

# Guide to Site Alteration in the City of Timmins

City of Timmins By-Law No. 2019-8343



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## Introduction

This Guide to Site Alteration in the City of Timmins is an accompanying document to, and must be read in conjunction with, the City of Timmins [Site Alteration By-Law 2019-8343](#). Applicants are directed to By-Law 2019-8343 for definitions and specific details regarding site alteration activities, permit conditions and enforcement beyond what is provided in this Guide.

The Site Alteration Permit process is administered by the [Mattagami Region Conservation Authority \(Issuer of Permits\)](#). For any questions regarding these guidelines, please contact the Mattagami Region Conservation Authority at 705-360-2660.

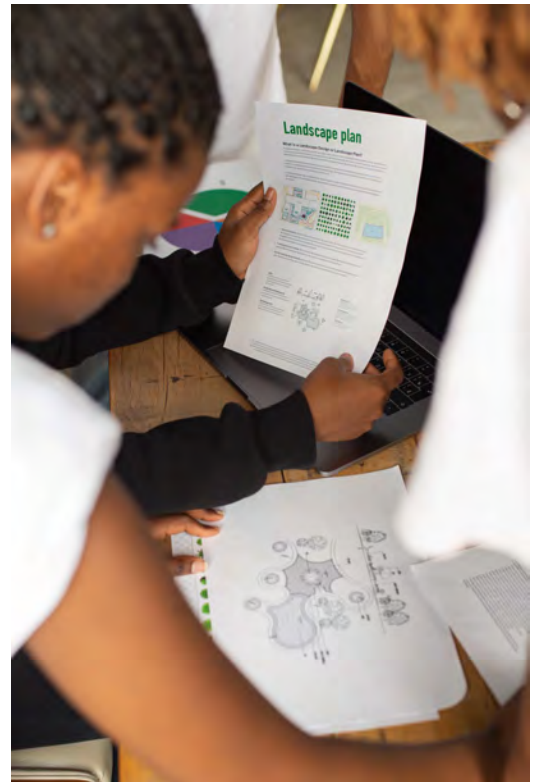
The City of Timmins Site Alteration By-Law regulates activities related to:

- the alteration of the grade of land;
- the import and/or export of fill material, including topsoil;

In regulating these activities, the following are examples of potential areas of concern that may be addressed:

- Potential drainage impacts resulting from the site alteration activities;
- Environmental concerns related to the quality of material being imported or exported;
- Potential nuisance impacts to surrounding residents, such as, erosion, noise, dust, traffic, health, etc.;
- Degradation and damages to public infrastructures and shorelines; and,
- Land use compliance of the proposed works. The proposed site alteration activity(s) must be suitable for the current zoning of the property, as defined within the applicable [City of Timmins Zoning Bylaw](#). If the proposed site alteration activity(s) do not comply with the zoning category for the property, a Site Alteration Permit cannot be issued.

Requirements for obtaining a Site Alteration Permit vary depending on the type of project being proposed. All applications are reviewed on a site-by-site basis.



Landowners looking to undertake any of the following projects may be required to obtain a Site Alteration Permit:

- Construction of a new dwelling or accessory structure;
- Construction of an addition to an existing dwelling or accessory structure;
- Foundation repairs or replacement, or construction of new foundations;
- Retaining wall repair or replacement, or construction of a new retaining wall;
- Installation of an in-ground pool;
- The placement of fill material in excess of 0.15 m for the purpose of repairing settlements or low areas, landscaping or top dressing;
- Raising the existing elevation of land, including the construction of driveways;
- The removal of fill.

