



City of
Peterborough

To: Members of the General Committee

From: Blair Nelson, Commissioner, Infrastructure, Planning and Growth Management

Meeting Date: September 15, 2025

Report: Site Alteration By-Law Implementation, Report IPGACP25-024

Purpose

To present the Site Alteration By-Law for Council's consideration and adoption, including a summary of the public consultation and stakeholder feedback, implementation framework, and associated fee schedule.

Recommendations

That Council approve the recommendations outlined in Report IPGACP25-024 dated September 15, 2025, of the Commissioner, Infrastructure, Planning and Growth Management as follows:

- a) That the Site Alteration By-Law, as attached in Appendix A, be passed; and
- b) That Fees and Charges By-law 24-084 be amended by adding the Fee Schedule included in Table 1 of Report IPGACP25-024;

Executive Summary

- Report IPGACP25-024 presents the Site Alteration By-Law (SABL) for Council adoption, regulating topsoil removal, fill placement, and grading to protect property, infrastructure, and the environment.
- Fulfills Council direction from Report [IPGACP24-025 \(Oct 2024\)](#)

- Addresses a regulatory gap, Peterborough is one of the few single-tier municipalities in Southern Ontario without a SABL.
- Applies a three-tiered permit system with exemptions for regular landscaping; a cost-recovery fee schedule has been developed to support administration.
- Public engagement (Feb–July 2025) included a public open house, stakeholder session (115 invited, approximately 40 attended), and an online consultation via Connect Peterborough.
- Online engagement saw 393 visits, 61 document downloads, and 4 public questions; all materials were made accessible on the project webpage.
- Feedback informed refinements to the by-law including clearer definitions, simplified thresholds, and a commitment to plain-language, standard conditions, exemption clarifications and guidance documentation.

Background

At its meeting on October 28, 2024, Council received Report IPGACP24-025 and endorsed the development and implementation of a Site Alteration By-Law (SABL). The by-law is intended to regulate activities such as the removal of topsoil, placement of fill, and grading of land to prevent adverse impacts on drainage, environmental features, infrastructure, and adjacent properties.

Council directed staff to undertake public and stakeholder consultation and return with a final by-law for Council consideration in 2025.

Site alteration activities, when left unregulated, can result in significant environmental damage, destabilized slopes, interference with stormwater systems, and increased risk of flooding. Fill operations and uncontrolled grading can also negatively impact adjacent properties, cause sedimentation of watercourses degrading the natural environment and water quality.

The by-law provides a proactive tool to mitigate these risks, align grading and drainage practices with established planning approvals, and provide a mechanism to apply penalties or require corrective action when work is done improperly.

The City of Peterborough is currently one of the few remaining single-tier municipalities in Southern Ontario without a site alteration by-law. Municipalities across the Greater Golden Horseshoe (GGH) have introduced similar by-laws in response to increasing challenges related to excess soil, illegal fill dumping, and grading impacts on neighboring properties. The absence of a by-law puts the City at a disadvantage when addressing complaints and enforcement related to unapproved alteration activities.

Section 7.9 of the City's Official Plan provides clear direction for the adoption of a site alteration by-law to prevent premature disturbance of the natural condition of land and support sustainable development practices. Implementing this by-law aligns with provincial regulations, such as O. Reg. 406/19 under the Environmental Protection Act, and supports the City's strategic objectives for environmental stewardship and climate resilience.

Fees and Submission Requirements

Fees are structured to reflect a tiered risk-based approach, ensuring fairness and proportionality:

1. Permit Type Classification

- Full by-law (permit) exemptions can be found in the draft by-law included as **Appendix A**
- Where permits are required, applications are categorized as Minor, Intermediate, or Major, depending on the area of land to be altered (measured in hectares), the volume and type of material being moved (measured in cubic metres), and change in grade (measured in millimetres).

2. Base Fee + Area-Based Fee

- Each permit type includes a base administrative fee to cover initial intake, file setup, and correspondence.
- An area of disturbance-based fee (e.g. \$/ha) is then applied to the total disturbed or altered area to account for technical review, inspections, and compliance oversight. This fee is capped at \$20,000.00.

