



## City of Port Colborne Public Meeting Addendum

Date: January 18, 2022  
Time: 6:30 pm  
Location: Council Chambers, 3rd Floor, City Hall  
66 Charlotte Street, Port Colborne

Pages

### 4. Statutory Public Meetings

- 4.1. Public Meeting Report for Official Plan and Zoning By-law Amendment at 355 Wellington Street, Files D09-05-21 and D14-17-21, 2022-11
  - \*a. Delegation from Glenn Wellings, President, Wellings Planning Consultants Inc., applicant
  - \*b. Delegation material from Louise Tosques-DiLalla, resident 1
- 4.2. Public Meeting Report for Official Plan and Zoning By-law Amendment at 54 George Street, Files D09-03-21 and D14-15-21, 2022-10
  - \*a. Delegation from Cory Armfelt and Rhea Davis, NPG Planning Solutions Inc., applicant 2
  - \*b. Delegation from David and Jennifer Gardiner, residents 10
  - \*c. Delegation from John and Margaret Manwaring, residents 13
  - \*d. Delegation from Eva Lezak, resident
  - \*e. Delegation from Patti Mino and Rick Russell, residents 14
  - \*f. Delegation from Tracy and Karl Reker, residents 15
  - \*g. Delegation from Tara and Justin Comeau, residents 16
- 4.3. Public Meeting Report for Official Plan and Zoning By-law Amendment to the Mineral Aggregate Policies and Zone, File D09-01-20 and D14-03-20, 2022-09
  - \*a. Delegation from Gary Gaverluk, resident 17
  - \*b. Delegation from Cindy Mitchell, resident 23

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*g.	Delegation material from Jeffrey J. Wilker, Lawyer for Port Colborne Quarries Inc.	30
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*j.	Delegation material from Carol Siemiginowski, Senior Land Manager, Southwest Ontario and Atlantic, Lafarge Canada Inc.	36
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**From:** Louise <[REDACTED]>  
**Sent:** January 8, 2022 1:27 PM  
**To:** David Schulz <[David.Schulz@portcolborne.ca](mailto:David.Schulz@portcolborne.ca)>  
**Subject:** Cannabis Store

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Hello Mr.Schulz,

As a new senior resident here in Port Colborne, unsure where to voice my opinion regarding the opening of a Cannabis Store.

Unsure as to whether or not I can attending the meeting.  
However I would definitely like to voice my opinion.

It is sad to say, but truly I DO NOT feel another cannabis store is necessary.

Living on Main street east, and as a senior, it is unfortunate, that there is room for Cannabis store, and there are already some around, however there is no room to have a grocery store close by., nor a clinic close by, nor anymore local Port Colborne transit , but room for a Cannabis store , really??.  
Very disappointing.

However, as a Canadian citizen I feel it is my right to voice my opinion in what surrounds my living area.

Thank-you for your time,

Louise Tosques-DiLalla

# 54 George Street

## City of Port Colborne

January 18, 2022

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Applications for Official Plan Amendment & Zoning By-law Amendment

