

City of Port Colborne
Public Meeting Minutes

Date: Tuesday, March 7, 2023
Time: 6:30 pm
Location: Council Chambers, 3rd Floor, City Hall
66 Charlotte Street, Port Colborne

Members Present: M. Aquilina, Councillor
M. Bagu, Deputy Mayor
R. Bodner, Councillor
G. Bruno, Councillor
D. Elliott, Councillor
T. Hoyle, Councillor

Member(s) Absent: E. Beauregard, Councillor
F. Danch, Councillor
W. Steele, Mayor (presiding officer)

Staff Present: C. Madden, Acting City Clerk
S. Tufail, Acting Deputy Clerk
D. Schulz, Senior Planner
D. Vasu, Secretary-Treasurer/Planning Technician (minutes)

1. Call to Order

Deputy Mayor Bagu called the meeting to order at 6:32 p.m.

2. Adoption of Agenda

Moved By Councillor T. Hoyle
Seconded By Councillor D. Elliott

That the agenda dated March 7, 2023 be confirmed, as amended.

Carried

3. Disclosures of Interest

Nil.

4. Statutory Public Meetings

4.1 Proposed Official Plan and Zoning By-law Amendment – Port Colborne Quarries Pit 3 Expansion – Files: D09-02-21 & D14-09-21, 2023-42

PURPOSE OF MEETING

The purpose of this meeting, pursuant to sections 22 and 34 of the Planning Act, is to consider an application submitted by David Sisco of IBI Group on behalf of the owner Port Colborne Quarries for the lands known as Part of Lots 17, 18, 19, Concession 2, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, and located on the north side of Main Street East/Highway 3, south of Second Concession Road, and west of Miller Road.

The application for Official Plan Amendment proposes to change the designation of the subject lands from Agricultural to Mineral Aggregate Operation. The application also proposes to add a Special Policy Area to permit the proposed expansion of the quarry.

The application for Zoning By-law Amendment proposes to change the zoning of the subject lands from Agricultural (A) to Mineral Aggregate Operation (MAO), as well as to reduce the minimum setback from a Provincial Highway from 90 metres to 30 metres.

Staff would like to note that the Niagara Region is currently reviewing a Regional Official Plan Amendment for the subject lands which proposes text and schedule changes to add the subject lands to the Site Specific Policies of the Niagara Official Plan in order to facilitate an expansion of the existing quarry. A separate Public Meeting will be held at the Niagara Region Planning and Economic Development Committee tomorrow (March 8, 2023) at 1pm.

Additionally, the applicant has also filed an application for a Category 2 (Below Water Quarry) - Class A Licence to the Ministry of Natural Resources and Forestry under the *Aggregate Resources Act*. The *Aggregate Resources Act* application process includes a separate public consultation and notification process.

METHOD OF NOTICE

Notice of the Public Meeting was administered in accordance with Sections 22 and 34 of the Planning Act, as amended, and Ontario Regulations 543/06 and 545/06.

The Notice of Public Meeting was circulated to required agencies, and previous commentors on February 7, 2023. The Notice was also placed in the Niagara This Week newspaper on February 9th, 2023. Meeting details have been provided along with the Council Agenda on the City's website and under "Current Applications".

Staff have received a number of comments from members of the public through prior circulations of the Aggregate Resource Act notification and Open House held in 2021. All public comments, including comments received through this Public Meeting process will be included and considered through staff's recommendation report.

QUESTIONS OF CLARIFICATION TO PLANNING STAFF/APPLICANT

Councillor Bodner asked if the request for decreased setbacks has any justification in the Regional Official Plan ("ROP") or the PPS, then asked if neighbouring properties' wells have been tested for depth and ability to recharge.

Mr. Sisco responded that they have a complaints response program and are able to both monitor and deepen wells upon request.

Councillor Bodner asked if there is a baseline reading that neighbours could use to know if their water supply is being depleted.

Mr. Sisco responded that PCQ drills holes and monitors the decline in the wells they have drilled.

Councillor Bodner asked if residents would be able to get their own baseline reading, then a second reading if they experience well depletion, to prove the negative impact to their water supply.

Mr. Sisco responded that PCQ sends surveys to neighbouring properties to check if they are satisfied with their water levels, but the responses are varied.

Councillor Bodner asked about the ingress and egress plan to prevent negative traffic impacts due to trucking activities.

Mr. Sisco responded that the only time trucking activities might cause negative impacts is in the morning, adding that they would have a plan to address it.

Councillor Bodner asked who would be financially responsible for the drain relocation.

Mr. Sisco responded that PCQ would bear all costs associated with the drain relocation.

Councillor Bruno asked for clarification regarding why the original Highway 3 exit proposed on Miller Road was not realized.

Mr. Sisco responded that City Roads Staff and the Region objected to the Miller Road exit.

Councillor Elliott asked Mr. Schulz how the City could make conditions and timelines enforceable.

