

**City of Port Colborne
Regular Committee of the Whole Meeting 21-18
Minutes**

Date: November 13, 2018

Time: 6:33 p.m.

Place: Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne

Members Present: R. Bodner, Councillor
B. Butters, Councillor
F. Danch, Councillor
A. Desmarais, Councillor
Y. Doucet, Councillor
B. Kenny, Councillor
J. Maloney, Mayor (presiding officer)
J. Mayne, Councillor

Absent: D. Elliott, Councillor (due to a work commitment)

Staff Present: D. Aquilina, Director of Planning and Development
T. Cartwright, Fire Chief
N. Halasz, Manager of Parks and Recreation
S. Luey, Chief Administrative Officer
C. McIntosh, Deputy Clerk (minutes)
P. Senese, Director of Corporate Services
S. Shypowskyj, Acting Director of Engineering and Operations

Also in attendance were interested citizens, members of the news media and WeeStream.

1. Call to Order:

Mayor Maloney called the meeting to order.

2. Introduction of Addendum Items:

Nil.

3. Confirmation of Agenda:

Moved by Councillor R. Bodner
Seconded by Councillor Y. Doucet

That the agenda dated November 13, 2018 be confirmed, as circulated or as amended.

CARRIED.

4. Disclosures of Interest:

Nil.

5. Adoption of Minutes:

(a) Regular meeting of Committee of the Whole 20-18, held on October 9, 2018

Moved by Councillor A. Desmarais
Seconded by Councillor J. Mayne

- (a) That the minutes of the regular meeting of the Committee of the Whole 20-18, held on October 9, 2018, be approved as presented.

CARRIED.

6. Determination of Items Requiring Separate Discussion:

The following item was identified for separate discussion:

Items 2, 4, 7, 8, and 10.

7. Approval of Items Not Requiring Separate Discussion:

Moved by Councillor F. Danch
Seconded by Councillor B. Kenny

That items 1 to 12 on the agenda be approved, with the exception of items that have been deferred, deleted or listed for separate discussion, and the recommendation contained therein adopted.

Items:

1. Corporate Services Department, Finance Division, Report 2018-148, Subject: Port Colborne Welland LINK Proposed Bus Schedule Change

Committee of the Whole recommends:

That the Port Colborne Welland LINK bus schedule change to accommodate the pilot project of providing two (2) additional trips, one early morning and one later evening, and the 15 minute change to the current arrival and departure times for the transit service as described in Corporate Services Department, Finance Division Report 2018-148, be approved, effective January 1, 2019.

That the pilot project be funded from the Operating Transit Reserve Fund.

**3. Corporate Services Department, Finance Division, Report 2018-147,
Subject: Cancellation, Reduction or Refund of Realty Tax**

Committee of the Whole recommends:

That the applications pursuant to Section 357/358 of the Municipal Act, 2001, as amended, 2018-03 (465 Main St W), 2018-03 (93 Nickel St) and 2018-06 (550 Elizabeth St) be approved to cancel or reduce taxes in the total amount of \$2,796.15.

5. Community and Economic Development Department, Parks and Recreation Division, Report 2018-145, Subject: Annual Lighted Santa Claus Parade – Road Closures and Parking Restrictions

Committee of the Whole recommends:

1. That the road closures necessary for the Annual Lighted Santa Claus Parade event on Saturday, December 1, 2018, as outlined in Community and Economic Development, Report 2018-145, be approved;
2. That the following roads be closed to general vehicular traffic and parking from 4:00 p.m. to 7:00 p.m. on Saturday, December 1, 2018, for the purpose of parade staging:
 - Fielden Avenue, from the southern limit of Killaly Street to the southern limit of Elgin Street; and
 - Elgin Street, from the western limit of Elm Street to the eastern limit of Steele Street; and
 - Fielden Avenue, at the western limit of Delhi Street.
3. That the following roads be closed for vehicular parking from 4:00 p.m. to 9:00 p.m. on Saturday, December 1, 2018, for the purpose of parade staging and to provide for a safe viewing area of the parade:
 - Clarence Street, from the western limit of Steele Street to the eastern limit of West Street;
 - West Street, from the northern limit of Clarence Street to the southern limit of Charlotte Street; and
 - Charlotte Street, from the western limit of Elm Street to the eastern limit of West Street.
4. That the following road intersections be temporarily closed (by barricade) beginning at 6:30 p.m. until 9:00 p.m. on Saturday, December 1, 2018, to restrict through traffic onto the parade route:
 - North and west intersections of Steele Street and Elgin Street;
 - East intersection of Steele Street at Carter Street;
 - East intersection of Steele Street at Park Street;
 - East intersection of Steele Street at Tugboat Lane;
 - West and south intersections of Steel Street and Clarence Street;
 - North and south intersections of Fielden Avenue at Clarence Street;

- North and south intersections of Elm Street at Clarence Street;
 - North and south intersections of Catharine Street at Clarence Street;
 - North and south intersections of King Street at Clarence Street;
 - North and east intersections of West Street at Clarence Street;
 - South intersection of West Street at Charlotte Street;
 - North and south intersections of King Street at Charlotte Street; and
 - East and north intersections of Charlotte Street and Catharine Street.
5. That emergency service vehicles, including ambulance, police and fire, as well as public works, public utility vehicles, and authorized permit vehicles be exempt from the above noted closures;
 6. That Public Works staff deliver traffic barricades before the event at the predetermined locations, restrict access to the appropriate parking stalls and deliver waste receptacles along the parade route.
- 6. Planning and Development Department, By-law Enforcement Division, Report 2018-143, Subject: Accessible Parking – Charlotte Street**

Committee of the Whole recommends:

That By-law 4310/146/02, Being a by-law to regulate on and off street parking for persons with disabilities, be further amended by adding to Schedule "I" the following:

Column 1	Column 2	Column 3		Column 4
Highway	Side	From	To	Times/Days
Charlotte St.	North	55m west of Catharine St.	5.5m west therefrom	Anytime

- 9. Planning and Development Department, Planning Division, Report 2018-150, Subject: Recommendation Report for Zoning By-law Amendment D14-03-18, 1937 Brookfield Road**

Committee of the Whole recommends:

That the Zoning By-law Amendment, attached to Planning and Development Department, Planning Division Report 2018-150 as Appendix B, be approved rezoning the land from "Agricultural" to AR-49" and "Agricultural Purposes Only".

- 11. Region of Niagara, Linking Niagara Transit Committee Session Re: Universal Support Person Pass/Inter-Municipal Transit Service Implementation Strategy and Inter-Municipal Transit Financial Impact Analysis**

Committee of the Whole recommends:

That the correspondence received from the Region of Niagara, Linking Niagara Transit Committee Session, Re: Universal Support Person Pass, Inter-Municipal Transit Service Implementation Strategy and Inter-Municipal Transit Impact Analysis, be received for information.

12. Richard Rybiak, Chair, Niagara Central Airport Commission Re: Updates regarding Niagara Central Dorothy Rungeling Airport

Committee of the Whole recommends:

That the correspondence received from Richard Rybiak, Chair, Niagara Central Airport Commission Re: Updates regarding Niagara Central Dorothy Rungeling Airport, be received for information.

CARRIED.

8. Presentations:

- (a) **Mario Madia, Vice President Finance, Administration & IT, YMCA of Niagara and Sharon Schilz, Centre Manager, Port Colborne YMCA will be providing an update on the operations of the Port Colborne YMCA**

Mario Madia and Sharon Schilz provided a powerpoint presentation to update Council with respect to the operations of the Port Colborne YMCA. The presentation is attached.

9. Delegations:

By general consensus this item of the Committee of the Whole Agenda was brought forward for consideration during the Items Requiring Separate Discussion. The minutes reflect the order of the agenda.

10. Mayor's Report:

A copy of the Mayor's Report is attached.

11. Regional Councillor's Report:

Nil.

12. Councillors' Items:

- (a) **Trees at Centennial Park (Bodner)**

In response to an inquiry by Councillor Bodner, the Manager of Parks and Recreation advised that the cleanup of the trees that were cut then left in Centennial Park was delayed due to high winds and will be attended to pending better weather.

(b) All-terrain vehicles in Centennial Park (Bodner)

In response to an inquiry by Councillor Bodner about whether ATVs had damaged Centennial Park, the Manager of Parks and Recreation advised that no damage had been reported but she will ask staff to investigate the condition of the park.

(c) Road surfacing in Ward 4 (Bodner)

In response to an inquiry by Councillor Bodner, the Acting Director of Engineering and Operations advised that staff will provide a report at a future meeting of Council outlining options and pricing with respect to road surfacing on stone roads in Ward 4.

(d) Fallen trees in drains (Bodner)

In response to a concern expressed by Councillor Bodner with respect to fallen trees and branches causing blockages in drains, the Acting Director of Engineering and Operations advised that he will have the Acting Drainage Superintendent investigate.

(e) Railway tracks on Killaly Street (Danch)

In response to an inquiry by Councillor Danch about a date when the tracks would be repaired, the Director of Engineering and Operations that the Region has committed to their share of the expense and staff will continue to pursue the completion of the required repair work with Trillium.

(f) Construction in the East Village (Desmarais)

In response to a request by Councillor Desmarais about the status of the construction in the East Village, the Acting Director of Engineering and Operations advised that the contractor is completing sump pump hook-ups with expected completion in spring 2019.

(g) Living rough camps (Desmarais)

In response to an inquiry by Councillor Desmarais about living rough camps in the community, the Chief Administrative Officer advised that at a meeting held between community stakeholders, discussion took place about a protocol for reporting living rough camps to the City. The Chief Administrative Officer advised the public to report active or abandoned living rough camps to the By-law Enforcement Division at 905-835-2900 or bylawenforcement@portcolborne.ca, which is an email address monitored by more than one staff person. The Chief Administrative Officer finally advised that providing report of living rough camps to by-law staff can ensure a more immediate response because the proper property party to be respond can be notified.

Staff Responses to Previous Councillor Enquiries:**(a) Smoke and Carbon Monoxide Alarms – November (Cartwright)**

The Fire Chief advised the Fire Department's free give away of smoke and carbon monoxide alarms to Port Colborne homeowners of a single-family residence is extended through November. The Fire Chief also urged the public to call to receive the Fire Department's assistance to keep homes safe.