The amount of fill removed or placed on your property will determine your permit category and will be determined by the Conservation Authority. Depending on the proposed scope of works, permit requirements have been separated into three (3) different possible categories, as follows:

Table A: Site Alteration Categories

Category	Activity Type	Criteria	Permit Fee
1	Alteration of Grade, > 0.15 m grade change (no import or export of material)		\$100
a)		< 500 m <sup>3</sup>	\$100
b)		≥ 500 m <sup>3</sup>	\$400
2	Small Site Alteration (import and/or export of material)	< 500 m <sup>3</sup>	\$200
3	Large Site Alteration (import and/or export of material)	≥ 500 m <sup>3</sup>	\$400

The Site Alteration Permit application package provided to the Issuer of Permits must include:

- the completed Site Alteration Permit application form
- Detailed Lot Grading Plan (P.Eng. or OLS stamped drawings required in many situations)
- City of Timmins permit approvals (where required)
- Mattagami Region Conservation Authority permits (where required)
- Clean fill report (see fill information on page 6)
- Additional supporting documents as requested
- Payment of permit fee

The Issuer of Permits will provide guidance to the applicant on which Category of Site Alteration Permit will be required and if any additional information or supporting documents are to be provided.

Once the complete application package is received, review of the initial submission may take up to 30 days to complete. After the information is reviewed and approved, a Site

Alteration Permit will be issued. No work can begin prior to a permit being issued. If work commences before a permit is issued, compliance actions may be taken and the permit fee will be doubled.

### **Exemptions**

Applicants are directed to the [Site Alteration By-Law 2019-8343](#), Section 3 for details on the types of site alteration activities for which an exemption would apply.

Note: Exemption from the requirement to obtain a Site Alteration Permit does **not** exempt property owners from responsibility, including but not limited to, damage to public roads, negatively affecting surrounding drainage or disturbance to adjacent residents. Remedies and penalties for these actions may be enforced under other applicable City of Timmins By-Laws and Regulations and/or through civil action by the affected party.

### **Standard Permit Term**

An approved Site Alteration Permit is valid for one year, unless otherwise approved by the Issuer of Permits.

### **Permit Renewal**

Should additional time be required to complete the original approved scope of work, the approved permit may be renewed one (1) time, up to double the permit term. This process must be completed prior to the permit expiring. Once the permit has expired, a new permit must be applied for and the applicable fees will be charged. The following shall be required for a permit renewal:

- The Applicant shall have demonstrated to the Issuer of Permits' satisfaction that all permit conditions are in good standing;
- A written request for renewal and permit renewal fee of \$50 must be received by the Issuer of Permits prior to the existing permit expiration.

### **Post-Alteration Surveys**

The Applicant will be required to demonstrate to the Issuer of Permits satisfaction that the proposed site alteration works have been carried out in accordance with the approved proposal and that no adverse impact to surrounding drainage has resulted from the site alteration works.

For site alteration involving less than 500 m<sup>3</sup>, photos provided by the Applicant and / or site visit by the Issuer of Permits may be sufficient. Should impact to surrounding drainage be suspected, at the Issuer of Permits request, the Applicant shall be required to provide a post-alteration survey completed by a Licensed Land Surveyor and a cut/fill analysis to confirm the quantity of material imported/exported. (If a pre-alteration survey is not available the original ground elevations may be interpolated from the surrounding undisturbed ground or readily available topographic mapping).

## Completing the Application Form

The Site Alteration Permit Application Form can be found under the Land heading on the [Mattagami Region Conservation Authority website](#).

### A: Site Information

A legal address for the proposed site alteration within the City of Timmins must be provided.

Confirm if you will be:

- placing or removing fill,
- placing or removing topsoil, and/or
- altering the grade of your land,
- also include the corresponding amounts and/or depths of fill material.

In the Description of Work area provide as many details of the proposed site alteration project as possible, such as:

- the location, dimensions, design details and design calculations of site erosion control measures that may be necessary to minimize the impact of the proposed site alteration;
- provision for maintenance and repair of erosion control measures and the continuous monitoring thereof;
- description of existing and proposed drainage patterns;
- fill material type and volume proposed for the property;
- the proposed haul route within the City of Timmins; and
- description of any potential drainage impacts.

Should additional space for the description of work or additional documentation be required, append it to the back of the application.

### B. Applicant Information

Complete all fields including the required email and phone contact information. If the applicant is not the same as the property owner (i.e., contractor or agent acting on behalf of the property owner), complete *Section C: Owner*, and have the property owner sign and date *Section F: Authorization of Owner for Agent to make the Application*.