Mr. Schulz responded that enforceable conditions are provided through Provincial approval.

Councillor Elliott asked Mr. Schulz how much municipal power would be retained if the applications are approved.

Mr. Schulz responded that once municipal approval is granted, the Province would retain all control over the development.

Councillor Elliott asked Mr. Schulz if the City would be able to enforce a condition that the Speedway lands must be remediated before construction begins.

Mr. Schulz responded that a Holding provision could give Council time to review.

Mr. Sisco stated that a report on the contaminated land was completed and included in their applications, adding that recommendations were made in that report.

Councillor Elliott asked why the Speedway has not been cleaned up yet if the reports found the lands to be contaminated.

Mr. Sisco responded that PCQ requires the approval of their applications before rehabilitating the contaminated lands could commence, adding that PCQ would agree to rehabilitate the Speedway lands.

Councillor Bodner asked if the berm was sampled.

Mr. Sisco stated the berm was sampled, along with other parts of the land, but more sampling needs to be done before a full remediation plan is completed.

Councillor Bruno asked Mr. Schulz if the municipal agencies circulated on such applications conduct the peer review process or if the Province is responsible for peer reviewing.

Mr. Schulz responded that all technical reports are peer reviewed by staff trained to review the reports or experts from the relevant authorities.

Councillor Bodner asked Mr. Schulz if the City is able to place any protections on the area impacted by the drain relocation plan.

Mr. Schulz responded that the City could consult the Region about the environmental features near the drain relocation area.

Moved By Councillor M. Aquilina
Seconded By Councillor G. Bruno

That Development and Legislative Services Department – Planning Division Report 2023-42 be received for information.

Carried

a. Delegation from David Sisco, IBI Group, applicant

Mr. Sisco, the Senior Planner at Arcadis IBI Group, presented proposed changes to the Official Plan and Zoning By-law using the regulatory framework of the Planning Act and Aggregate Resources Act. Mr. Sisco addressed public concerns regarding negative environmental impacts from the proposed development, their plan for mitigating disturbances caused by the development, and the potential positive economic impact of the development.

Questions of Clarification to Staff and Consultants

Councillor Aquilina asked about the status of Pit 2 and their timeline for rehabilitating the land.

Mr. Sisco called upon Mr. John MacLellan to explain that Pit 2 is currently licensed, with extraction expected to be complete within months, and estimated the rehabilitation of this pit would take 5-7 years.

Councillor Aquilina asked about the status of Pit 1.

Mr. MacLellan stated that Pit 1 was never licensed for extraction and was instead intended to be a pre-cast concrete plant, but the contract was not executed.

Councillor Aquilina asked about the plan for Pit 3.

Mr. MacLellan outlined their plan for commencing operations in Pit 3 and estimated it would take 40 years until this phase is complete.

Councillor Aquilina asked why they are requesting decreased setbacks.

Mr. MacLellan indicated that they are requesting the decreased setback because 30m is the standard for most of the province, but the setback requirement in Port Colborne is 90m.

Councillor Bruno asked how they arrived at Weaver Road as the proposed location of the exit off Highway 3, and whether this intersection will be controlled or if there will be merging lanes.

Mr. Sisco stated that their discussions with the Ministry of Transportation (“MTO”) and the Niagara Region (“Region”) considered an exit at Miller Road but resulted in the Weaver Road location, and that acceleration lanes headed towards Highway 140 would be constructed.

Councillor Bruno asked why Miller Road was not chosen.

Mr. Sisco explained that the MTO preferred Miller Road but objections from the Region resulted in the egress at Weaver Road.

Councillor Bruno asked Mr. Schulz when the Zoning By-law in Port Colborne set the required setback to 90m.

Mr. Schulz replied that the 90m setback requirement was included in Zoning By-law 6575/30/18 but was unsure of when it was originally implemented, stating that he would provide Council with an answer when he was able.

Councillor Elliott asked if the acceleration lane would exclusively allow right-hand turns.

Mr. Sisco responded that the acceleration lane would also allow left-hand turns.

Councillor Elliott expressed concern about traffic safety with allowing left-hand turns.

Mr. Sisco responded that they inserted 100 vehicles more than what they expected into their traffic model and the resulting traffic safety was still acceptable.

Councillor Elliott asked about their plan to relocate the drain.

Mr. Sisco responded that the drain would be relocated when extraction approaches it and committed to a 5-year timeline for the drain relocation.

Councillor Elliott asked if they currently had permission to relocate the drain.

Mr. Sisco replied that they are still in negotiations, adding that the property must first be rezoned.

Councillor Elliott noted that there appears to be a wetland near the western edge and asked how they plan to mitigate potential environmental issues.

Mr. Sisco stated that they have been working on a plan with the required agencies for the past 2 years, adding that they intend to build a buffer between the quarry and the wetland which sufficiently protects the ecosystem.

Councillor Elliott noted that the south-eastern portion of the subject land is contaminated as it is where the Humberstone Speedway ("Speedway") is, and asked about their plans for remediation before this phase begins.