For: 2852479 ONTARIO LIMITED

*Prepared by:*

**NPG** ▶ PLANNING  
SOLUTIONS

# Subject Lands & Surrounding Land Uses

**Total Site Area:** 0.29 ha

**Total Frontage:** 44 m (on George Street)



# Proposed Development

**Units: 30 Stacked Townhouses**

Density: 103 units per hectare

**Parking for Residents: 30 spaces**

**Parking for Visitor: 8 spaces**

Parking Rate: 1.26 spaces/unit



# Proposed Development

Upper-level 2 units

Upper-level 1 units

At-grade units



# Proposed Development

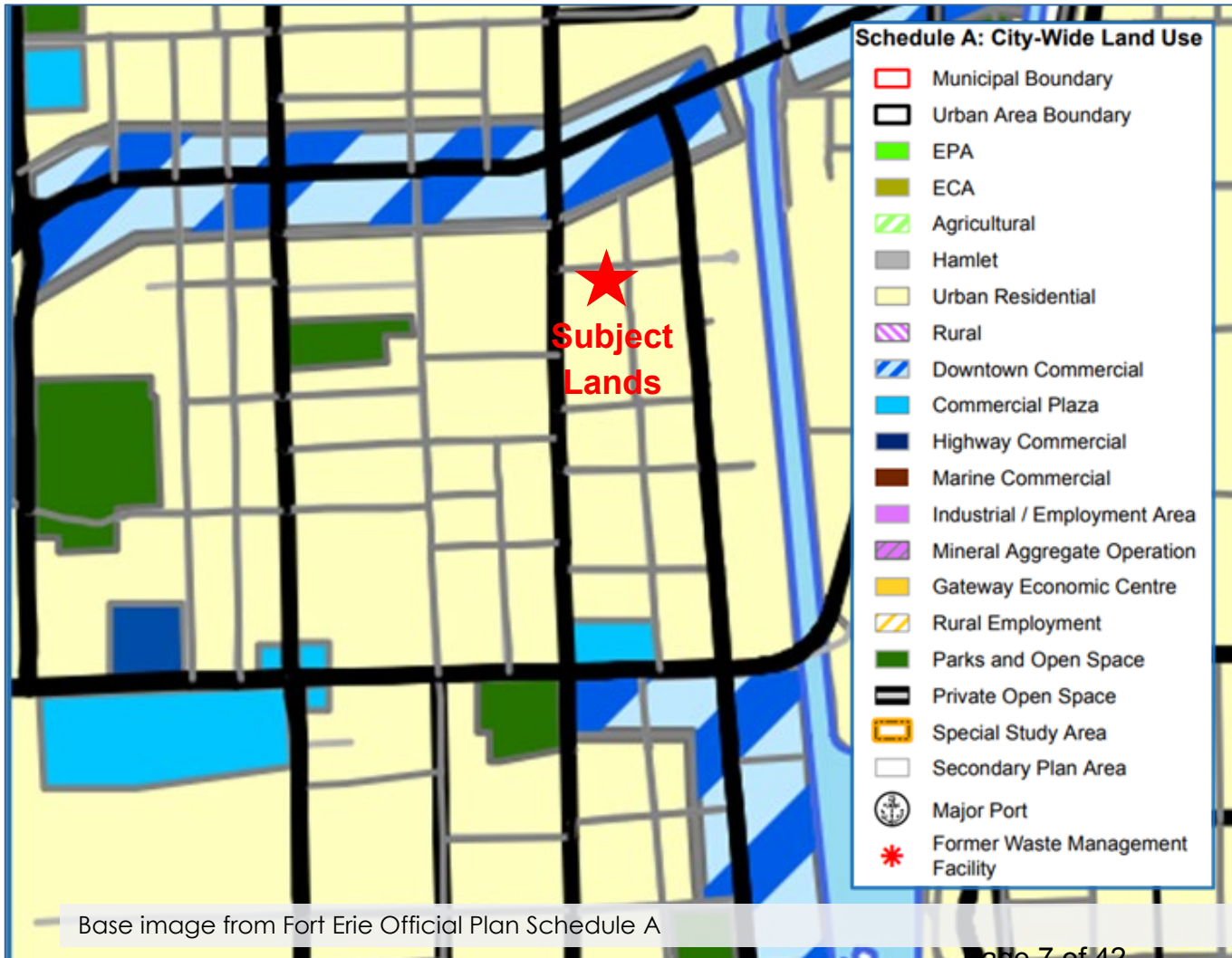
## Design features

- Eyes on the street benefits.
- Provides sidewalk connections.
- Parking area located at the rear of buildings.
- Bicycle parking & Accessible parking





# Official Plan Amendment



**Designation:** Urban Residential

**Permitted density:** 70 - 100 uph

**Proposed density:** 103 uph

# Zoning By-law Amendment

## Existing zone

Institutional (I)

## Proposed zone

site-specific Fourth Density Residential Zone (R4 – XX)

## Site-specific Amendments

- Landscaped Area Provision for Parking Areas  
2.5 m buffer between lot line and George St (required: 3 m)
- Min Front Yard  
4.5 m (required: 7.5 m)
- Max Building Height  
14.5 m (required: 11 m)

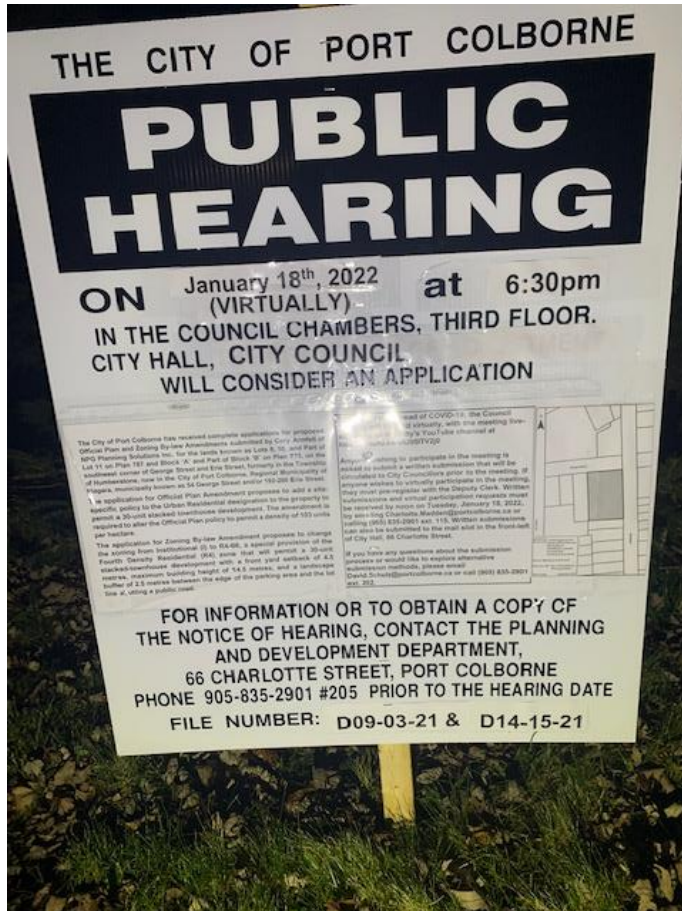


- ✓ Is consistent with the PPS and conforms with the Growth Plan, the NROP, and the City of Port Colborne Official Plan.
- ✓ Creates new housing and contributes to a diversified housing mix
- ✓ Make efficient use of the existing municipal services and infrastructure.
- ✓ Is generally compatible with the adjacent residences.



