



Staff Report

Planning & Development Services – Development Engineering

Report To: Special Committee of the Whole
Meeting Date: June 22, 2021
Report Number: PDS.21.081 REVISED
Title: Follow up to Fill Bylaw and Berm Extension Report REVISED
Prepared by: Brian Worsley, Manager Development Engineering

A. Recommendations

THAT Council receive Staff Report PDS.21.081, entitled “Follow up to PDS.21.031, Fill Bylaw and Berm Extension Report”;

AND THAT Council supports the implementation of Option ____;

AND THAT Council directs staff to prepare the appropriate work to include a Fill Bylaw Update project for Council’s consideration in the 2022 Budget process.

B. Overview

Council received Staff Report PDS.21.031, entitled “Update to the By-Law No. 2002-78, and Request to extend the Lora Bay Berm” on 6th April 2021, and directed Staff to ensure that the Phase 1 berm had been completed to the required specifications prior to further consideration of the approval for Phase 2 of the Lora Bay Berm.

This report is a follow-up to Council’s resolution (Attachment 2). Staff confirm that the Town has not yet received verification that Phase 1 of the Lora Bay Berm was completed in accordance with the required specifications. However, based on very recent discussion with the applicant, an Engineer’s report is expected in the near future.

C. Background

The first phase of the Lora Bay Berm was authorized under Permit No. 2009-531, issued October 30th, 2009 under Fill By-Law, 2002-78. The Berm has also been authorized by the Ministry of Transport Ontario (MTO), under the Public Transportation and Highway Improvement Act (PTHIA). While MTO permits are required, a separate Town authorization under By-Law 2002-78 is also necessary, as all lands in Town must either be exempt, or be zoned Residential Land and have a permit.

Additional background is available in PDS.21.031 (Attachment 1)

D. Analysis

Staff have not received Engineering drawings to verify compliance of the Phase 1 berm with permit drawings. The south side face of the berm visually appears to be close to the 3:1 slope of the permit drawings, however the berm top width appears to be greater than the original design specification. Additional commentary will be provided to the Town when engineering drawings/report are received.

Staff have received a request to construct a western extension to the Lora Bay berm. As per the Bylaw 2002-78 (Town Fill Bylaw), an agreement is required to permit the berm extension.

The Developer has suggested that the Lora Bay Phase 4 Subdivision Development Agreement be amended to include the Phase 2 Berm works, with appropriate securities. Inclusion of the Phase 2 Berm works with a Subdivision Development Agreement would provide the Town with significantly greater control over the berm works than is possible under an agreement through the Town's current Fill Bylaw. This is due to the limitations of the current bylaw. At this point, staff require direction with regard to the request for the westerly extension of the berm. Council's direction could be one of the following options (not arranged in any order of preference):

Option 1 -- Mayor and Town Clerk execute an amending Agreement to the Lora Bay Phase 4 Subdivision Agreement in a form recommended by the CAO, Director of Legal Services, and Director of Planning & Development Services, that permits the westerly extension of the Lora Bay Berm (Berm Phase 2) only after engineering drawings or reports have been submitted to the satisfaction of the Town and confirming Permit 2009-531 (Berm Phase 1) has been substantially complied with.

Option 2 -- Mayor and Town Clerk execute an amending Agreement to the Lora Bay Phase 4 Subdivision Agreement in a form recommended by the CAO, Director of Legal Services, and Director of Planning & Development Services, that permits the westerly extension of the Lora Bay Berm (Berm Phase 2). Execution would only occur after engineering drawings or reports have been submitted to the satisfaction of the Town and confirming that Permit 2009-531 (Berm Phase 1) has been substantially complied with except for the width of the top of the berm. Additional terms and conditions would also be included that require specific timelines to Berm Phase 1 is completed before works associated with Berm 2 are authorized.

Option 3 -- Mayor and Town Clerk to execute an amending Agreement to the Lora Bay Phase 4 Subdivision Agreement in a form recommended by the CAO, Director of Legal Services, and Director of Planning & Development Services, subject to certain terms and conditions as Council may outline

Option 4 -- Refuse the request to place fill through an amending Agreement to the Lora Bay Phase 4 Subdivision Agreement.

E. Strategic Priorities

1. Communications and Engagement

We will enhance communications and engagement between Town Staff, Town residents and stakeholders.

2. Organizational Excellence

We will continually seek out ways to improve the internal organization of Town Staff and the management of Town assets.

3. Community

We will protect and enhance the community feel and the character of the Town, while ensuring the responsible use of resources and restoration of nature.

4. Quality of Life

We will foster a high quality of life for full-time and part-time residents of all ages and stages, while welcoming visitors.

F. Environmental Impacts

Environmental Impacts from the placement of fill are subject to and controlled by the requirements of 406/19, *On-Site and Excess Soil Management*

G. Financial Impacts

None at this time

H. In Consultation With

Will Thomson, Director of Legal Services

I. Public Engagement

The topic of this Staff Report has not been the subject of a Public Meeting and/or a Public Information Centre as neither a Public Meeting nor a Public Information Centre are required. However, any comments regarding this report should be submitted to Brian Worsley, Manager Development Engineering developmentengineering@thebluemountains.ca

J. Attached

1. PDS.21.031 Update to the By-Law No. 2002-78, and Request to extend the Lora Bay Berm
2. Certified Resolution from PDS.21.031

Respectfully submitted,

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Nathan Westendorp
Director of Planning and Development Services

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Report Approval Details

Document Title:	PDS.21.081 Follow up report to Fill By law Update Berm Extension REVISED.docx
Attachments:	- Attachment 1 PDS.21.031-Update-Fill-By-Law-Lora-Bay-Berm-Extension.pdf - Attachment 2 Resolution.pdf
Final Approval Date:	Jun 17, 2021

This report and all of its attachments were approved and signed as outlined below:

Brian Worsley - Jun 17, 2021 - 12:25 PM

Nathan Westendorp - Jun 17, 2021 - 12:35 PM

Shawn Everitt - Jun 17, 2021 - 1:36 PM