Mr. Sisco stated that they do not plan to remediate the land beforehand because the extent of the contamination still needs to be tested, adding that any water runoff would be certified by the Ministry of the Environment ("MOE").

Councillor Hoyle asked if water runoff from the land where the Speedway is would end up in the drain which is proposed to be relocated.

Mr. Sisco stated that the drain which they would relocate does not pass by the Speedway lands.

b. Delegation from Robert Henderson, resident

Expressed concern regarding the economic impact of decreasing the amount of agricultural land in Port Colborne, the potential abandonment of the rehabilitation plan after extraction, the potential negative impact on the aquifer near the quarry, and the loss of municipal power over land use once Port Colborne Quarries ("PCQ") reaches the Provincial licensing phase.

c. Delegation from Sharon Ladd, resident

Expressed concern regarding the negative environmental impact on the aquifer, wildlife, and other ecosystems, the potential impact to the health of their family and animals, the potential negative economic impact on their agri-tourism businesses and local property sales, the potential property damage above what they have already experienced, the lack of response from PCQ regarding property damage, and the potential for insufficient rehabilitation efforts.

d. Delegation from Kevin Ladd, resident

Expressed concern regarding excessive exposure to trucking fumes, decreased traffic safety due to long truck line-ups at the entrance of the quarry and the left-hand turning lane, the current and future contamination of the land, and their request for decreased setbacks.

e. Delegation from Gary Gaverluk, resident

Expressed concern about the control plan created by PCQ to address site contamination due to the migration of contaminants in the time after studies are complete and before construction begins, then requested a more detailed timeline of the operation, and that PCQ bears all costs related to maintenance of the relocated drain.

f. Virtual Delegation from Gail Babion, resident

Expressed support for the applications due to the employment opportunities that the quarry provides and stated that they live across from the quarry but has not experienced any negative effects from the operation.

g. Delegation from Cindy Mitchell on behalf of Joseph Van Ruyven, resident

Expressed concern regarding the decrease in Northern Pike populations in the drain near the quarry observed by Mr. Van Ruyven, the negative environmental impact on Lake Erie, their home water supply, and the produce growing on their property, the potential property damage above what they have already experienced, the lack of acknowledgement from PCQ regarding property damage, and the negative impact on traffic from the

decreased setbacks not providing enough space for highway expansion.

h. Delegation from Harry Wells, resident

Expressed concern regarding the unrealized plans for rehabilitating past extraction lands into a recreational lake or hotel, an inaccuracy in an application submitted by PCQ to the Region which allowed them to circumvent proper environmental assessment, and the negative impact on traffic from the decreased setbacks not providing enough space for adequate road width.

i. Delegation from Jack Hellinga, resident

Expressed concern regarding the unrealized rehabilitation plan for Pit 2, the potential property damage above what has already been experienced, the lack of acknowledgement from PCQ regarding property damage, the loss of municipal power over land use once PCQ reaches the Provincial licensing phase, the inadequacies in the drain realignment plan, the negative economic impact of removing overburden to acquire aggregate, and the depletion of their well.

j. Delegation from Janet Henderson, resident

Expressed concern about the unrealized rehabilitation plan for Pit 2, stating that PCQ is in violation of their license because no rehabilitation has taken place.

k. Delegation from David Henderson, resident

Expressed concern about the negative impact on the water table from extraction efforts, the potential negative impact on the City's reputation due to the quarry versus the potential positive impact on the City's reputation with the addition of a passive lake.

l. Delegation from Melissa Bigford, resident

Noted that the Provincial Policy Statement ("PPS") outlines that agricultural areas are required to be protected from the negative effects of development and thus the PCQ applications are inconsistent with the PPS, that MTO approval has not yet been acquired for the proposed egress, that PCQ has stated trucking activities would begin at 6:00 a.m. and would thus be in violation of Noise By-law 4588/119/04, as amended, and expressed concern

regarding the rerouting of the drain and the lack of mitigation measures to protect neighbouring properties.

m. Virtual delegation from Cindy Mitchell, resident

Stated the Highway 3 egress should be moved to Miller Road where slower farming vehicles are already present, and that the City should join the other municipalities which have agreed to a moratorium on approving further aggregate licenses until more comprehensive environmental studies have been conducted, and expressed concern regarding the increased truck traffic, the lack of a license for Pit 1, the decreased economic prosperity of mining when compared to agriculture, the contamination of the Speedway grounds and lack of rehabilitation planned before extraction, and the negative environmental impacts due to water contamination and removal of the tree canopy to prepare for extraction.

n. Written delegation material from Lynne Scace, resident

5. Procedural Motions

Nil.

6. Information Items

Nil.

7. Adjournment

Deputy Mayor Bagu adjourned the meeting at approximately 9:20 p.m.

Mark Bagu, Deputy Mayor

Charlotte Madden, Acting City Clerk