**From:** Dave Gardiner <[REDACTED]>  
**Sent:** December 21, 2021 7:18 PM  
**To:** Charlotte Madden <charlotte.madden@portcolborne.ca>  
**Cc:** jennifer. winfrey <[REDACTED]>  
**Subject:** Public hearing

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We David And Jennifer Gardiner from 62 George street Port Colborne, would like to participate in the public hearing for the planning application to change the zoning bylaw at 54 George street Port Colborne. Our property is adjacent to the proposed application and we would like to have our say in this.  
Please reply to this email to confirm that it has been received.  
Thank you

**From:** jennifer.winfrey <[REDACTED]>  
**Sent:** January 8, 2022 9:28 PM  
**To:** Gary Bruno <[gary.bruno@portcolborne.ca](mailto:gary.bruno@portcolborne.ca)>; [bill.steele@portcolborne.comca](mailto:bill.steele@portcolborne.comca); Frank Danch <[frank.danch@portcolborne.ca](mailto:frank.danch@portcolborne.ca)>; Chris Roome <[Chris.Roome@portcolborne.ca](mailto:Chris.Roome@portcolborne.ca)>; David Schulz <[David.Schulz@portcolborne.ca](mailto:David.Schulz@portcolborne.ca)>; Scott Lawson <[Scott.Lawson@portcolborne.ca](mailto:Scott.Lawson@portcolborne.ca)>; [REDACTED]; [REDACTED]  
**Subject:** Rezoning of 54 George Street or 200 Erie Street Port Colborne

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I Jennifer Gardiner of 62 George Street Port Colborne would ask that the application for the rezoning of 54 George Street and 200 Erie Street of Port Colborne be denied for the following reasons.

Bylaw states

Lot Frontage per unit is 6 meters

Proposal is 4.5 meters

Front yard 7.5 meters

Proposal is 4.5 meters

Side yard is 4.5 meters

Proposal is 2.5 meters

Rear yard is 6 meters

Proposal is 3 meters

Height is 11 meters

Proposal is 14.2 meters

A potential of decreased value of my home and property.

Privacy

This proposed building would be a disruption nuisance and intrusion that alters the character of our neighborhood. And the potential of trespassing on my property. As much work is needed to demolish the church building and the new construction of the block townhomes.

As the plans are set I will have 23 parking spots 3 meters from my property line. This will cause light from cars and noise all hours of the day and nights we will have lights from the parking lot which will be disturbing. Also the pollution that can affect my family.

Carbon Dioxide

A car idling for 5 minutes can cause 0.50 pounds of Carbon Dioxide with 23 cars for 5 minutes idling per day would cause 11.5 pounds of Carbon Dioxide. That could cause 4197 pounds of Carbon Dioxide per year.

That would increase the risk of Heart Disease, Asthma, Chronic Bronchitis, and Cancer. Vehicle exhaust contains tiny particles that travels right past the nose and throats natural filters to reach the lungs. And with a park being only meters away.

Children inhale more air per pound of body weight than adults. Children are especially at risk because the lungs are still developing. Children can have the side affects including irritated Eyes, Nose and Throat. Coughing, Nausea, Asthma, and Cancer,

weaking of the Immune system. A child is close to the ground which makes them closer to the exhaust flumes from vehicles.

Idling a car for 1 minute near a child is compatible to smoking 3 packs of cigarettes.

Traffic will be exiting onto George Street it will definitely cause more traffic on the street and has the potential of endangering the children trying to get to the park to play.

There is a high risk of Street parking because most families have 2 vehicles which only 1 spot per unit has been included into the plans. Parking on the street could be very dangerous for children trying to access the park. And also I would have concerns with First Responders trying to access homes in the area.

Storm sewers

Are there storm sewers on Erie Street or buried ditches?

Improper storm drainage systems in the City leads to contamination of drinking water, bursting of pipelines and a back flow of sewers

Flooding is dangerous for public health and property.

The last building permit granted along side of my property caused Flooding the entire time of the construction of the home. I was unable to use my backyard or able to maintain the yard . Mr Bruno came to my home to see the Flooding in my yard. When I contacted City Hall I was told to wait till final grading. As a tax paying citizen why did I have no use of my property and still paid my taxes to the City of Port Colborne. I truly felt I had no help from the City and it didn't seem to matter that my yard was under water. I still have pictures and videos of the flooding.

And my last concern at this time if I could address Fire Chief Scott Lawson

The Fire Department is serving an area of 51 Square miles. With all the new developments happening in Port Colborne is the City equipped with enough Fire Trucks and equipment for your department to serve the city of Port Colborne?

I am aware that the department has 1 Aerial Fire Truck. With the height of the new buildings being built are the other Fire Trucks equipped with ladders that are able to reach the heights over 11 meters?

I understand that other Fire Departments offer Mutual Aid to each other.

Wainfleet Fire Department no Aerial Truck

Welland 1 Aerial Truck response time to Port Colborne 16 minutes

Fort Erie 1 Aerial Truck response time 20 minutes

As a City should we be looking at the City Budget to provide more equipment for your department to serve the City with all the New construction and building proposal?

