competitive to attract, grow and sustain diverse businesses; tenacious focus on new growth and innovation 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Modern broadband and digital capabilities 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Low cost, minimal red-tape regulations 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Reliable and effective infrastructure planning; comprehensive land use and infrastructure planning 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Thriving Communities			
<ul style="list-style-type: none"> Beautiful, surprising places with high standards; integrated natural spaces & trail systems; healthy and resilient 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Engaging cultural, historical, and civic amenities; strong community identity and pride 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Safe, welcoming, and diverse communities; small community feel and personal connection; commitment to high quality of life 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Environmental Stewardship			
<ul style="list-style-type: none"> Clean air, land, and water; Carbon neutral municipal practices; circular economy opportunities 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Conservation of natural areas and agricultural lands; enhanced greening and biodiversity; safekeeping ecosystems 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Sustainable development; partnerships with industry and others to drive emission reductions 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Collaborative Governance			
<ul style="list-style-type: none"> Predictable and stable external relationships; volunteer partnerships 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Meaningful connections with Indigenous communities 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Ongoing community consultation and engagement; transparent and action-oriented decision making based on sound rationale 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Respectful and informed debate; clear and supportive governance processes 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Operational Excellence			
<ul style="list-style-type: none"> Engaged and effective people – Council, Admin and Volunteers; continuous learning and improvement mindset; nimble and bold, with strong leadership 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Quality cost-effective service delivery; robust procurement and operational practices and policies; asset management and performance measurement; careful debt and reserve stewardship; long-term financial planning and sustainability 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Future focused thinking to proactively respond to emerging opportunities and challenges 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Alternative revenue generation and service delivery models integrated strategic and business planning 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>