### C. Owner Information

Contact information of the registered owner of the property must be provided if different from the applicant.

### D. Other Regulatory Authorities

It is the owner's responsibility to ensure that all necessary permits have been obtained prior to applying for a Site Alteration Permit. Additional approvals include, but are not limited to:

- [Mattagami Region Conservation Authority](#) (\*see note below)
- [Ministry of the Environment, Conservation and Parks](#)
- [Ministry of Northern Development, Mines, Natural Resources and Forestry](#)

- [Ministry of Transportation](#)
- [City of Timmins](#)

\*Note: The Mattagami Region Conservation Authority (MRCA) regulates activities including the movement and placement or removal of fill within boundaries associated with natural drainage areas adjacent to watercourses and bodies of water. The Issuer of Permits can verify the provided information and advise if an [MRCA Permit for Development, Interference with Wetlands and Alterations to Shorelines and Watercourses](#) is required in addition to the Site Alteration Permit. The MRCA permit is required prior to the issuance of the Site Alteration Permit

## **E. Submission of Required Information**

### **Proposed Lot Grading Plan**

A Lot Grading Plan must be submitted for permit applications. The Issuer of Permits may conduct a site visit in order to evaluate details of the sketches and capture the scope of the proposed works. If it is determined that drawings from a qualified person are required to properly illustrate the proposed scope of works, the applicant will be required to submit, in full, the drawings as requested by the Issuer of Permits. A Lot Grading Plan (size 11"x17"), must show the following:

- The property lines, lot dimensions, house/lot number, north arrow and a legend;
- The location of all structures (existing and proposed) on the property, their respective dimensions and setbacks from the property lines;
- The location of any roads, laneways, ditches, culverts, etc. in relation to the property;
- The location of any watercourses, swales (existing and proposed), and open water on or near the property;
- The proposed location of the fill. Provide setbacks from all property lines to the fill. Indicate the depth of the placement of the fill and indicate the approximate quantity of fill being imported in cubic metres;
- Existing and proposed grades; if possible, include grades 3 metres outside of property lines ;
- An Erosion and Sediment Control Plan, including silt fence, may be required to eliminate siltation onto the road or into a water body.

See *Appendix C: Example of Lot Grading Plan*.

### **Fill Information**

**If fill material is being imported, the following is required:**

- a description of the type of the fill;
- contact information of fill provider and source of the fill being brought in; and,
- a letter (certificate of analysis) from the fill provider confirming that clean fill requirements have been met (see *Appendix B: Soil Quality Requirement*).



### **If fill is being removed from the property, the following is required:**

- provide to the Issuer of Permits the destination of the fill;
- If the amount of fill being removed from the property is less than 100m<sup>3</sup>, and is destined for the City Landfill or another City owned property, [Service Timmins](#) must be contacted. There are certain requirements from the Timmins Environmental Services Department that must be met; or,
- If the amount of fill being removed from the property is greater than 100m<sup>3</sup> [Service Timmins](#) must be contacted as the [Ontario Regulation 406/19: On-Site and Excess Soil Management](#) will apply and must be adhered to and a Qualified Professional (Appendix B) must be used.

### **Supplemental Information**

Depending on the complexity of the project, supporting studies and/or reports may be requested by the Issuer of Permits. These studies/reports must be carried out by a qualified professional, with recognized expertise in the appropriate environmental disciplines, and must be prepared using established procedures and recognized methodologies. These may include, but are not limited to:

- environmental impact study
- hydrogeological report
- geotechnical study
- drainage and/or stormwater management report
- a slope stability study
- erosion analysis
- Dynamic Beach Assessment

### **Supplemental Information**

#### **Engineering Drawings**

If requested, Engineering Drawings shall be prepared by a Professional Engineer licensed to practice engineering in the Province of Ontario. All drawings shall be produced on CAD (computer-aided design), stamped and sealed by the Engineer. Additional technical details have been provided in *Appendix A: Engineering Drawing Technical Details*.