13. Consideration of Items Requiring Separate Discussion:**2. Corporate Services Department, Finance Division, Report 2018-146, Subject: Welland Transit Renewal Agreement for Port Colborne Transit Services**

Moved by Councillor A. Desmarais
Seconded by Councillor B. Kenny

That the renewal of the Transit Agreement with Welland Transit for Transit Services be approved for a two-year term to March 31, 2020.

That the City Clerk and the Mayor be authorized to execute the Transit Agreement.

CARRIED.

4. Engineering and Operations Department, Engineering Division, Report 2018-149, Subject: Tendering for Project 2018-03, Water Meter & Meter Chamber Installations (Two Locations)

Moved by Councillor R. Bodner
Seconded by Councillor B. Kenny

That Project 2018-03, Water Meter and Meter Chamber Installations (Two Locations), be awarded to V. Gibbons Contracting Ltd. of Stevensville, Ontario for the total tendered contract price of \$210,423.50 plus applicable taxes.

That a contract by-law, whereby the City enters into a Contract Agreement with the contractor be prepared.

That funding for Project 2018-03 be financed under the 2018 Water Capital Budget.

CARRIED.

7. Planning and Development Department, Planning Division, Report 2018-138, Subject: Site Alteration Permit – Port Colborne Quarries

Harry Wells provided a presentation with respect to the Site Alteration Permit for Port Colborne Quarries. A copy of the presentation is attached.

Jack Hellinga provided a presentation with respect to the Site Alteration Permit for Port Colborne Quarries. A copy of the presentation is attached.

A motion to defer was passed prior to the delegation by David Sisco, IBI Group – representing Port Coborne Quarries Inc. A copy of the presentation is attached.

Moved by Councillor R. Bodner
Seconded by Councillor B. Butters

That a Site Alteration Permit be approved for Port Colborne Quarries for the placement of approved MOECP Table 1 clean inert fill in Pit 1 for a 20-year period subject to the following conditions:

- i) That the Ministry of Natural Resources consents to change the type of rehabilitation program.
- ii) That Port Colborne Quarries work with applicable agencies to ensure a portion of the ANSI remains exposed and to help create a form of public access for educational purposes.
- iii) That a Site Alteration Permit fee of \$1,320 be submitted to the Department of Planning and Development.

Moved in deferral by A. Desmarais
Seconded by J. Mayne

That consideration of a of a Site Alteration Permit for Port Colborne Quarries for the placement of approved MOECP Table 1 clean inert fill in Pit 1 for a 20-year period be deferred to a Committee of the Whole meeting during the first quarter of 2019 and that direction be provided to the Director of Planning and Development to provide Council with further education about the information contained in the presentations provided with respect to the quarry.

CARRIED.

8. Planning and Development Department, Planning Division, Report 2018-142, Subject: Cannabis Dispensary and Production

Thomas Hill, CEO, Farmedica, and Toby Petit, Farmedica, provided a presentation with respect to the *Cannabis Act* and the regulations for Licensed producers, as well as the business intentions for their company.

Moved by Councillor R. Bodner
Seconded by Councillor B. Butters

That staff be directed to undertake a study of the City's Official Plan policy, Zoning By-law standards and regulations and implementation

procedures pertaining to retail cannabis production and report back to Council with recommendations.

That an Interim Control By-law, pursuant to Section 38 of the *Planning Act*, be approved for a period of up to one year, prohibiting retail cannabis production on all properties in the City.

That the Mayor and City Clerk be authorized to execute the necessary by-law to give effect to Council's decision; and that the Notice of Decision required by the *Planning Act, R.S.O. 1990*, as amended, be processed by staff.

Moved in amendment by Councillor B. Butters
Seconded by Councillor A. Desmarais

That the first and second paragraphs of the main motion be amended by adding thereto "medical and" prior to "retail".

The vote was then called on the main motion, as amended, as follows:

That staff be directed to undertake a study of the City's Official Plan policy, Zoning By-law standards and regulations and implementation procedures pertaining to medical and retail cannabis production and report back to Council with recommendations.

That an Interim Control By-law, pursuant to Section 38 of the *Planning Act*, be approved for a period of up to one year, prohibiting medical and retail cannabis production on all properties in the City.

That the Mayor and City Clerk be authorized to execute the necessary by-law to give effect to Council's decision; and that the Notice of Decision required by the *Planning Act, R.S.O. 1990*, as amended, be processed by staff.

10. Memorandum from Scott Luey, Chief Administrative Officer Re: Follow-up from September 10, 2018 Public Meeting re Vandalism

Moved by Councillor B. Butters
Seconded by Councillor B. Kenny

That the memorandum received from Scott Luey, Chief Administrative Officer Re: Follow-up from September 10, 2018 Public Meeting re Vandalism, be received for information; and

That the Chief Administrative Officer be directed to:

- Create a mandate for this group as a task force similar to the East Village

- Membership would include:
 - Minimum two city councillors
 - One representative from each BIA
 - One representative from the NRP
 - One representative from Port Cares
 - One business representative – currently Fred Davies
 - One member of the public – currently Rick Osborne

That once the group is established, it be directed to:

- Send a letter to the Police Services Board inviting them back to Port Colborne to hold a future board meeting.
- Arrange for an expression of interest for closed circuit television monitoring in the downtown area and beyond.
- Arrange for an expression of interest for private security officers.
- Establish a Community Watch Program.

Moved in amendment by Councillor A. Desmarais
 Seconded by Councillor Y. Doucet

That the first bullet of the main motion be amended by adding thereto “to be called the Chief Administrative Officer’s Working Group on Community Wellness” and that the representation from the East Village Task Force be added to the membership mandate.

The vote was then called on the main motion, as amended, as follows:

That the memorandum received from Scott Luey, Chief Administrative Officer Re: Follow-up from September 10, 2018 Public Meeting re Vandalism, be received for information; and

That the Chief Administrative Officer be directed to:

- Create a mandate for this group as a task force similar to the East Village, called the Chief Administrative Officer’s Working Group on Community Wellness
 - Membership would include:
 - Minimum two city councillors
 - One representative from each BIA
 - One representative from the NRP
 - One representative from Port Cares
 - One business representative – currently Fred Davies
 - One member of the public – currently Rick Osborne
 - Membership of the East Village Task Force

That once the group is established, it be directed to:

- Send a letter to the Police Services Board inviting them back to Port Colborne to hold a future board meeting.
- Arrange for an expression of interest for closed circuit television monitoring in the downtown area and beyond.
- Arrange for an expression of interest for private security officers.
- Establish a Community Watch Program.

CARRIED.

14. **Notice of Motion:**

Nil.

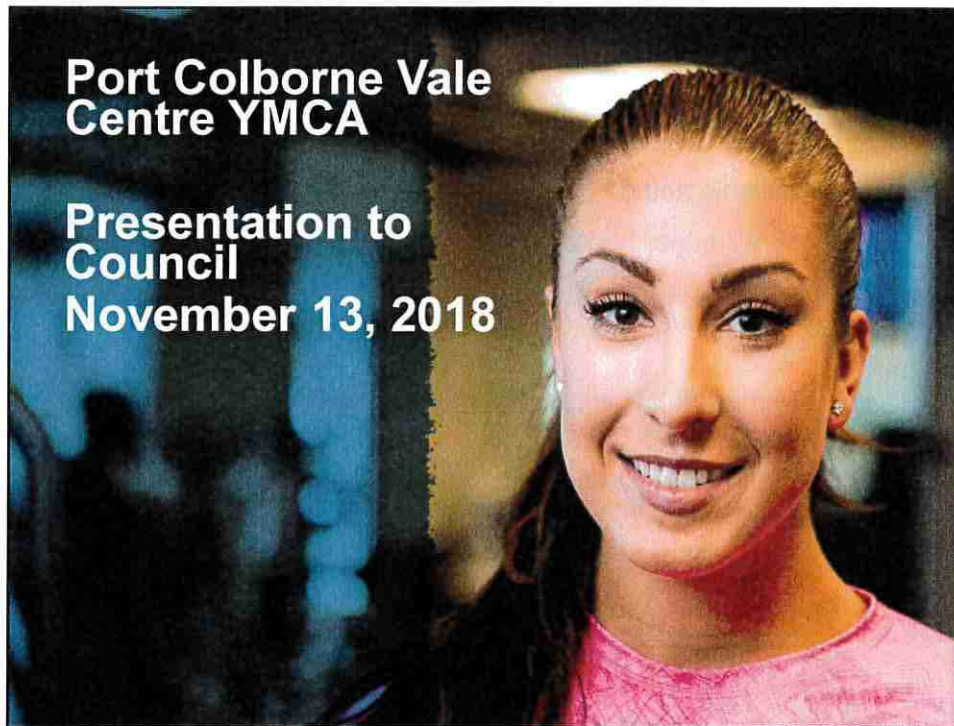
15. **Adjournment:**

Moved by Councillor F. Danch
Seconded by Councillor Y. Doucet

That the Committee of the Whole meeting be adjourned at approximately
8:38 p.m.

CARRIED.

CM/



Topics

- Highlights from the 2017/ 2018 year Port Colborne YMCA
- Review of the 2012-2017 financial results
- Comparison of 2017/18 fiscal performance to budget
- Actions related to Bill 148 (minimum wage increase) and impact on Port Colborne YMCA



Port Colborne YMCA Year 6 Highlights

- Leadership and development of more than 75 staff
- 1,256 volunteer hours provided by more than 50 volunteers
- Served an average of 2327 members on roll throughout the year
- Supported 400 children, individuals and families through YMCA Financial Assistance.
- Engaged 460 children and youth continuously in swim lessons strengthening their skills.
- Partnered with 22 Community Organizations.
- Engaged children and youth participants with 1640 camper days.



Port Colborne, year six results...

The YMCA is meeting or exceeding its promise to serve the community with an average of 11,225 community accesses monthly by both YMCA members and community participants.

Enhancing Health and Strengthening all Families

- 56.9% joined as a family
- 117,250 membership card swipes
- 4542 Family and Individual Swim Passes
- 7056 Guest Passes



The YMCA continues to have significant and positive impact on the Port Colborne community

- Community access to YMCA programs increased consistently each year, growing to over 17,000 annually in Year 6.