Thank you please include this email into January 18, 2022 meeting

Jennifer Gardiner

**From:** john C <[REDACTED]>  
**Sent:** January 6, 2022 2:37 PM  
**To:** Charlotte Madden <charlotte.madden@portcolborne.ca>  
**Subject:** Public Meeting re.File D09-03-21 & D14-15-21

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This is our request to be included in the Virtual meeting as Scheduled for Jan 18 2022.

John and Margaret Manwaring  
66 George St.Port Colborne L3K 3S4

**From:** patti mino <[REDACTED]>  
**Sent:** January 17, 2022 10:27 AM  
**To:** Charlotte Madden <[charlotte.madden@portcolborne.ca](mailto:charlotte.madden@portcolborne.ca)>  
**Subject:** Re: 54 George St.

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Hi Charlotte

I have since had a chance to read your email and would like to discard my previous 2 questions. I do have new ones though!

1. Are these units to be sold or rented?
2. If the units are to be rented, in what town/city does the landlord reside?
3. I have concerns that the proposed parking will be significantly inadequate.

Overflow will inevitably be on public streets. This will impact the safety and visibility of children/foot traffic/cyclists/vehicle traffic and snow removal within the area. Especially at the corner when site lines down the street will be blocked.

4. Why weren't dumpsters proposed on this development?  
(Please picture for me,) cars parked closely together along the streets at this development.  
And now it's garbage day.

Recycle only wk

(3 receptacles × 30 units = 90)

1 blue box

1 grey box

1 organic

Potentially 90 recycling containers squeezed in between parked cars, exacerbating safety concerns.

Garbage + recycle wk

(5 receptacles × 30 units = 150)

2 garbage bags

1 blue box

1 grey box

1 organic

Potentially 150 bags and boxes along the curbs.

Also, at Christmas time we are allowed to put out 2 extra bags of garbage per household. The potential is now up to 210 bags/ boxes at this site alone. Plus Christmas trees! And now imagine snow covered curbs!! 🙄

This is exactly what the city will be permitting with the proposal as is.

 patti



-----Original Message-----

From: Tracy Reker <[REDACTED]>  
Sent: January 18, 2022 10:48 AM  
To: Charlotte Madden <charlotte.madden@portcolborne.ca>  
Subject: Re: virtual meeting

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Good morning Charlotte,

Thank you so much for the info and getting us put into the meeting. Here's the list of reasons why we don't want this going in behind us.

- the building is way to high everyone will be looking into all my windows at that hight as well as into my backyard and deck. This will give us NO Privacy in my own home.

- This will significantly lower our property value as no one wants to live in a fish bowl with 30 units staring at you.

- I don't like how close to the road it will be. When walking down the street it will be way to close and not look right it will look like you tried to squeeze it in.

- There are to many units being put into such a small area which will increase traffic and this area isn't set up for that so there is a safety concern. Not only that there's not enough parking I get they only have to provide one spot per until but most people have more then one car so where are they all going to park? There's not enough parking on the street to accommodate and it will then make the area look trashy and run down.

-This is a quite neighbourhood this many people coming in is going to be a nightmare if you have 30 units with 4 people in each you are putting 120 people in my backyard looking into my house which isn't right.

- This year you upped my property taxes by \$700 to only put low incomes housing behind me that just isn't fair or right because you are very much lowering my property value.

- If there are any other variances they need to make this happen we object to them.

Thank you for your time

Karl & Tracy Reker

**From:** Tara <[REDACTED]>  
**Sent:** January 17, 2022 1:44 PM  
**To:** Charlotte Madden <charlotte.madden@portcolborne.ca>  
**Subject:** Virtual meeting January 18th

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Hello Charlotte,

I would like to be part of the meeting on Tuesday Jan 18th at 6:30PM. I also would like to know how I can say I don't want the townhouse development happening on George and Erie street. This is our first time owning a home and this will take all our privacy away in our yard and house as all the upper units will be looking right down into our windows. Also we have kids little kids and this street is not big enough to accommodate all the extra traffic it will no longer be safe for the kids for crossing for the park. As a neighbour and homeowner I want to object to this happening on any grounds We can! Please send me more Information on how my husband and I can do this.

Tara and Justin Comeau we own 70 George street

January 15, 2022

To: David Schulz, Senior Planner City of Port Colborne  
Charlotte Madden, Deputy Clerk City of Port Colborne  
Bill Steel, Mayor City of Port Colborne  
All City Council Members  
City Staff

Subject: My Comments / Suggestions to: File D09-01-20 & D14-03-20  
Notice of Public Meeting Via Zoom  
Tuesday, January 18, 2022-01-15  
At 6:30 pm  
Proposed Official Plan and Zoning By-Law  
Amendment  
Mineral Aggregate and Petroleum Resources  
Mineral Aggregate Operations  
City of Port Colborne

To All:

I would first like to comment that the lead time given to receive and to review the Public Meeting Report seemed a little short, however I have been able to absorb most of what was provided in the report.

**ITEM #1: *SOURCE WATER PROTECTION "MUNICIPAL USE"***

There are many references to "source water protection" throughout the report which identify them as being intake points for municipal use in this OP proposal and that of the Region OP proposal.