#### **Compliance with Zoning Requirement**

The proposed site alteration activity(s) must be suitable for the current zoning of the property, as defined within the applicable [City of Timmins Zoning By-Law](#). If the proposed site alteration activity does not comply with the zoning category for the property, a Site Alteration Permit cannot be issued.

## **Soil Quality Requirement**

Only if requested by the Issuer of Permits, the applicant shall retain a Qualified Person (QP) to oversee all aspects of soil quality for the subject property.

The Qualified Person shall:

- review all source site soil reports;
- provide recommendation for acceptance of hauled material;
- conduct on-site inspection and material testing;
- provide regular inspection/testing reports to the municipality as required:
  - for Category 2 permits a final report shall be required at the conclusion of filling; or,
  - for Vacuum Truck Operations, the QP shall provide a recommended reporting schedule for the Issuer of Permits approval; and,

Refer to *Appendix B: Soil Quality Requirement* for detailed quality requirements.

## **Underground Water Monitoring Program**

Under certain circumstances an Underground Water Monitoring Program may be required by the Issuer of Permits. The purpose of the Underground Water Monitoring Program is to ensure that fill activities will not adversely affect the quality of the underground water. The Underground Water Monitoring Program shall be used for any site alteration activity that involves material with high water content (vacuum truck excavation material).

The Underground Water Monitoring Program shall be developed by the applicant's retained QP and shall include:

- Monitoring Program schedule (construction, monitoring, reporting and decommissioning);
- Design and construction details of monitoring wells; and,
- Ground water sampling/testing criteria.

Should underground water testing indicate adverse impact from the filling operations, the applicant shall provide all necessary remediation to the Issuer of Permits' satisfaction and the following steps shall be taken:

- all filling activities shall immediately cease;
- the municipality shall be immediately notified;
- the QP shall:
  - provide recommended actions to address the adverse impact;
  - provide supervision of recommended remedial measures; and,
  - furnish the Issuer of Permits with a final report addressing the adverse impact; and,
- filling activities may not recommence until the adverse impact has been addressed to the Issuer of Permits' satisfaction.

The Applicant shall be responsible for any peer review costs associated with the Underground Water Monitoring Program.

## **Additional Resources**

Additional information for activities covered under the referenced Acts can be found at the following locations

- [Planning Act](#)
- [Aggregate Resources Act](#)
- [Drainage Act](#) or the [Tile Drainage Act](#)
- [Building Code Act](#)
- [Environmental Protection Act](#)
- [Mattagami Region Conservation Authority](#)
- [Ontario Water Resources Act, R.S.O 1990, c. O.40](#)
- [Conservation Authorities Act, R.S.O 1990, c. C. 27](#)
- [Ontario Heritage Act](#)
- [Municipal Act](#)
- [Fisheries Act](#)
- [Lakes and Rivers Improvement Act](#)

## Appendix A: Engineering Drawing Technical Details

Engineering Drawings shall include all of the following information as appropriate:

1. a key map showing the location of each lot or property involved in the site alteration, including the nearest major intersection and a north arrow;
2. the lot boundaries and total area, expressed in hectares, of each lot or parcel of land involved in the proposed site alteration;
3. the existing and proposed use of the land, and the location and use of the buildings and structures, within 30 m beyond the boundary of each lot or property involved in the proposed site alteration;
4. the location, dimensions and use of any building and other structures, existing or proposed to be erected, on each lot or property involved in the proposed site alteration;
5. the location of lakes, streams, wetlands, channels, ditches, other watercourses and other bodies of water on and within 30 m beyond the boundary of each lot or property involved in the proposed site alteration;
6. existing and proposed drainage areas for the site alteration site and any external drainage flows/areas that are part of the overall drainage pattern;
7. the location of all regulatory flood lines and Conservation Authority regulation limits within the boundaries of each lot involved in the proposed site alteration;
8. the location and identification of the predominant existing soil types on each lot involved in the proposed site alteration;
9. the species, grade at base, and size of all trees greater than 250 mm in caliper, all shrubs, trees and hedges within 3 m of the property line and driveways on each lot involved in the proposed site alteration;
10. the location of all easements and right-of-ways over, under, across or through each lot involved in the proposed site alteration;
11. the location and dimensions of any existing and proposed storm water drainage systems and natural drainage patterns on and within 30 m beyond the boundary of each lot involved in the proposed site alteration;
12. the location and dimensions of utilities, structures, roads, highways and paving located on and within 30 m beyond the boundary of each lot involved in the proposed site alteration;
13. the existing topography on each lot and extending 30 m beyond the boundary of each lot involved in the proposed site alteration;
14. the proposed final grades/elevations of each lot in the proposed site alteration;
15. the location and dimensions of all proposed site alteration activities, including construction of access roads;