The YMCA continued to expand program offerings based on community feedback and interest

- YMCA continues to provide leadership for a number of community events.
- YMCA has been actively involved in many City of Port Colborne events including:
 - Canal Days
 - Canada Day Event
 - Community Awareness Day
 - Sports Fest
 - Vale Day
 - New Year's Eve Family Celebration
 - Family Day



Painting Port Colborne Rocks



More program investments and improvements

- Launch of new adult programs Barre and expanded offerings in Yoga, Aqua Fitness and Small Group training
- Relaunch of Personal Training
- New approach to New member Orientation
- Revised and refreshed approach to marketing, communication, lead generation and new member incentives
- Implemented new national aquatics standards
- Enhanced Child Protection Standards
- Introduction of more skill based sports program for children



Supporting Participation for All A revised approach to YMCA Financial

The YMCA is a place of inclusiveness; open to all regardless of background or circumstance, helping to strengthen families and communities.

- YMCA Financial Assistance is offered to individuals and families unable to afford to participate due to their financial circumstance.
- Assistance is offered in a confidential manner based on individual circumstances. In 2017/2018 more than
- 17% of Port Colborne YMCA Members (400 individuals) benefited from YMCA financial assistance.



How we did in the first 5 years?

5 YEAR ACTUAL REVENUE AND EXPENSES	2016-17 Actuals	2015-16 Actuals	2014-15 Actuals	2013-14 Actuals	Feb-Aug 13 Actuals
Total Revenue	1,217,405	1,158,957	1,167,996	1,196,997	584,559
Expenses					
Total Expenses (Operating)	952,503	893,684	896,138	960,518	537,446
Operating Net	264,902	265,273	271,858	236,479	47,113
Deferred Capital Depreciation & Admin	259,548	269,499	257,232	231,409	56,245
Total Net	5,354	(4,226)	14,626	5,070	(9,132)



How we did in the current year versus budget?

Year 6 Annual Budget vs Actuals : September 2017 - August 2018			
Members On-roll, Year-to-date Average	2,356	2,327	
Budgeted Revenue and Expenses	Annual Budget	Actuals	Variances
Total Revenue	1,221,960	1,225,726	3,766
Total Expenses	1,009,065	1,012,494	3,429
Operating Net	212,895	213,232	337
Deferred Capital Depreciation	159,900	157,644	(2,256)
Administrative Overhead (10% of total expenses)	100,907	101,249	343
Total Net	(47,912)	(45,661)	2,250



Bill 148 Minimum Wage Increase-What have we done?

Pre January 1, 2018:

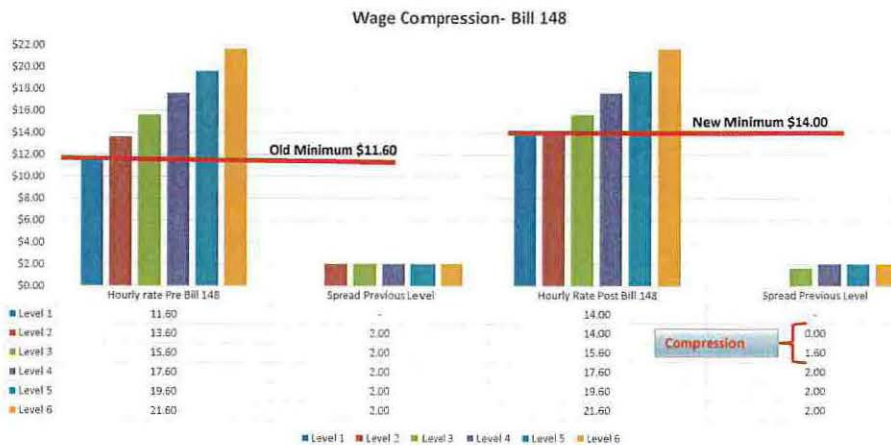
- October, 2017 HFA price increase
- Engaged external HR Consultant to review overall compensation strategy
- New shared service agreements CEO, VP HFA
- Administrative office relocated within our Welland HFA Centre

Post January 1, 2018:

- Successfully implemented Phase One of Bill 148
- Annual HFA price increases
- Improve program quality
- Focus on program membership retention and growth
- Discussions with YMCA of Oakville and HamiltonBurlingtonBrantford on possible combination



Bill 148 – Wage Compression



Bill 148 – Impact on Port Colborne YMCA

IMPACT OF BILL 148 ON PORT COLBORNE YMCA					
January 1, 2018 to August 31, 2018					
	# of Jobs	Actual	Regular	% Increase	Difference
		Regular Wages Paid	Wages if No Bill 148		
At Minimum	48	\$139,365	\$115,324	20.8%	\$24,041
Other Bands Impacted	33	\$220,440	\$198,018	11.3%	\$22,422
Total Wage Impact					\$46,463
OT, Stat, Vac pay & Other benefits					\$9,293
TOTAL IMPACT					\$55,756



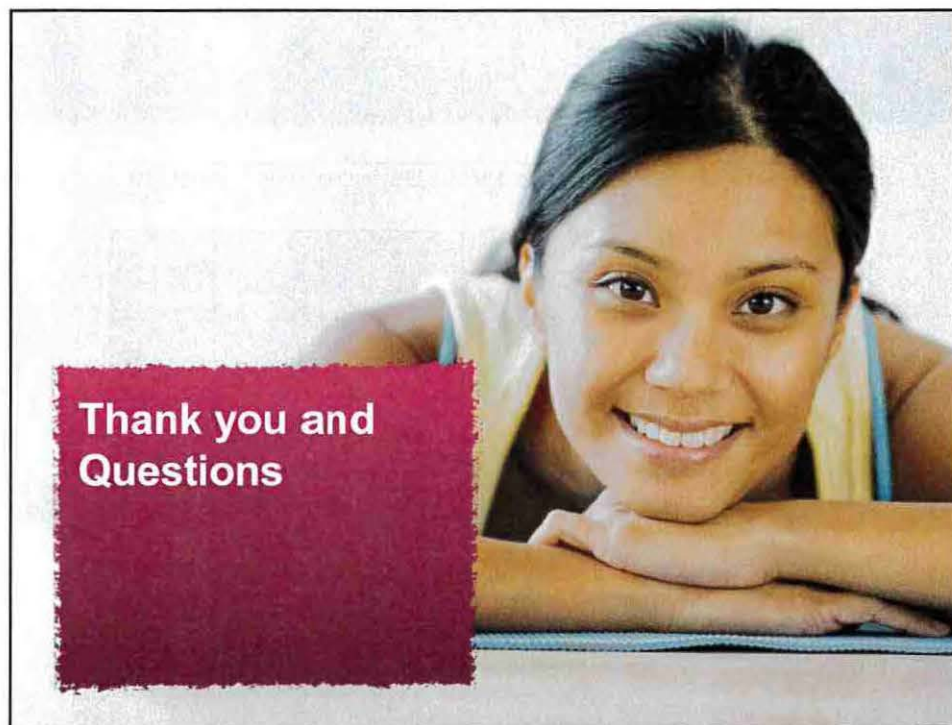
Result in 2017/18 w/o Bill 148

Year 6 Annual Budget vs Actuals with and w/o Bill 148 : September 2017 - August 2018			
Members On-roll, Year-to-date Average	2,356	2,327	2,327
Budgeted Revenue and Expenses	Annual Budget	Actuals	Actuals w/o Bill 148
Total Revenue	1,221,960	1,225,726	1,225,726
Wages & Benefits	896,750	888,356	832,600
Supplies - Program, Cleaning and Maintenance	70,533	81,723	81,723
Other Direct Expenses (repairs, training, etc.)	41,781	42,415	42,415
Total Expenses	1,009,065	1,012,494	956,738
Operating Net	212,895	213,232	268,988
Deferred Capital Depreciation	159,900	157,644	157,644
Administrative Overhead (10% of total expenses)	100,907	101,249	95,674
Total Net	(47,912)	(45,661)	15,670



Summary and Next Steps

- Continued focus on improving HFA programs
- Focus on membership retention and growth
- First 5 years successful in service delivery and financially
- Bill 148 resulted in dramatic cost increase for YMCA in total and Port Colborne specifically
- YMCA of Niagara is grateful for the partnership with the City of Port Colborne and the opportunity to serve its' citizens
- At the start of this past fiscal year YMCA had requested support from the City of Port Colborne in the amount of \$22,118 to help offset Bill 148 costs and now respectfully requests that these funds be provided to the YMCA



**Thank you and
Questions**

Port Colborne Quarries Site Alteration Permit Proposal for Pit 1

Prepared by: Harry Wells
Date : Nov 13, 2018

PCQ's Proposal

- The **rehabilitation of Pit 1** be it required by the SPA and Condition of License #4444 or not, will be very positive for PCQ, Ward 4 and the City if it is **completed the right way**.
- Reclaiming the area of Pit 1 for **compatible development would be economically beneficial and responsible**.
- **PCQ proposes to rehabilitate Pit 1** by placing approximately 14,100,000 tonnes of **inert fill** over about 20 years to the pre-existing grades and then develop the reclaimed Pit 1 area **for mixed-use industrial that includes Heavy Industrial Uses**.