Table 1: Permit Application Fee Schedule

Fee Category	Permit Type		
	Minor	Intermediate	Major
Application Processing and Administrative Fee	\$300.00	\$1,000.00	\$1,500.00
Per Hectare Rate (\$/ha up to a maximum of \$20,000)	N/A	\$1,000.00/ha	\$1,000.00/ha
Resubmission/revision fee (for previously approved permits)	\$150.00	50% of original application fee	50% of original application fee

Note: Site specific security fees to be determined by City review such that grading and stabilization can be completed as required for the site in the event that an owner does not meet their permitting conditions.

3. Optional Add-Ons or Deposits:

- For larger or high-risk applications, the City may require:
 - Security deposits (held in trust to ensure proper site restoration or compliance).
 - Additional fees for specialized review (e.g., geotechnical, drainage impact).
 - Third-party peer reviews, charged at cost recovery.

4. Fee Exemptions and Credits:

- Permits for routine low-risk residential activities (e.g., gardening, minor landscaping) are exempt.
- Where earthworks are completed in advance of a development application, any area-based site alteration fees will be represented as “nil” at the planning approval stage to prevent a duplication of fees.

5. Benchmarking and Cost Recovery

- The fee structure was benchmarked against comparable Ontario municipalities and reflects the City’s commitment to full cost recovery without imposing undue burden on applicants.

Enforcement costs will be offset in part by administrative monetary penalties issued in response to contraventions of the By-law.

No new full-time staff are required at this time. Implementation and ongoing administration will be coordinated by existing staff within Asset Management and Capital Planning, Planning & Development Services, and Municipal Law Enforcement.

Staff will monitor funds and program administration during the first full year of implementation and report back to Council with a review and any adjustments needed to ensure the program remains financially sustainable.

The Site Alteration By-Law has been developed to complement the City’s existing development processes. Where appropriate, it allows applicants to undertake earthworks and grading in advance of final development approvals, helping to maintain project momentum while safeguarding the City’s interests.

Technical studies and supporting documents submitted as part of a Site Alteration Permit such as grading plans, stormwater reports, and soil characterization will

generally not need to be resubmitted during the development application phase unless substantive changes occur.

In addition, the area-based fee paid under the by-law will be credited, or reflected as “nil,” within the development agreement or subsequent planning approvals, ensuring applicants are not charged twice for the same activity.

This approach promotes efficiency, provides clarity in regulatory expectations, and offers a streamlined, non-redundant process for those seeking to commence grading early in their project timelines.

Strategic Plan

Strategic Pillar: Governance & Fiscal Sustainability

Strategic Priority: Support review/update of City’s by-laws to make them effective and efficient, meeting the needs of our growing City.

The Site Alteration By-Law directly supports the City’s strategic pillar to “Support review/update of City’s by-laws to make them effective and efficient, meeting the needs of our growing City.” This new by-law modernizes the City’s regulatory tools by addressing previously unregulated land alteration activities, ensuring that grading and fill operations are managed proactively and consistently. It introduces a clear, tiered permitting process that balances environmental protection with development readiness, reducing ambiguity for property owners, developers, and enforcement staff. By streamlining approvals and avoiding duplication with future planning applications, the by-law enhances administrative efficiency while supporting responsible growth and infrastructure resilience.

Engagement and Consultation

As directed by Council in Report IPGACP24-025, staff undertook a public and stakeholder engagement process to inform the development of the final Site Alteration By-Law. Engagement activities were conducted through in-person events and a dedicated online platform between February and July 2025.

Engagement Components:

- **Peterborough Environmental Advisory Committee – November 20, 2024:**
The City consulted with the Peterborough Environmental Advisory Committee (PEAC) on the draft Site Alteration By-Law, addressing their questions on scope, environmental protections, enforcement, and alignment with other regulations. PEAC provided constructive feedback on thresholds, erosion and sediment control requirements, and public education, and expressed overall support for the

by-law's intent to strengthen environmental safeguards while coordinating with existing regulatory bodies such as ORCA, MECP, and SAR Ontario.