16. the location and dimensions of all temporary soil, dirt or fill stockpiles for the proposed site alteration (height of stockpiles shall not exceed 5 m);
17. the cut/fill contours and volumes for the proposed site alteration works;
18. the scale of drawing ranging from 1:250 to 1:1000, as determined by the Issuer of Permits, to be measured in meters;
19. an indication on the drawing of directions of overland water flow and overland flow routes;
20. any information, plans or studies required by *O. Reg. 165-06: Mattagami Region Conservation Authority, Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*;
21. the proposed grades and drainage systems to be used upon completion of the placing or dumping of fill on each lot;
22. plan showing the design details to proper scale of any retaining wall that may be required and the type and dimensions of any materials to be used in the construction of such retaining wall;

## **Appendix B: Soil Quality Requirement**

### **Qualified Person Responsibility**

The Applicant retained Qualified Person shall:

- provide confirmation of qualification and written acknowledgement that they are familiar with the Site Alteration By-law requirements as they relate to Soil Quality and that they will be responsible for ensuring these requirements are complied with;
- having regard for the characteristics of the subject site and surrounding properties, the QP shall recommend the allowable material to be brought on-site and the appropriate MOECC Table Standards for proposed import material to be evaluated against;
- establish on-site inspection, sampling, and testing frequency/criteria requirements in accordance with [O.Reg. 153/04: Records of Site Condition](#);
- If the amount of fill being removed from the property is greater than 100m<sup>3</sup> the [Ontario Regulation 406/19: On-Site and Excess Soil Management](#) will apply and must be adhered to and the Qualified Professional shall provide written confirmation the exported material has been relocated to an appropriate site.

### **Source Soil Quality Report**

Each source soil quality report shall be submitted to the Issuer of Permits and accompanied with a recommendation letter from the Applicant's retained QP providing the following:

- summary of the source soil quality report including: source location, description, quality and quantity of the proposed material for import;
- evaluation of the proposed source soil compared to the recommended allowable material for import and the appropriate MOECC Table Standards for the subject site;
- if needed, provide additional recommendations for source material from the specific site such as proper handling instructions, updated on-site inspection/sampling/testing and monitoring requirements to ensure no adverse impact to the subject site or surrounding properties; and
- recommendation for acceptance of material from this source site.

### **Qualified Person Responsibility – after acceptance of source soil**

Following acceptance of source soil to be imported, the QP shall:

- perform on-site inspection, sampling, and testing as established for the subject site or source;
- provide inspection/testing reports to the Issuer of Permits;
- should on-site testing results indicate any exceedance in soil quality parameters:
  - provide remediation recommendations for the exceedance;
  - oversee remediation activities;
  - retest to confirm no further exceedance exist; and,

- furnish the Issuer of Permits with a final remediation report documenting the exceedance, remediation; re-test procedure and confirming no further exceedance exist.

At the conclusion of all import activities, based on the on-site inspections and testing results, the QP shall provide confirmation that the imported material has not adversely impacted the subject site nor surrounding properties.

The Issuer of Permits reserves the right to have all source soil reports and QP recommendations peer reviewed at the Applicant's cost.

i.e. In consideration of the Province of Ontario's Best Management Practices document, beneficial re-use of materials will be accepted subject to the following:

- source soil reports which are prepared and approved by a Qualified Person;
- the source soil is recommended for import in consideration of the land use of the property; and,
- the Issuer of Permits reserved right to have any and all reports peer reviewed at the applicant's cost.

# Appendix C: Example of Lot Grading Plan