Council is being advised by Planning they only have 2 Considerations to make

1. Approval of PCQ's request for a Site Alteration Permit for a **20+ year** placement of fill while the Site Alteration By-law 5528/125/10 only contemplates a **6 month** period for the placement of fill.
2. Determination of the applicable fee for a **20+ year** permanent placement period as compared to **6 months of placement as contemplated in the By-law.**

There are other Considerations that Council needs to make

1. Is the rehabilitation for **Mixed-use industrial including Heavy Industry comparable to a passive recreational lake** as agreed to in Clause 23 and 14 of the 1982 Site Plan Agreement? Pg 1 of Planning

Report # 2018-138

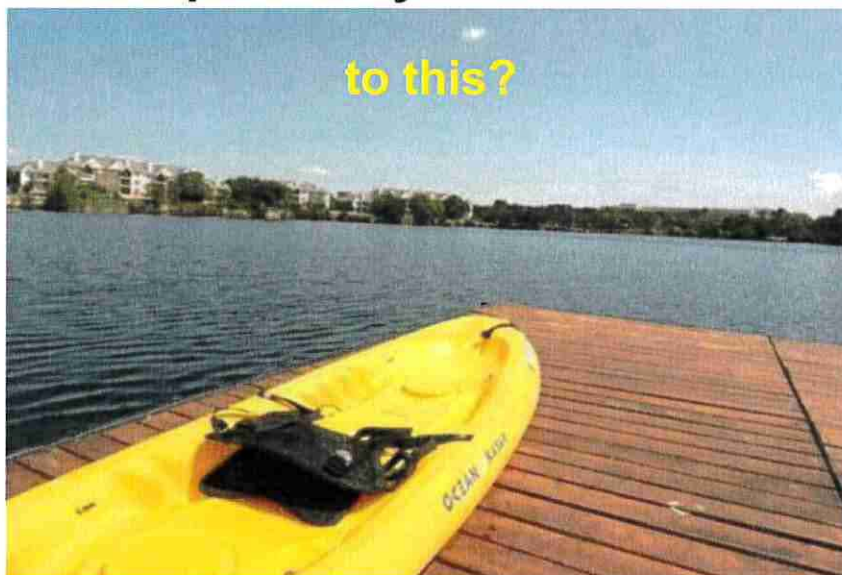
1st. Consideration of Comparability

Is this mixed industrial use comparable



Comparability Consideration

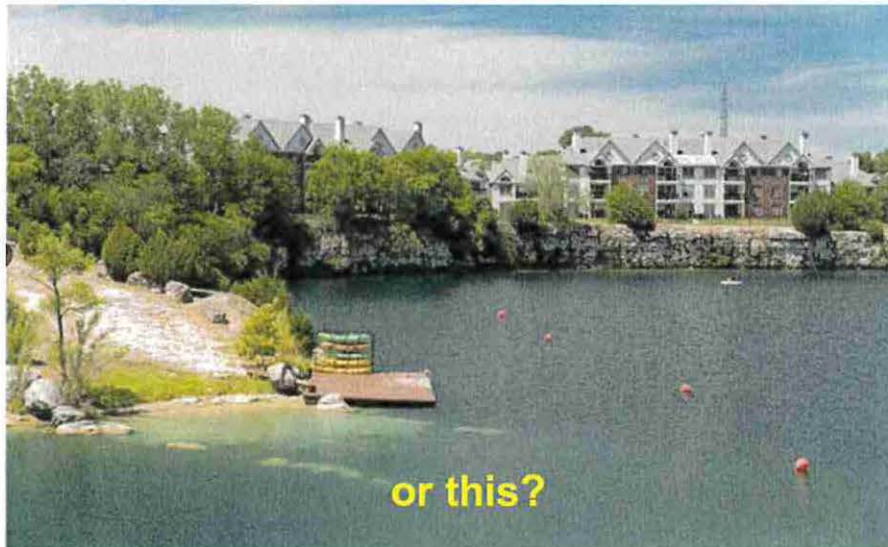
to this?



Comparability Consideration



Comparability Consideration



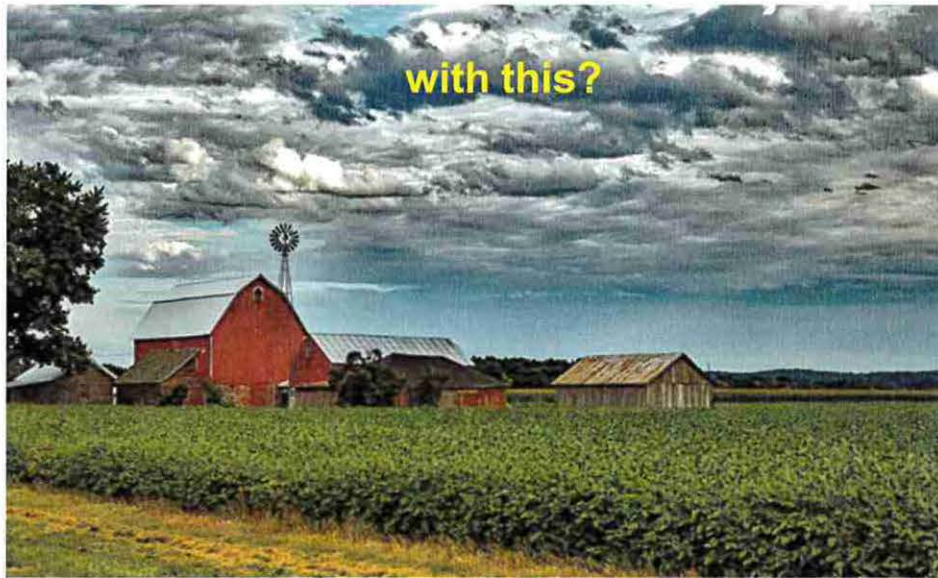
Another Consideration that Council needs to make

2. Is the final proposed **Mixed-use industrial including Heavy Industry compatible** with the surrounding land uses as would be a **passive recreational lake** as agreed to in Clause 23 and 14 of the 1982 Site Plan Agreement? Pg 1 of Planning Report # 2018-138

Compatible Consideration



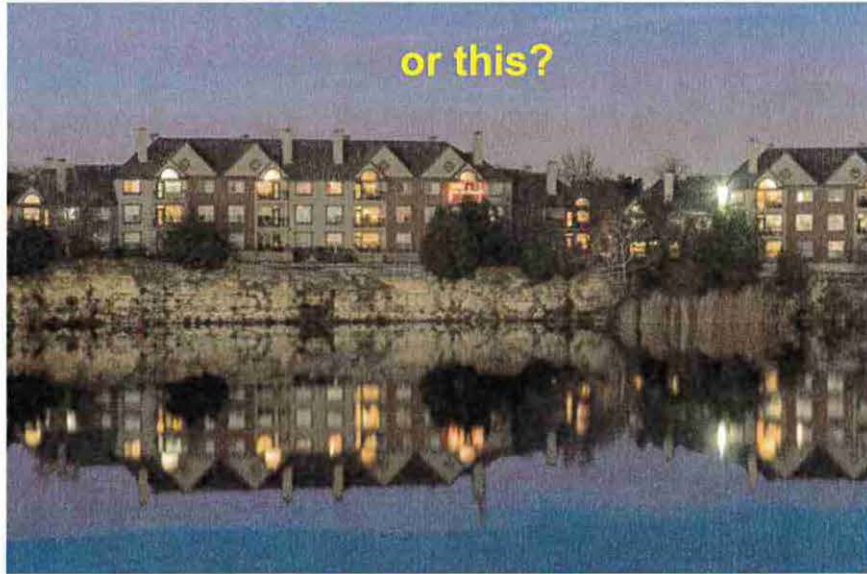
Compatible Consideration



Compatible Consideration



Compatible Consideration



Compatible Consideration



A 3rd Consideration that Council needs to make

3. **Will all the material (fill) entering the facility (Pit 1) actually *be laboratory tested and certified by the source site prior to being accepted***. Shouldn't Council consider a condition of the permit that requires PCQ implement a QA/QC to ensure the levels of contamination do not exceed MOECP minimum levels.

What PCQ tells us about the "Inert Fill"

- "The fill material will be obtained from sources locally, regionally and potentially **further afield**" pg 7. ***This means it could come from outside the country. Does Council want Pit 1 to be a dump for US waste fill?***
- "**All material** entering the facility **will be laboratory tested and certified by the source site prior to being accepted.**" pg 7. ***The source site might benefit from not sampling a contaminated area and there is nothing ensuring they won't conduct selective sampling to their benefit.***

More about the Inert Fill

The fill material is "**excess spoil material** being removed from active construction sites that otherwise would be **directed to municipal landfills**" pg7.

Spoil is defined as any earthen material that is surplus to requirements or unsuitable for reuse in fill and embankments (such as unsuitable rock and soil material) or material that is contaminated. Generally spoiled material going to municipal landfills is regarded as waste so essentially this is turning Pit 1 into a landfill

More about the Inert Fill

All the fill **will meet** "**MOECP Table 1 Standards** for soil, ground water and sediment under Part XV. 1 of the MOECP Environmental Protection Act." pg 5. *The fill must be tested for over 90 contaminants and must not exceed the concentrations specified.*



Have a jelly bean or 2. Were you lucky? Want to have more.

- 10 of these jelly beans were contaminated with Benzo-a-pyrene

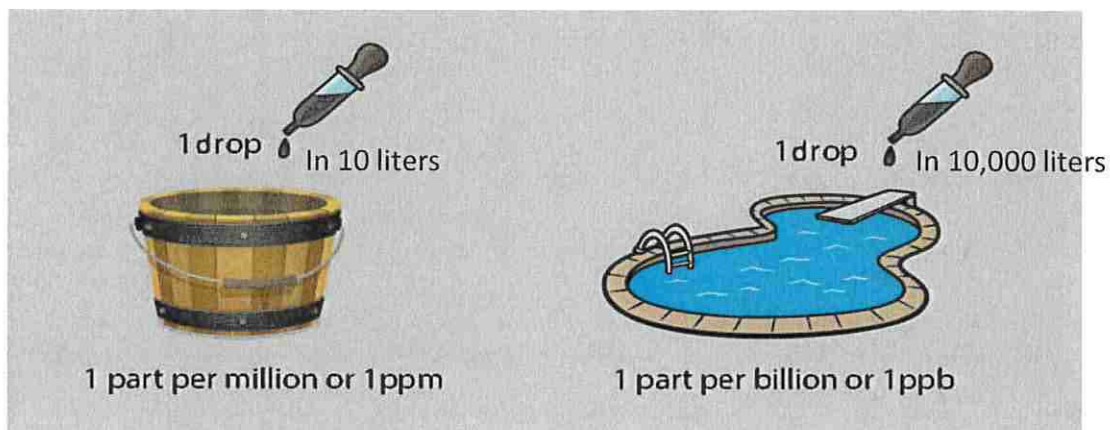
MSDS Hazard Statements

- May cause an allergic skin reaction
- May cause genetic defects
- May cause cancer
- May damage fertility or the unborn child

MOECP Table 1 Levels

- Agricultural 0.05 ppm
- Residential, Parkland, Commercial 0.3 ppm
- Ground Water 0.01 ppm or **0.0001 of a drop in a bucket of water**

PPM & PPB



0.0001 of a drop of benzo-a-pyrene in a bucket of ground water will exceed Table 1 criteria for inert fill

Existing Conditions

Neither the report by the Planning and Development Department nor the IBI Group mention that Pit 1 has a permit from the MOECP to take water.