As we all know the source water for the City of Port Colborne is the Welland Canal which receives water flow from Lake Erie and the rest of the Great Lakes. Thankfully, there are a number of levels of Government on both sides of the border that provide guidelines and enforcement for protection of this great asset that we have; fresh, clean water. The Great Lakes Initiative is one such entity put in place to protect the water that we take for granted. Every day when we turn on our taps, clean potable water is there. But what would happen if one day we turned our tap on and there was an acrid odour, a noticeable discolouration? What if we turned our taps on and there was no water flowing at all?

24 hours a day, 7 days a week, 365 days a year our source of water is at considerable risk given that our water is taken from a working canal.

Over the years there have been a number of occurrences where the water intake for the City of Port Colborne has been interrupted because of a spill of some sort. Last summer in August there was a report of a visible petroleum type slick observed at the surface of the water at Ramey's Bend. Luckily, the spill being downstream from our municipal intake point. Luckily, it was investigated and dealt with by the appropriate parties. Two years ago, a person accidentally drove their vehicle into the canal just ahead of the water intake point. Once again there was a danger of fluids from this vehicle (*gasoline, engine oil, transmission oil, antifreeze, brake fluid in addition to any other fluids that the owner may have had in their vehicle*) making its way into our water system. Fortunately, the owner was able to make his way to safety.

There appears to be an ever-increasing number of domestic and foreign tanker ships including tug assisted barges transiting the canal. Some carrying petroleum products, and others chemical and liquefied asphalt products, or carrying dry cement products. There are other not so identifiable cargos, yet potentially dangerous, carried by ships, foreign and or domestic through our waters. We have piles of rock salt adjacent to the canal. Containment measures are in place to contain the actual salt particles and runoff from getting into the canal. We have International Marine, ship breaking operation that is environmentally conscious and takes measures to ensure that nothing escapes their operation into the canal. Emergency ship repairs during the summer months are common place. During the winter months as the canal is closed, several ships are moored for the winter while major repairs are carried out. The potential for a "***catastrophic event***" (an accident) in the canal / lake must be realistically considered.

Our entire way of life here in Port Colborne could be drastically effected. Other municipalities and industries downstream from Port Colborne taking water from the canal could suffer the same fate. I would also like to highlight at this time another event that happened here in Port Colborne. Sometime in the early 1960's International Nickel suffered a leak of bunker fuel that was not noticed for several days. The bunker fuel was used at that time to supplement the furnace operations in number four building. In this case the fuel, migrated to and contaminated the lagoon adjacent to Nickel Beach. The bunker fuel continued to migrate leaving the confines of the lagoon and contaminated Nickel Beach. The beach was closed and cleanup was done, however, for several years afterword beach goers found remnants of the fuel spill on their feet. Fortunately, it did not make its way into the canal, or into our drinking water.

**ITEM #2: BLUE GREEN ALGAE BLOOMS**

The latest threat to the Great Lakes is the appearance of “**BLUE GREEN ALGAE BLOOMS**”.

Ranging from microscopic, single-celled organisms to large seaweeds, algae serve a crucial function as building blocks of the food chain and aquatic ecosystems. However, algae may also have detrimental effects on the environment and on our tap water. Risk for adverse effects is highest during an ‘algae bloom,’ as algae grow at a rapid rate and accumulate in water bodies, like our lakes and ponds.

There are two types of algae blooms—nuisance blooms and harmful algae blooms (HABs)—both of which are increasing in frequency and occurring in unprecedented locations in recent years. While nuisance blooms may discolor water, produce a foul odor, and/or cause the water to taste bad, they are not dangerous. HABs, on the other hand, may have detrimental effects on humans, animals, the surrounding ecosystems, and local economies.

Ingesting algae-contaminated water may result in abdominal pain, vomiting, diarrhea, liver or kidney damage, neurotoxicity, difficulty breathing, or in severe cases, death. Skin contact with algae-contaminated water may also irritate skin, eyes, nose, throat or respiratory tract. Eating fish or other animals that have biocummulated toxic algae is also potentially harmful to those who consume it, because toxins in animals **cannot** be removed through cooking.

Researchers estimate that the cost of HABs in the United States—from medical treatment, fishery closures, reduced seafood & tourism revenue, and monitoring—ranges between \$24 million and \$82 million annually.

Most recently, July / August of 2021 a large Blue Green Algae Bloom was spotted off the shore of Buffalo, New York. The Bloom was moving toward Fort Erie and there were discussions that the water intake for Fort Erie could have been effected.

**ITEM #3: THE VULNERABLE AQUIFER (The Onondaga Aquifer) – a more than capable “ALTERNATE” water source.**

It is somewhat encouraging that the **vulnerability** of the Onondaga Aquifer is being **recognized** by the City and the Region.

However, it is discouraging that it is **not being recognized** by both the City and the Region as a **Clean Water Source** since hundreds of rural home owners and farming operations rely on the aquifer as their only source of clean potable water. The aquifer also serves as a source of water for other communities to the east of Port Colborne such as Fort Erie traveling under the Niagara River through parts of Western New York and into parts of Pennsylvania.

Secondly, the aquifer is **not being recognized by either the City or the Region for becoming an alternate water source for this community and others in Niagara should the inevitable ever happen.** **Therefore, every effort must be taken to protect this precious clean water asset!**

**ITEM #4: MINERAL AGGREGATE “PROHIBITED USES” (Not Permitted)**  
SPECIFIC TO MAAU – MINERAL AGGREGATE ANCILLARY USE

**Question:** Specific to Mineral Aggregate Operations –the term “ANCILLARY USES” we cannot find a definition of Mineral Aggregate Ancillary Uses in the proposed by-law amendment.