- **Public Open House – February 25, 2025:** An in-person drop-in event was held to inform residents of the proposed by-law and gather feedback. Attendees reviewed display materials and had the opportunity to ask questions and speak directly with staff regarding how the by-law may affect their properties or planned activities.
- **Stakeholder Information Session – April 8, 2025:** Invitations were distributed to 115 stakeholders representing the development and construction sectors, engineering and planning consultants, environmental organizations, and relevant agencies. Approximately 40 stakeholders attended. The session included a formal presentation and Q&A. Presentation materials were made available following the session via the City's online engagement platform, Connect Peterborough.
- **Online Engagement – Connect Peterborough:** A dedicated project page (<https://www.connectptbo.ca/site-alteration-by-law>) provided access to background materials, the draft by-law, FAQs, and a question submission tool. The page remained available throughout the engagement period.
- **Internal Circulations and Discussions:**

Internal staff from various departments and committees including Public Works, Planning, Municipal Law Enforcement & Security, Legal, Building Department, Environmental Services, and Asset Management and Capital Planning were engaged at multiple stages throughout the consultation period. During these meetings, staff collaboratively reviewed the draft by-law, proposed clarifications, developed an application framework, and identified key administrative requirements that will need to be accommodated by moving forward with by-law implementation.

The permit application process was also developed by the Finance and Corporate Support Services department such that the City is prepared to start receiving permit applications through the online permitting portal (AMANDA) as soon as By-law implementation is approved.

Online Engagement Results:

- Total Visits: 393
- Informed Visitors: 59
- Document Downloads: 61
- Questions Submitted: 4

Key Themes Identified:

- General support for regulating uncontrolled site alteration, including grading and fill importation.
- Concern from residents about the by-law's applicability to routine landscaping and small-scale improvements.
- Requests for greater clarity on exemption thresholds and permit triggers.
- Strong interest in plain-language resources and staff guidance to support compliance.

Staff Response:

Informed by this feedback, the final by-law implementation plan includes:

- Clearer definitions and exemptions to reduce confusion for residential property owners.
- Clear thresholds for when permits are required.
- A commitment to provide:
 - A plain-language guide for property owners;
 - FAQs and sample scenarios to support understanding;
 - Online application tools to aid in facilitation or permit applications; and
 - Standard permit conditions as well as case by case considerations to allow for permit flexibility when required.

Budget and Financial Implications

The implementation of the Site Alteration By-Law is intended to be cost-neutral, with all direct costs recovered through a tiered permit fee structure based on the scale and complexity of the proposed alteration. Staff estimate that annual revenue from the Site Alteration Bylaw will range between \$25,000.00 and \$50,000.00, based on a mix of application types. However, this figure is expected to fluctuate significantly from year to year, depending on the level of active development and site plan projects.

All revenue generated through the bylaw will be directed to the Engineering Fee Reserve to help offset staffing costs associated with administering the program, including the processing of permit applications. The fee schedule will be incorporated into the City's Fees and Charges By-Law 24-084.

Conclusion

The proposed Site Alteration By-Law represents an essential addition to the City's regulatory framework, addressing long-standing gaps in the management of grading, fill placement, and topsoil removal. It aligns with Council direction, provincial legislation, and the Official Plan, while also reflecting best practices from other municipalities across the province.

The by-law provides a balanced, enforceable mechanism to mitigate risks associated with uncontrolled site alteration, support sustainable development, and respond to increasing concerns related to excess soil, drainage interference, and environmental degradation.

Through comprehensive engagement with stakeholders and the public, staff have refined the by-law to ensure clarity, transparency, and fairness. The inclusion of a cost-recovery fee structure streamlined permitting process, and commitment to educational resources will support effective implementation and long-term compliance.

Staff recommend that Council adopt the final Site Alteration By-Law and associated fee schedule, with full implementation and enforcement beginning in Q4 of 2025. The delayed implementation will allow sufficient time to promote the by-law and for residents and businesses to familiarize themselves with its requirements.

Attachments

Appendix A: Draft Site Alteration By-law

Submitted by,

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