Leachate from the inert fill and filling operations during the rehabilitation process could negatively impact the vulnerable aquifer. Council needs to consider how the vulnerable aquifer is going to be protected.

The Comprehensive Zoning By-law in section 2.3.1 Source Water Protection prohibits certain land uses within the Intake Protection Zones.

Since the vulnerable aquifer is a source of drinking water for residents and livestock in Ward 4 Council needs consider giving that water source the same protection as IPZ-1 or IPZ-2 water sources for Port Colborne's urban area before approving PCQ's permit.

More Considerations that Council Needs to make

- Council needs to consider if the rehabilitation as proposed for mixed industrial use is consistent and compliant with the Provincial Policy Statement, Official Plan, the Growth Plan for the Greater Golden Horseshoe, the Niagara Regional Policy Plan and Smarter Niagara Initiative and MOECP D-6 minimum separation distances. Page 2 of Planning report states no OP or Zoning by-law applications associated to this were submitted.
- Council doesn't know if this proposal is consistent and compliant with the PPS particularly sections 1.1, 1.1.3.8, 1.1.5, 1.2.6, 2.2, 2.3, and 2.4.
- Council doesn't know if this proposal is consistent and compliant with the OP 2017 particularly sections 2.1, 2.2, 2.4.6.4, 3.10, and 4.2.

Compatibility & the Provincial Policy Statement

1.2.6 Land Use Compatibility

1.2.6.1 **Major facilities and sensitive land uses should be planned to ensure** they are appropriately designed, buffered and/or separated from each other to **prevent or mitigate adverse effects** from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of the *major facilities*.

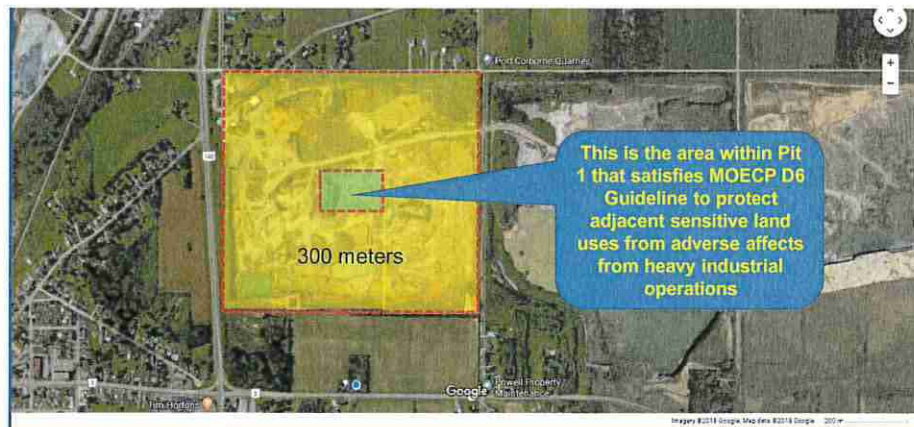
PPS and OP Consistency & Compatibility

PCQ have not submitted applications for future land use along with this request but they are asking to change the zoning from what would have been Park if it was rehabilitated as a passive lake to Heavy Industrial. In the IBI Group Planning Report they identify the intended uses identical to those found on page 88 of the Comprehensive Zoning By-law for Heavy Industrial (HI)

There is a significant difference between what is permitted in a Heavy Industrial zone compared to a Park zone so shouldn't the final zoning be removed or addressed before approval is given to this request unless PCQ has submitted the applications for future land use and all associated studies and the City has completed a comprehensive review as required by the Provincial Policy Statement?

Land Use Compatibility cont'd

MOECP D6 300m Minimum Separation Distance



Summation

1. Rehabilitation of Pit 1 is a positive step forward, if done right.
2. The MNRF is the agency with the experience and authority with regards to the rehabilitation of pits and quarries not the City of Port Colborne. The rehabilitation of Pits 1, 2 and 3 are all intertwined as conditions of License #4444 and will no doubt be included in the conditions of future Pits like those being applied for on either side of Carl Road as an extension of License #4444. Approval from the MNRF for the rehabilitation change should come before the City approves the Site Alteration Permit.
3. There is a real potential to receive contaminated fill that could cause an adverse effect on the vulnerable aquifer and affect surrounding land use but this could be minimized if the appropriate mitigation measures are implemented. The MOECP is the agency with experience and authority for protecting the environment. Any MOECP permits or ECAs and their comments regarding the proposed rehabilitation should be received prior to or as a condition of approving PCQ's permit application. This also applies to other agencies and their areas of expertise and authority.

Summation Continued

4. This proposal is for a permanent site alteration not a 6 month alteration to support a significant zoning change and use without studies or a comprehensive review so this application should also include what is needed for a zoning change and should follow the process for a zoning change before approval or the rehabilitation should be limited to a park or agricultural use. In the future when PCQ have completed all the requirements for a rezoning they can submit an application for suitable rezoning.
5. Additional studies are needed to identify impacts, compatibility and mitigation measures such as an Environmental Impact Study for the ANSI area, the vulnerable aquifer and surrounding sensitive land use that support PCQ's proposal before Council approves the permit as proposed.
6. There was no public notification of this even though it has the potential to significantly impact adjacent property owners and there have been concerns previously expressed. This should go through a public process to ensure public input and a more comprehensive consideration by City staff and the new council.


Points for Consideration for PCQ Site Alteration Permit Application

1. Is this a Site Alteration Permit Application, or a prelude to a Rezoning and OP Amendment request?
2. The Planning Department Report 2018-138 page 2 reads “As confirmed by legal counsel, Paragraph 14 references rehabilitation as a condition of licensing, not as a Site Plan Agreement condition”. The license is correctly for Pit 2 and Pit 3. However, not stated is that Clause 23 refers to Pit 1 and requires a **rehabilitation** program compatible to Pit 2 and Pit 3. According to the definition of rehabilitation, refer to the Aggregate Resources Act
3. The Site Alteration Bylaw 5528/125/10 does not reflect a project of this magnitude, but more likely was established for some minor lot filling. As referenced, it was created as a result of a filling event, which was in the magnitude of 1 metre
4. Error in Planning Department Report 2018-138, page 1, 3rd paragraph, date of application should be 2018
5. Error in Planning Department Report 2018-138, page 2, calculation of fees for 67 hectares should be $\$100.00 + \$20.00 \times 66 = \$1420.00$
6. Site Alteration Fees according to Bylaw 5528/125/10 for 6 months should be \$1000.00 maximum, or as amended in future Bylaw updates, and be charged every 6 months
7. The permit should allow the City to amend the Site Alteration Bylaw and the fees, and require the quarry to meet all revised requirements on the next 6 month renewal date subject to satisfactory performance
8. Allowing one fee for up to 20 years is contrary to the Site Alteration Bylaw. Allowing this is a precedent for such requests in the future
9. Is this Application in any way going to recoup the missed fee for that material that was hauled into Pit 1 since this spring and continues to the day of this writing?
10. The long-term proposal is to haul in approximately 14M+ tonnes of “clean inert fill”. This over a 20 year period is in excess of 700,000 truck loads
11. The currently proposed fee amounts to approximately \$0.002 (0.2 cents) per truckload, or approximately .01 cents per tonne

12. The proponent promises to release and indemnify the City with respect to any liability that may arise in the event that fill contains contaminants. There is no bond or other financial assurance of this promise
13. The estimated time according to the IBI Report is upwards of 20 years. The range of upwards is not defined. It could even be beyond 20 years, just like the quarry extraction. Who will remember the date it will require renewal? Will it be forgotten just as the Site Plan Agreement for Pit 1 was forgotten?
14. By having a renewal requirement every 6 months the City will be able to monitor the progress and conformity to the Site Alteration plan, and recoup the cost of conducting the continuous monitoring
15. The NPCA has control over a section proposed for filling, and their input, requirements, and agreement, should be provided before any filling is allowed
16. The MNRF has identified an Area of Natural and Scientific Interest (ANSI) of the Earth Science category and should be addressed before approval for filling is granted
17. There are no geotechnical reports that identify the stability of the fill for future infrastructure construction
18. There are no hydrogeological reports that investigate the impact of the filling on the high vulnerable aquifer
19. There is no progressive rehabilitation plan provided, no interim grading/drainage plan, and no seeding proposal
20. The current requirement for **rehabilitation** compatible to Passive Water Recreation as currently stipulated in the Site Plan Agreement should be referenced, as this is registered on title for the property
21. How the filling fulfills the previously mentioned requirement, and, how it will be used to achieve this requirement, should be defined
22. The permit should be Stage specific with a right to withdraw further approvals if any Stage is not completed and rehabilitated in a timely manner to the satisfaction of the City
23. The reference to potential subsequent use or re-zoning should not be included in this, a Site Alteration Permit request, unless it is consistent with the Site Plan Agreement
24. In the last paragraph on page 2 of Planning Report 2018-138 there is a reference to discussions regarding a zoning change application for Pit 2. Pit

2 is under a license with MNRF with a stipulated progressive rehabilitation to Passive Water Recreation. This should be out of the discussion for a Site Alteration permit for Pit 1. The Region has already commented on the 2016 applications for Pit 1 and Pit 2 in their letter dated December 21, 2016 (Copy is attached)

25. This application is similar to the application under D14-05-16 and D09-01-16 which was for Pits 1 and 2, and this application is for Pit 1 only without stating the intention to get consideration for rezoning
26. The IBI report describes Surrounding Land Uses. The North describes setbacks “well enough from the 2nd Concession Road right-of-way”, which is a generalization and does **not** apply to all of the residences. The East does not include the residences along Snider Road and the Residential Development property to the southeast. The South does not include the residence surrounded by the agricultural use and Light Industrial Zoning. The West does not indicate that west of the ROW property limit of Hwy 140 is zoned Residential and Residential Development. The site is surrounded by current and proposed residential uses (see attached plan with property lines). When comments are stated as Fact, they should be Complete and Accurate
27. If all the promises are kept, this does not look like a bad idea subject to addressing all the above considerations. A commitment now to obtain an approval, with a subsequent application for a change is a misrepresentation of intent
28. There are too many unanswered questions at this time. This application should be deferred to the next Council

	<i>Subject:</i> Importation of Inert Fill for the Purpose of Rehabilitation	<i>Policy No.:</i> A.R. 6.00.03	<i>New:</i> No
	<i>Compiled by – Branch:</i> Lands & Waters	<i>Section:</i> Aggregate & Petroleum Resources	<i>Date Revised:</i> April 14, 2008

Guiding Principle

Historically, legislation has allowed the practice of importing inert material (e.g. topsoil, overburden) for the purpose of rehabilitation (i.e. to create required slopes), where there was insufficient topsoil/overburden existing on the site. This practice is allowed to continue, provided that the site plan allows its use. In situations where the site plan is silent (i.e. importation activity not specifically addressed), a minor site plan amendment is required to allow the activity to occur.