**ITEM #5: MY INTERPRETATION OF THE ABOVE ITEM #4**

I believe that when it comes to specific details to “Prohibited Uses” (NOT PERMITTED) where ground water sources are at risk such as **THOSE THAT ARE EXPOSED** within mineral aggregate operations the restrictions must be **SPELLED OUT IN GREAT DETAIL** for everyone’s **COMPLETE** understanding so that **NOTHING** can be **CIRUMVENTED** and there is full **TRANSPARENCY**.

This must apply to both fully licenced active aggregate operations and decommissioned aggregate operations.

**Therefore: SPECIFIC TO CONCRETE AND ASPHALT – PROHIBITED USES (MINERAL AGGREGATE ANCILLARY USE) – PUTTING WET PITS AT RISK OF CONTAMINATION.**

I would suggest that the following wording be added to the amendment as “PROHIBITED USES” as per MAAU language: **REFERENCING SECTION 39 – Pages 159 - 160**

**ASPHALT:** Not permitted

- Asphalt Plant Permanent
- Asphalt Plant Portable
- The manufacturing (Permanent or Portable) of Asphalt and or Asphalt products shall not be done within 30 meters of a body of water or within two meters of the ground water table.
- Recyclable Asphalt shall not be stored within 30 meters of a body of water or within two meters of the ground water table.
- Recycling Operations of Asphalt shall not be done within 30 meters of a body of water or with two meters of the ground water table.

**(continued page #5)**

**CONCRETE:** Not permitted

- Concrete / Cement plant (Permanent or Portable)
- The manufacturing of Concrete Cement and or Concrete Cement Product shall not be done with 30 meters of a body of water or within two meters of the water table.
- Recyclable Concrete shall not be stored within 30 meters of a body of water or within 2 meters of the ground water table.
- Recycling operations of Concrete Cement products shall not be done within 30 meters of a body of water or within two meters of the ground water table.

**AGGREGATE DEPOT / STORAGE OPERATION:** Not permitted

- An aggregate depot / storage operation where gravel, rock, sand, earth, clay and or fill be stored prior to sales and or distribution. May include the blending with salt.
- An aggregate depot / storage operation where gravel, rock, sand, earth, clay and or fill be stored prior to sales and or distribution. May include the blending of salt shall not be done within 30 meters of a body of water or within 2 meters of the ground water table.

**ITEM #6: "PERMITTED USES"**

- There appears to be NO defining reference to, NOR is there an explanation as to what "Permitted Uses" are where and how they would be applied in the OP or the Zoning By-laws.

**ITEM #7: "EXCEPT WHERE PROHIBITED ELSEWHERE"**

- There appears to be NO defining reference to, NOR is there an explanation as to what "except where prohibited elsewhere" or where and how they would be applied in the OP or the Zoning By-law proposal.

**ITEM #8: "REHABILITATION REQUIREMENTS AND TIME LINE"**

- There appears to be NO defining reference to, NOR is there an explanation of the required "rehabilitation process" and "time line to execute the rehabilitation" process in the OP and Zoning By-law proposal (**for current and future holders**).

**ITEM #9: "EXCESS SOIL IMPORTATION AND MANAGEMENT PROCESS" (FOR REHABILITATION)**

- There appears to be NO defining reference to, NOR is there and explanation to "excess soil importation" and "excess soil management" process (**for current and future holders**) in the OP and Zoning By-law proposal.

**Page #6**

I thank you for the opportunity to comment and to participate at the Proposed Official Plan and Zoning Meeting - Public Meeting via Zoom Tuesday, January 18, 2022.

Gary Gaverluk  
21 Woodside Drive  
Port Colborne, On.  
L3K 5G9  
Email: [g.gaverluk@sympatico.ca](mailto:g.gaverluk@sympatico.ca)  
Cell: (905) 932 - 2701



January 17, 2022

To: David Schulz, Senior Planner, City of Port Colborne

Charlotte Madden, Deputy Clerk, City of Port Colborne

Bill Steel, Mayor of the City of Port Colborne

Amber Lapointe, City Clerk, City of Port Colborne

A Members of City Council

Subject: Comments Regarding File No. D09-01-20 and D14-03-20

Report No. 2022-09

Public Information Meeting held virtual January 18, 2022 at 6:30 PM

Amendments to the Official Plan and Zoning By-law in regards to the Mineral Aggregate Operations and Mineral Aggregate and Petroleum Resources

Good day to Everyone:

It has been many years that this matter has been forthcoming to council and it is not the first attempt. The first paragraph of your report titled “Background” leads one to believe that the only concerns of “significant public interest” has been about asphalt and concrete manufacturing when in fact the citizens have been significantly concerned about the protection of the highly vulnerable Onondaga Aquifer ( hereinafter, aquifer); the storage of materials in a quarry that is mined as a Below Water Table Quarry [ aka wet pit] that could pose a risk of contamination to the groundwater in the aquifer (i.e. asphalt grindings, concrete construction waste, and any materials that are not what was mined from the actual site and of a natural nature from the quarry itself – in other words materials, including fill/excess soil that come from off site and various other activities). The residents of Port Colborne are not the only persons concerned as many residents in other municipalities are also concerned about the protection of the aquifer because many residents rely upon the aquifer (groundwater) for their source of potable water that is not only for household use but also for agricultural needs and other businesses etc. Hence residents do want to be assured that any Official Plan Amendments or Zoning By-law Amendments or any subsequent Site Alteration Permits etc that could occur would ensure that the water within the aquifer is provided with solid protections that pose no risk of harm/contamination.

