

## Staff Report 2022-0092

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Meeting Date: April 19, 2022

Subject: Fill By-law Exemption Request – 15731 Highway 50 – Glen Eagle Golf Club

Submitted By: Mark Sraga, Director, Building Services and Municipal Law Enforcement Services / Chief Building Official

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### RECOMMENDATION

That Option 1 within Staff Report 2022-0092 regarding a request for an exemption to Section 11 of Fill By-law 2007-59, as amended, for the proposed fill placement at 15731 Highway 50 – Glen Eagle Golf Club be approved.

### REPORT HIGHLIGHTS

Glen Eagle Golf Club is undertaking some course improvements/maintenance work that involves the filling in of two man-made ponds and returning them to original ground elevations and contours. These two ponds have no water flow in or out and have issues with stagnation, mosquito infestation and are choking with aquatic emergent vegetation. The proposed filling of these two ponds has been reviewed by the Toronto Region Conservation Authority (TRCA) and they have confirmed the area of the ponds is not within their regulated area nor do they have any concerns with the proposed work. As a result the golf course is seeking a Fill Permit from the Town to permit the filling of these two man-made ponds along with seeking a waiving of the prescribed security fee of \$2.00/cubic metre.

- The amount of fill material to be utilized for filling in these two areas is approximately 7500 cubic metres.
- Fill By-law 2007-59, as amended, restricts the circumstances under which a Fill Permit can be issued, and this request does not meet such restrictions. Therefore, a Council exemption is necessary to permit the issuance of the requested Fill Permit.
- 3 options are provided for Council's consideration.
- Staff are recommending Option 1 as it enables the golf course to make improvements to the golf course and there are no concerns identified by Municipal Law Enforcement staff or TRCA staff.

### DISCUSSION

#### Background

The Glen Eagle Golf Club has applied for a Fill Permit to permit the placement of approximately 7500 cubic metres in two man-made ponds at its property located at 15731 Highway 50. The two ponds they are seeking permission to fill in are referenced as the "north pond" and the "south pond" (see Schedule A). Both ponds have no water flows into or out of the pond and as a result of this both ponds have stagnation issues resulting in mosquito infestations along with an overgrowth of aquatic vegetation. The owner is wanting to return both these area to the original ground elevations and contours that existed prior to the pond's excavations.

## **Staff Report 2022-0092**

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The Town's Fill By-law does not grant Fill Permits for these circumstances and the proposed work is more extensive than what the By-law allows without a permit. Therefore, at the request of Glen Eagle Golf Club, this report is being brought forward for Council to consider granting an exemption to the Fill By-law that would allow a Fill Permit to be issued for the proposed work.

Along with this request for a Fill Permit, the golf club has requested that the \$2.00 per cubic metre security fee be waived.

### **Project Details**

The property located at 15731 Highway 50 is a public golf course and is located on the East side of Highway 50 approx. one kilometer south of Old Church Road. The property is approximately 293 acres in area with a portion of the property being within the TRCA regulated area. TRCA staff have reviewed the proposed work and determined that the proposed location of the fill material is not within the regulated area of this property nor do they have any concerns with regard to impacts within their regulated area.

The "north" pond will require approximately 5000 cubic metres of fill and the "south" pond will require approx. 2500 cubic metres of fill material. The fill material is coming from a housing development in Vaughan and the owner has retained a Professional Engineering firm to carry out the necessary inspection and sampling/testing program of this soil. The results of this inspection and sampling/testing program has found that the soil meets the requirements of Table 1 as referenced in O. Reg. 153 – Standards for Agricultural Property Use as well as the requirements as referenced in Table 1 of O. Reg. 406/19 – Agricultural Standards. Both soil standards are Ministry of Environment Conservation and Parks standards and identified in the Ministry produced Soil, Ground Water and Sediment Standards for Use Under Part XV.1 of the *Environmental Protection Act*. As such this soil material meets the fill standards in Section 18 of the Town's Fill By-law.

### **Fill By-law Provisions**

The Town's Fill By-law restricts the issuance of Fill Permits by the Manager, Municipal Law Enforcement Services to specific circumstances including:

- for improving the agricultural viability and productivity of an active agricultural operation within an agricultural zone;
- where a Building Permit has been issued for the construction of a building; or
- for the temporary storage of topsoil.

The proposed placement of fill in these two man-made ponds does not meet any of the above criteria nor any other exemption criteria in the By-law. Currently, there is no variance or exemption process established in the By-law. Therefore, Council would need to grant an exemption to Section 11 of the Fill By-law for the Manager, Municipal Law Enforcement Services to issue a Fill Permit for the proposed work.

### **Provincial Excess Soil Regulations**

As of January 1, 2021 new Provincial regulations under the *Environmental Protection Act* governing excess soil came into effect. These regulations are also applicable in this matter

along with the Town's Fill By-law and as such the applicant will also need to comply with these new Provincial regulations. These new Provincial regulations have a five (5) year phase in period with the first set of regulations in force and effect now. These regulations govern matters with respect to the following;

- Transportation requirements.
- Storage requirements for soil at the Class 2 soil management site.
- Documentation/Record Keeping.
- Beneficial Reuse Assessment of excess soil

### Options for Consideration

Staff have set out three separate options below for Council's consideration.

**Option 1:** Grant an exemption to Section 11 of the Fill By-law for the Director, Municipal Law Enforcement Division to issue a Fill Permit for the proposed placement of fill in the two areas identified as "North pond" and "South pond" at 15731 Highway 50 along with waiving of the security fee of \$2.00/cubic metre.

**Option 2:** Grant only an exemption to Section 11 of the Fill By-law for the Director, Municipal Law Enforcement Division to issue a Fill Permit for the proposed placement of fill in the two areas identified as "North pond" and "South pond" at 15731 Highway 50, but do not waive the security fee.

**Option 3:** Do not grant an exemption to Section 11 of the Fill By-law.

### Staff Recommendation

Staff are recommending Option 1 as it will enable the Glen Eagle Golf Club to make improvements to its property by eliminating the issue of stagnant water and mosquito infestation in these two man-made ponds. Further, the securities fees are not necessary as the Town has remedial action authority and can recover any incurred costs through direct billing or placing any outstanding costs on the property taxes for this property if required.

### FINANCIAL IMPLICATIONS

There are no immediate financial implications associated with this report as the Glen Eagle Golf Club has paid the full amount for the Fill Permit application fee of \$510.00 along with the additional fee payment of \$2.00/cubic metre for the anticipated fill volume of 7500 cubic metres. Should Council provide an exemption for the securities fees this will have no further financial impact as these security fees are not considered revenue for the Town as they are returned if no remedial work by Town forces is necessary.

### COUNCIL WORK PLAN

The matter contained in this Staff Report is not relative to the Council Work Plan.

**ATTACHMENTS**

Schedule A: Site Plan – 15731 Highway 50