Policy

The management of inert fill to be brought onto a particular site is governed by Regulation 347 of the *Environmental Protection Act* (EPA), which defines inert as earth or rock fill or waste of a similar nature that contains no putrescible material or soluble or decomposable chemical substance. If the results from a bulk analysis meet the criteria in Table 1 of the Ministry of the Environment's (MOE) "Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the *Environmental Protection Act*", as amended, the material is considered as "inert fill". This material may be used for sloping and/or backfilling purposes provided that the site plan allows its use. However, alternative criteria may be acceptable on a case-by-case basis with prior approval. If the material meets the definition of inert fill, no Certificate of Approval (C of A) is required from the MOE for disposing of the material.

For the purposes of pit/quarry rehabilitation, the soil quality standards for sodium adsorption ratio (SAR) and electrical conductivity (EC) specified in Tables 1, 2, and 3 under Part XV.1 of the EPA are intended to ensure good plant growth. Since plant growth is affected primarily by surface soil, the soil standards document does not include SAR and EC standards for subsurface soil (i.e. Tables 4 and 5 in the soil quality standards). Subsurface soil means soil that is more than 1.5 metres beneath the soil surface. Consequently, there is no need to apply the SAR and EC standards in Table 1, or any other table, for soil that is being deposited as a subsurface soil. The subsurface would be defined based on the final grade after rehabilitation.

Note: In situations where there is an existing condition on a site plan requiring the licensee/permittee to meet Table 1 criteria for imported fill being used for rehabilitation purposes, the licensee/permittee may request that the condition be modified to reflect the above discussion regarding SAR and EC criteria. The condition is to be modified through a minor site plan amendment to add Condition 2 in the Sample Wording for Site Plan Conditions (see below).

In 1990, the regulations under the ARA allowed the importation of material without requiring a site plan amendment where material was insufficient on the site. No further consent from the Ministry of Natural Resources was required. Consequently, many site plans remained silent on the importation of material. In 1997, the regulations were changed; this provision was removed and replaced by site plan standards within the Aggregate Resources of Ontario Provincial

Standards. Specifically, site plans for new applications must provide details regarding rehabilitation including whether inert material will be used to facilitate rehabilitation. For new applications, the operational plan must ensure, where possible, that sufficient materials are available on-site for rehabilitation and address how slopes and final elevations are to be achieved upon completion of extraction activities.

If the site plan does not address the importation of material and the licensee/permittee wishes to bring material on-site, provided that there is insufficient topsoil and/or overburden to create the necessary slopes as defined on the site plan, a minor amendment should be approved to allow this activity. The onus is on the licensee/permittee to demonstrate to MNR that material is lacking on the site to facilitate rehabilitation.

If the site plan has been approved to backfill the entire site or a portion of the site to the original grade, the licensee/permittee has the authority, provided that the material meets Table 1 (with the exceptions for SAR and EC criteria as described above) and proper monitoring or sampling of truck loads or the source occurs. However, alternative criteria may be acceptable on a case-by-case basis with prior approval.

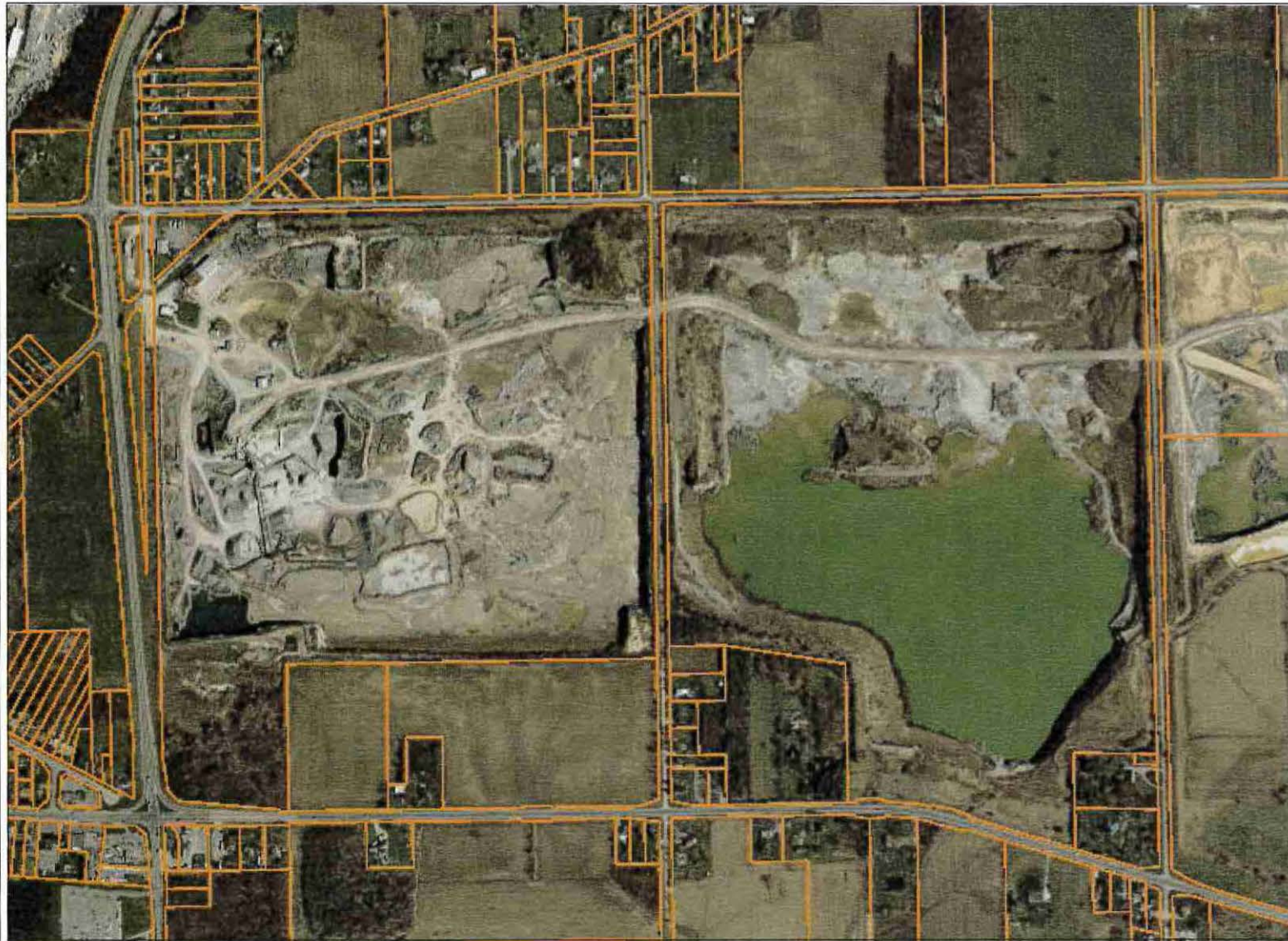
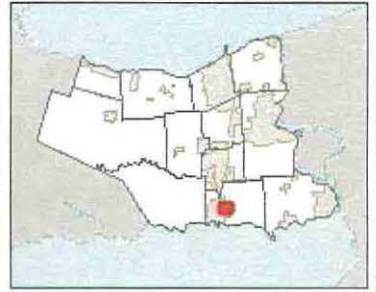
If a licensee/permittee has no prior approval and wishes to backfill the entire site or a portion of the site to the original grade, this change in rehabilitation should be processed as a major site plan amendment (see A.R. 2.03.00 and A.R. 4.04.00). The importation of material to facilitate rehabilitation must be described on the site plan.

Sample Wording for Site Plan Conditions

1. Clean inert fill (e.g. topsoil, overburden) may be imported to facilitate pit/quarry rehabilitation. Only sufficient material to create a 3:1 / 2:1 (horizontal: vertical) grade may be imported. At the request of MNR, the licensee/permittee will conduct random sampling of the imported material to ensure that it meets the Ministry of the Environment's (MOE) criteria under Table 1 of MOE's "Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the *Environmental Protection Act*". Sampling results will be provided to MNR upon request.
2. Notwithstanding Condition 1, where the imported material is not being placed within 1.5 metres of the surface, the criteria under Table 1 for sodium adsorption ratio and electrical conductivity do not have to be met.

OR

3. Clean inert fill may be imported to facilitate the establishment of 3:1 / 2:1 (horizontal: vertical) slopes on the pit/quarry faces. The licensee/permittee must ensure that the material is tested at the source, before it is deposited on-site, to ensure that the material meets the Ministry of the Environment's (MOE) criteria under Table 1 of MOE's Soils, Ground Water and Sediment Standards for use under Part XV.1 of the *Environmental Protection Act*. Sampling results will be provided to MNR upon request.
4. Notwithstanding Condition 1, where the imported material is not being placed within 1.5 metres of the surface, the criteria under Table 1 for sodium adsorption ratio and electrical conductivity do not have to be met.



Legend

- Assessment Parcels

0.5 0 0.25 0.5 Kilometers

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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This map is not to be used for navigation.