Water is precious and we know that there are many concerns throughout Ontario about the issue of protecting our groundwater/aquifers from any risk of contamination not only for now but in the future. This is a legacy issue. The residents of South Niagara who are dependent upon the aquifer never want to receive a notice that our water is not safe to consume or to use for agricultural purposes. As such, it is my hope that the aquifer shall receive protections that are at least the same or better than Source Water Protections given to municipal sources of water. Yes, we are municipalities that draw our water from Intake pipes within the lake and canal but we must always keep in mind that should any catastrophic event (i.e. harmful blue green algae blooms, a ship leakage or accident, a spill, etc) occur that would make our current water source unsafe – we need to acknowledge that the aquifer is abundant in water and could be a natural source of water for the municipalities in South Niagara at the

very least. Again, we cannot forget many rural residents are not able to utilize municipal water. Most of the earth's fresh water is contained as groundwater and it is precious.

An example of risk and solution: this summer 2021 there was a large blue-green algae bloom very close to Buffalo and this posed a risk of harmful bacteria coming close to Fort Erie's intake pipe in the lake. Now if Fort Erie had a back-up municipal well to switch over to as a resource for water from the aquifer they could continue to supply their residents with potable water. Port Colborne could create a back-up municipal well too! A big dream – not really. If you add up all the Permits To Take Water that Port Colborne Quarry has; you should be surprised that if they ran the pumps 24/7 (as permitted) they would draw approximately 9 billion litres of water per year to wash/process stone but a lot of that water drawn is used to keep all the quarries (3) dry. Two quarries should have been rehabilitated already as passive lakes. All that pumped water simply flows out the drain(s) impacting the quality of the lake.

Perusal of the draft Official Plan Amendment and the draft Zoning By-law Amendment and the Preamble and the Background do not even mention the highly vulnerable aquifer; however, the aquifer is recognized in our city's Official Plan. Groundwater is only mentioned twice in the proposed draft Section 10 !

The people of the Niagara Region do recognize the importance and value of the quarry/aggregate industry and the need for the natural occurring aggregates that are mined at the sites especially when they are mined in localities that are close to the end use for the product. Therefore, we seek that a solution is found that allows the viable business of aggregate quarries to thrive yet also ensure that there is absolutely no risk of harm to the groundwater/aquifer. Working together this can be achieved. This is also achieved through various Ministries, Acts, policies, and regulations; however, the City of Port Colborne does have the capacity to be more concise and strict about preventing harm through our own Official Plan and Zoning by-laws and adhering to O. Reg. 466-20 to protect groundwater.

Why doesn't this draft Official Plan and Zoning By-law amendments not speak to where the recycling of asphalt or concrete recycling will occur as it should not occur anywhere near the exposed aquifer and it should be prohibited. To keep things simple; it should be only natural occurring aggregate that is within any quarry that it is mined from and nothing should be imported into any quarry that is mined as a Below Water Table Quarry.

The Public Meeting Report No. 2022-09 is a very brief and confusing report for the public and myself to understand, it lacks background information especially when there are ample previous reports and comments that could have been attachments to further inform the public. In addition, this report lacks definitions of new terminology utilized and appears to invite the use of site alteration by-laws or permits that could allow risky activities within the quarry sites that are dug meters below the natural groundwater table. For example, what exactly is a Mineral Aggregate Ancillary Use (MAAU) zone that can be "permitted via subsequent site-specific zoning by-law amendment application"? What is the definition of the word "ancillary" itself? Also, would ALL the subsequent "site-specific zoning by-law amendments" trigger a public information meeting so that the residents could consult/make comments too? Is the proposed MAUAU zone an area where more risk to the groundwater/aquifer will occur?

There are many other definitions not provided throughout the document and I am sure other delegates and residents will speak to that concern and other concerns (i.e. permitted uses and not permitted uses are NOT clearly defined or identified in the draft amendments).

The public meeting agenda/report was not released until the afternoon of Thursday January 13, 2022 and two subsequent days were the weekend; therefore, people could not inquire of city hall except for Friday, by email on Monday January 17, 2022 because city hall's phones were not being answered due to a snowstorm, and only Tuesday morning remained: the short duration of time did not permit much time to pose questions, get answers, do some research, etc in preparation for this very important meeting. Especially, when the report was so brief and in my personal opinion ( not of Niagara Water Protection Alliance) a convoluted mess that spoke of shifting numbers of sequence in the Official Plan or Zoning By-law of items mentioned that did not have definitions etc. Why not provide copies of the proposed shifts of items so that one could understand where each item fits and why? I am sure even some council members had difficulties following the report. I am not and most of the public are not planners or city hall staff that are familiar with reading such a report and we do not have at our finger tips the definitions and explanations to gain a better understanding. For example, what is "the production of secondary related aggregate products"? Are "facilities" the same as "plants"?