Notes

December 21, 2016

Sent Via Email Only

Files: D.10.07.OPA-16-019
D.18.07.ZA-16-103

Mr. Dan Aquilina
Director, Planning and Development
City of Port Colborne
66 Charlotte Street
Port Colborne, ON L3K 3C8

Dear Mr. Aquilina:

**RE: Provincial and Regional Comments
Applications for Official Plan and Zoning By-law Amendment
Address: 1937 Ramey Road, Port Colborne
Applicant: Port Colborne Quarries
Your Files: D14-05-16 and D09-01-16**

Further to our meeting and discussion held on November 22, 2016, Regional Development Services staff has reviewed the information circulated with the proposed Official Plan Amendment and Zoning By-law Amendment applications located at 1937 Ramey Road in the City of Port Colborne. The subject lands consist of two (2) contiguous lots located within the existing Port Colborne Quarries operation, referred to as Pits 1 and 2, and comprise a total area of ±138.8 hectares (±343 acres). The site is designated a Mineral Aggregate Operation according to the City's Official Plan, and is zoned EI (Extractive Industrial) and EI-373 (H) (Concrete Product Manufacturing – Holding). The Official Plan Amendment proposes to add a site-specific policy to the Mineral Aggregate Operation designation to allow for an expanded range of industrial uses, and the Zoning By-law Amendment proposes to revise the EI (Extractive Industrial) and EI-373 (H) (Concrete Product Manufacturing - Holding) zones to allow LI (Light Industrial) and HI (Heavy Industrial) uses as outlined in Section 22 and 23 of the Zoning By-law.

A pre-consultation meeting was held on May 12, 2016, at Port Colborne City Hall with City, NPCA and Regional staff, as well as the applicant and their agent. Due to the scope of the proposal and the lack of information provided prior to the meeting, staff had discussed holding a second pre-consultation meeting to better outline the requirements of the proposed development. A second meeting, however, was neither arranged nor held prior to the submission of the applications. Regional staff offers the following comments regarding Provincial and Regional policy to assist the City in their consideration of the proposal.

Aggregate Resources Act

Pits and quarries are licensed and regulated by the Ministry of Natural Resources and Forestry (MNRF) under the Aggregate Resources Act (ARA). The MNRF is responsible for overseeing the rules governing aggregate management, including issuing licences, permits and changes to

existing approvals, inspecting aggregate operations, responding to complaints, and ensuring rehabilitation is carried out on licensed aggregate sites. The policies, regulations, and provision of licences and site plans under the ARA apply regardless of any applicable municipal by-law, official plan or development agreement.

The parcel on the eastern portion of the subject lands, referred to as Pit 2, is a licensed aggregate operation under the ARA and requires the eventual rehabilitation of the property to a passive recreational use. The MNR has indicated in discussions with Regional staff that a Major Site Plan Amendment pursuant to Section 16 of the ARA will be required for the proposed changes in land use, which should be addressed concurrent to the proposed land use applications. Regional staff understands that, to date, the MNR has not been contacted by the applicant regarding the proposed land use changes and a Major Site Plan Amendment has not yet been initiated for Pit 2.

The parcel on the western portion of the subject lands, referred to as Pit 1, is not licensed under the ARA and is grandfathered from the rehabilitation requirements of the current ARA legislation. This parcel, however, is subject to a Site Plan Agreement, dated October 14, 1981, between Port Colborne Quarries Inc. and the City, which requires the owners to undertake and maintain a rehabilitation program for Pit 1 that is compatible to the passive recreational rehabilitation program for Pit 2. It is Regional staff's understanding that no amendments or changes have been made to the Site Plan since its creation.

Provincial and Regional Planning Policy

The subject lands are located within a Settlement Area under the 2014 Provincial Policy Statement (PPS) and are a Designated Greenfield Area according to the 2006 Provincial Growth Plan for the Greater Golden Horseshoe (Growth Plan). The PPS and Growth Plan directs growth to Settlement Areas, and encourages the efficient use of land, resources, infrastructure, and public service facilities that are planned or available. According to the Regional Official Plan (ROP), the subject lands are identified within the Urban Area Boundary for the City of Port Colborne, and more specifically, are located within a designated Greenfield Area of the Niagara Economic Gateway Centre. The ROP designates the subject lands as a Licensed Pit and Quarry.

The site currently operates as a mineral aggregate operation as defined by the PPS, which provides that such operations shall be protected from development and activities that would preclude or hinder their expansion or continued use, or which would be incompatible for reasons of public health, public safety or environmental impact. The PPS also requires the progressive and final rehabilitation of mineral aggregate operations to accommodate subsequent land uses, promote land use compatibility, recognize the interim nature of extraction, and mitigate negative impacts to the greatest extent possible. Further, the ROP acknowledges that all properties designated a Licensed Pit and Quarry may continue the operation of these uses within the limits of the land areas presently licensed, subject to continuing satisfactory operating and rehabilitation procedures. In considering changes to existing Licensed Pits and Quarries, the ROP states that full consultation among the MNR, the Region, the area municipalities and pit and quarry applicants is required before the licenses are issued or changed.

The proposed Official Plan and Zoning By-law Amendments have been requested in order to permit a broad range of industrial land uses within the existing Port Colborne Quarries mineral aggregate operation. Given the nature of the conversion and the significant range of land uses to be supported on-site, a **Regional Official Plan Amendment (ROPA)** will be required for the redesignation of the subject lands to allow for employment uses.

Evaluation for a ROPA will require a comprehensive analysis to determine existing and future employment needs based on supply and demand (consumption) within the City and the greater Niagara area, as well as to address potential land use conflicts with the surrounding residential land uses and the continued use of the subject lands and adjacent properties for mineral extraction. There have been no studies or other supporting documents submitted with the proposed applications demonstrating this comprehensive analysis. Though a "Report for an Official Plan Amendment and a Zoning By-law Amendment for Port Colborne Quarries", prepared by Dennis Savriga (stamped received September 20, 2016) was circulated with the applications, the letter does not discuss Provincial or Regional policies nor does it provide sufficient evaluation and planning rationale to justify the proposal. Further, the Region has not received a copy of a draft Official Plan Amendment, which is part of the information and material to be provided with a complete application as outlined in O. Reg. 543/06.

Regional staff notes that, in keeping with the PPS and the anticipated policies of the 2016 Provincial Growth Plan for the Greater Golden Horseshoe, the Region is currently in the process of completing a Municipal Comprehensive Review (MCR), which includes the preparation of an Employment Lands Strategy, for the purposes of preparing a new Regional Official Plan. Given the above requirement for a Regional Official Plan Amendment, as well as the outstanding concerns regarding the conversion of the subject lands to employment uses, Regional staff considers the proposed Official Plan and Zoning By-law Amendment applications to be premature until the completion of the Region's MCR and Employment Lands Strategy. Should the City wish to have these lands converted to employment uses as part of the MCR, data supporting the need for conversion should be forwarded to the Region.

Land Use Compatibility and Public Health and Safety

The policies of the PPS provide that development on or abutting mineral aggregate operations may be permitted only if rehabilitation or other measures to address and mitigate known or suspected hazards are under way or have been completed. As noted above, there has been no information provided with the proposed applications regarding the rehabilitation of the lands to support a change in land use. It is Regional staff's understanding that it is the applicant's intention to move forward with the conversion of the lands from aggregate use to employment use without rehabilitation of the site. This is not permitted under Regional and Provincial planning policy, nor is it permitted for the licensed portions of the subject lands under the ARA.

Further, the PPS calls for a coordinated, integrated and comprehensive approach to land use planning matters, and states that long-term economic prosperity should be supported by planning so that major facilities, including industries and resource extraction activities, and sensitive land uses are appropriately designed, buffered and/or separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health. To implement this policy, the Ministry of Environment and Climate Change (MOECC) Land Use Planning Policy guidelines are to be applied in the land use planning process to prevent or minimize future land use problems related to compatibility. Specifically, Guideline D-1 "Land Use Compatibility Guidelines" and Guideline D-6 "Compatibility Between Industrial Facilities and Sensitive Land Uses" are to be considered in the review of applications. Regional staff notes that there is insufficient information available at this time on the exact scale and nature of the potential industrial uses to determine their classifications under these guidelines, and therefore, staff is unable to evaluate the proposal from a land use compatibility perspective without further studies and/or details regarding the specific industrial uses to be developed on-site.

Conclusion

In order to proceed with the proposed development, a Regional Official Plan Amendment application is required to lift the Licensed Pit and Quarry designation on the subject lands to permit employment land uses. However, given the scale of development, outstanding information regarding rehabilitation of the former aggregate lands, land use compatibility, and employment conversion, Regional staff considers the proposal to be premature until the completion of the Region's Municipal Comprehensive Review and related Employment Lands Strategy.

City staff is encouraged to arrange a meeting between City and Regional staff, as well as the applicant and their representatives, to discuss the contents of this letter. Please contact Alexandria Tikky at extension 3590, or Marilyn Radman, Associate Director, at extension 3485.

Thank you,



Alexandria Tikky
Development Planner

- c. Mr. D. Giles, Director, Planning and Development Services, Niagara Region
- Ms. M. Radman, Associate Director, Planning and Development Services, Niagara Region
- Mr. P. Busnello, Manager, Planning and Development Services, Niagara Region
- Ms. S. Larocque, Planner, Planning and Development Services, City of Port Colborne
- Ms. C. Lampman, Planning Analyst, Niagara Peninsula Conservation Authority
- Mr. D. Savriga, Applicant Representative

Nov. 13th, 2018

Port Colborne Committee of the Whole

Good evening Mayor and members of Council. My name is David Sisco and I'm a Registered Professional Planner with the IBI Group and I practice out of our Waterloo offices, and am here tonight representing Port Colborne Quarries and their request for a Site Alteration Permit for their Pit 1 lands.

A day or two after the last Committee of the Whole Meeting where this matter was deferred, Dan Aquilina provided our office with a copy of comments prepared by Mr. Wells and Hellinga, and in a moment I'll provide Council with PCQ's response to each of those individual comments. However first I'd like to make an observation that most of these comments can be characterized as falling into one of two categories;

- a) Concerns related to the 'how and what' of the fill to be imported and
- b) Concerns related to a final industrial land use for these lands.

So, with regard to the importation of fill to the site, and notwithstanding that they are all great questions that any concerned neighbour should have, but as a general comment, these questions are one of the key reasons why the Ministry of the Environment exists. Now in the world of ever-changing Ministry names, MOE is now referred to as the Ministry of Environment Conservation and Parks or MECP.....and this is what MECP does. This is their mandate, this is what they are staffed to enforce and this is what they are equipped to deal with every day. And to reinforce that, about 1 ½ years

ago they published new guidelines to support exactly what Port Colborne Quarries is proposing to do at Pit 1 in a document referred to the Management of Excess Soil – A Guideline for Best Management Practices. So although the City may not have specific expertise to deal with imported fill, MECP certainly does.

Second, when we initially talked to City staff about submitting a Site Alteration Permit, they asked Port Colborne Quarries to respond to a very specific question, which essentially was, “once the site is backfilled, and if someday the lands were to be used for ‘some form of industrial use’, would that use be compatible with the proposed ‘passive-lake rehabilitation design’ that is envisioned for Pits 2 and 3and our Planning Report addressed that precise scenario. However, there was no request by City staff nor is there any meaningful purpose from a planning perspectiveat this stage, to look at land use impacts for a future industrial land use that isn’t anticipated for another 20 years.

So with those umbrella remarks, what I’d like to do is provide a response to the individual comments raised by Mr. Wells and Hellinga.

Response to Harry Wells’ Comments

1. Does further afield include sources outside Canada?
 - **No**

2. Does “all” mean every tonne?
 - **PCQ will follow the Ministry of Environment (Management of Fill protocol) MECP 153/04.**

- protocol for incoming excess soil specifying:
 - that each incoming load have documentation signed by the Source Site QP that includes appropriate and representative soil analyses confirming the soil quality is acceptable for the Receiving Site;
 - that visual and olfactory inspections will be conducted of all incoming loads to screen for odour, visible staining or debris; and
 - contingency measures for load rejections
 - every 300 tonnes a sample will be taken by a QP

3. Who will ensure all the material will be tested?

- **Each incoming load must have documentation signed by the Source Site 'Qualified Person' (QP).**
- **A QP as defined by the MECP as someone that holds:**
 - *a licence, limited licence, or temporary licence under the Professional Engineers Act or*
 - *a certificate of registration under the Professional Geoscientists Act, 2000 and be a practicing member, temporary member or limited member of the Association of Professional Geoscientists of Ontario*

NB: A qualified person, must not have any direct or indirect interest in any property they are assessing, reporting on or certifying. They also need professional insurance.
- **It will be the responsibility of PCQ to ensure no untested material is accepted.**

4. What are the testing requirements?

- a. **Confirmation of the material meeting Table 1 thresholds and fill that meets Table 3 thresholds for EC (Electrical Conductivity) and SAR (Sodium Adsorption Ratio) parameters.**
- b. **Table 1 sets out the "Full Depth Background Site Condition Standards". The soil standards in Table 1 are background values derived from the Ontario Typical Range values for the land uses indicated and are considered representative of upper limits of typical province-wide background concentrations in soils that are not contaminated by point sources.**

5. Will the operations of filling Pit 1 follow the practices as would be imposed by the MOECC for a landfill?
- a. No, this operation involves ONLY the importation of clean inert fill that meets Table 1 thresholds including fill that meets Table 3 thresholds for EC (Electrical Conductivity) and SAR (Sodium Adsorption Ratio) parameters.**
6. Will PCQ implement a QA/QC program to confirm all the material conforms to these standards upon arrival at Pit 1?
- **Once again, PCQ will follow the MECP - Management of Fill protocol - 153/04.**
 - protocol for incoming excess soil specifying:
 - that each incoming load have documentation signed by the Source Site QP that includes appropriate and representative soil analyses confirming the soil quality is acceptable for the Receiving Site;
 - that visual and olfactory inspections will be conducted of all incoming loads to screen for odour, visible staining or debris; and
 - contingency measures for load rejections
 - every 300 tonnes a sample will be taken
7. How will the material be staged to ensure nonconforming material does not get deposited and loss in the Pit?
- n/a Only pre-certified material will be permitted to enter the site so no staging area within the pit will be necessary.**
8. What will be done if the material does not conform?
- n/a Only pre-certified material will be permitted to enter the site so no staging area will be necessary. Non-conforming material will be re-routed.**
9. If (Heavy Industrial – HI) is the intended zoning, then will all of the HI requirements be met?
- a. As specified in the IBI Planning Report, the listing of uses highlighted on page 11 reflect those for Light Industrial, Heavy Industrial, Gateway Industrial and Industrial Development. As noted numerous times throughout the report; it remains the intent of PCQ to eventually seek a mixture of industrial uses.**
- b. This current process is not requesting a zone change, only a Site Alteration Permit.**

10. There is a significant difference between what is permitted in a Heavy Industrial zone compared to a Park zone so shouldn't the final zoning be addressed before approval is given to this request?

First, as specified by the February 4th 1982 Site Plan Agreement, the lands were never required nor specified to become parkland, the only requirement was that they be a compatible land use with the proposed 'passive lake' for Pits 2 and 3.

Whether the lands are to be light industrial or heavy industrial, they require being backfilled, which is what the current application is seeking approval for. Any future rezoning will involve a public process.

11. Is it not important to protect the vulnerable aquifer that impacts Pit 1 from potential leachate from the fill and operations during the rehabilitation process?

Protecting the aquifer is accomplished by only permitting the importation of clean inert material.

12. Since the vulnerable aquifer is a source of drinking water for residents in Ward 4 shouldn't that water source be given the same consideration as IPZ-1 or IPZ-2 until Pit 1 has been rehabilitated and developed?

The subject lands are not within an Intake Protection Zone.

13. The question isn't the separation distance from the right away, shouldn't it be how far are the dwellings from Pit 1's northern property line?

As noted under the heading of '2.3 Surrounding Uses', the comment was a simple statement that those homes have generous setbacks from the road and it was not a statement related to land use compatibility as highlighted in Section 4.0.

14. The IBI Group Report states the only land use to the east is Pit 2. pg2 What about the residents on Snider Road?

Yes, the focus of this report was to address how filling the site for potential industrial uses would be compatible with Pits 2 and 3.... and the land use 'directly' east of Pit 1 is Pit 2. This report was not intended to be a justification report for industrial zoning, and furthermore, in no way does the approval of the Site Alteration Permit infer or fetter a future

Council that the subject lands would be somehow pre-zoned for industrial.... that will be a future public process.

15. The IBI Group Report identifies the land use to the west as agricultural and residential. pg 5 What about the planned residential development on the west side of HWY 140?

Yes, the focus of this report was to address how filling the site for potential industrial uses would be compatible with Pits 2 and 3.... and the land use 'directly' east of Pit 1 is Pit 2. Any review of land use impacts to the west would also be addressed as part of any future rezoning process.

16. The IBI Group Report states the only land use to the south is agricultural. pg 5. I guess my residence doesn't exist.

The IBI report was making a general comment regarding the immediate abutting lands uses, but yes, Port Colborne Quarries fully acknowledge the presence of Mr. Well's home.

17. Separation distance between different land uses is critical for zoning consideration and impact assessment so shouldn't they be provided and taken into consideration in granting the permit?

Once again... this report was not intended to be a justification report for industrial zoning, that will be a future process with a public process.

18. Port Colborne's Comprehensive Zoning By-law for some of the industries PCQ proposes requires a 150 meter separation distance from Residential land use.

- a. The focus of the IBI report was to examine land use compatibility issues between Pit 1 and Pit 2 / 3. As indicated in the report, the industries listed reflect what is permitted under the current Industrial zoning and are not "proposed uses". The purpose of listing these is to provide the reviewer and the public with the confidence that any such uses could be accommodated on the site, given its size, while ensuring land use compatibility with Pits 2 and 3.**
- b. Second, Pit 2 and 3 lands are not currently used for residential purposes nor are they proposed to be used for residential purposes.**

19. The MECP has identified, through case studies and past experience Heavy Industry is not compatible with recreational and sensitive land uses and adverse effects may be experienced. The MOECP has established GUIDELINE D-6 COMPATIBILITY BETWEEN INDUSTRIAL FACILITIES AND SENSITIVE LAND USES which recommends minimum separation distances between industrial activities and sensitive land uses for mitigation of adverse effects even if additional measures are taken such as buffers. For Heavy Industrial Class III they recommend a 300 metres minimum separation distance.

This report was not intended to be a justification report for industrial zoning, but only to confirm that an industrial use could be compatible with a private passive lake (Pit 2 and 3). Secondly, as part of any future rezoning application, site specific buffers and setbacks would be examined.

- Additional studies are needed to identify impacts such as an Environmental Impact Study to identify any impacts on the ANSI area and mitigation measures.
The ANSI is not 'environmental', but rather a geological feature.

Response to Jack Hellinga

Do you have a response to the issue of an insurance bond. Right now the Site Alteration Permit (Clause 6) only requires you to "agree to release and indemnify the City"?

Port Colborne Quarries Inc., along with its' parent company Rankin Construction anticipates and expects that they be treated in a manner equal to that of any other land owner in the City of Port Colborne, that being a threshold to "agree to release and indemnify the City".

So at this time Port Colborne Quarries supports the recommendations being made by staff in their Staff Report 2018-138 for the approval of the Site Alteration Permit. Thank you.



PORT COLBORNE

Mayor's Report to the
November 13, 2018 Council Meeting

Municipal Elections

I would like to take this opportunity to thank the citizens of Port Colborne for PORTicipating in this year's municipal elections.

I would also like to extend my appreciation to all of the candidates for putting forward their names for election.

I do encourage all citizens to keep involved and seek representation on a municipal committee.

The notice listing committee positions available is on our website.

Applications will be received up to November 20th.

Remembrance Day and Bells of Peace ceremonies

My appreciation is also extended to the members of the Royal Canadian Legion for the Remembrance Day and Bells of Peace ceremonies held on Sunday.

Special thanks to the 79 Lynton Davies Air Cadet Squadron members for the vigil held over Saturday night at the cenotaph and also to the Navy League members for their presence during the ceremonies.

And of course to the Ladies Auxiliary who kept everyone fed.

Both ceremonies were well attended by the public.