It is not clear as to exactly what the prohibited uses or not permitted uses are within this draft zoning by-law amendment and official plan amendment. Language should be clear and transparent so that it can be determined that the aquifer(s) is/are protected now and in the future.

The city hired NPG Planning Solutions to assist in the preparation of these "draft amendments", so, my question is would any documentation or recommendations prepared by NPG Planning Solutions be available to the public via the Freedom of Information Act for our perusal. As that may better inform us and make available past public comments since we are not able to view past virtual public information meetings and none of the written public comments do not appear to be available either.

Question: could this new zoning by-law and/or new Official Plan amendment provide direction for the timely and progressive rehabilitation of both an unlicensed and a licensed aggregate quarry operation so that there is not kilometres of exposed aquifer (i.e. best rehabilitation solution is passive lakes)

Question: is it correct that if this by-law is passed or not passed that there is a 90 day period in which one could appeal the matter?

Question: What is a "comprehensive analysis"? Is this an environmental assessment or study?

Question: I am mixed up as to whether an MAUA activity or plant could be in a MAO zone or not or vice versa ? This does not appear to be clearer laid out.

I thank you for the work you have done and bringing this matter forth again so that it can be worked on again to come to a conclusion in which an aggregate business is able to conduct their business working in a temporarily dug quarry while at the same time we can ensure that the groundwater/aquifer and surrounding environment can be protected from any contamination and or harm. Water is a finite and precious resource that is needed by all of us and we MUST protect ALL our water resources.

Sincerely,

Cindy Mitchell

Niagara Water Protection Alliance

**To:** Planning Department of the City of Port Colborne  
Mayor and members of Council of City of Port Colborne

**Re:** Public Meeting to consider amendments of OP and ZBL for MAO Zoning  
January 18, 2022

### **HISTORIC SUMMARY**

The amendment of MAO zoning started in 2017, as the City of Port Colborne was Consolidating their Zoning ByLaw (creating a CZBL). Comments made at the Public Meeting in 2017 were not addressed when the CZBL was presented to Council for approval in early 2018. As a result, another Public Meeting was held, and an Interim Control ByLaw (ICBL) was created with a proviso that the status quo for MAO would stand for one year, in which time the public concerns were to be addressed. The ICBL was allowed to lapse, which then reverted to the unacceptable wording in the CZBL. It was some time later (Late 2019-early 2020) when this lapse was recognized and brought to the City's attention. Since that time there have been several reports by the Planning Department dealing with this matter. The report on the protection of the aquifer was one of the more recent. Councillor Wells is credited with being instrumental in getting this prepared and ready for presentation to Council, but it was withdrawn from the Council agenda just hours before it was to be presented.

### **COMMENTARY - Planning Dept Report # 2022-09**

Planning Department Report 2022-09 is a summary for the Public Meeting scheduled for Jan 18, 2022. It includes the proposed wording for the amendments to the MAO designation in the OP, and the permitted and prohibited uses in MAO zone in the ZBL. An extensive analysis of the new proposed amendments, as compared to past recommendations, has been circulated since the posting of report 2022-09.

One of the most significant changes is separating **ancillary uses** in a pit or quarry zoning of MAO (or GI or HI zones) from the mining and aggregate processing. The concern for the aquifer(s) now shifts from Section 28 - Mineral Aggregate Operations, to **Ancillary Uses**, as defined in the new Section 29 - Mineral Aggregate Ancillary Uses (MAAU) Zone.

The mining of virgin aggregate is controlled by the Ministry of Northern Development, Mines, Natural Resources and Forestry (MNDMNR, formerly MNR), through the licensing process under the ARA, and more recently by O. Reg. 466-20. The City ZBL for MAO must conform to O. Reg. 466-20. One of the missing descriptions of MAO uses in the ZBL is that this should apply only to "natural occurring" aggregate, and the process of preparing the natural material on site prior to sale. What is identified as not permitted is ancillary land uses such as asphalt plants, cement/concrete plants and aggregate depots that blend and stockpile aggregate materials with salt and aggregate transfer. **What is not identified as prohibited is asphalt recycling and concrete recycling.**

O. Reg. 466-20 states:

. **0.13 (2)**

29. Recyclable asphalt shall not be stored within 30 metres of a body of water or within two metres of the groundwater table

30. Recyclable asphalt and recyclable concrete shall not be stored on a site where the site plan does not permit processing of materials.

The new MAAU zoning can be an effective tool to protect the aquifers. The current proposed uses that can be established in MAAU include ancillary land uses such as asphalt plants, cement/concrete plants and aggregate depots that blend and stockpile aggregate materials with salt and aggregate transfer except where otherwise prohibited. **What is missing from uses in a MAAU zone is storing and processing of asphalt and concrete for recycling.** The site controls for MAAU for these uses would require studies that recognize O. Reg. 466-20, which would ensure protection of the aquifers.

Another missing component in the proposed amendments is the prioritizing of **Prohibited Uses** and **Permitted Uses**. Throughout the OP and ZBL are phrases such as "except where prohibited elsewhere". An applicant will only refer to the permitted use.

All the above is also co-dependent on the recommended changes by others that emphasize the protection of the aquifer.

Sincerely,  
Jack S Hellinga,  
770 Highway #3,  
Port Colborne, ON, L3K 5V3

**Proposed Official Plan and Zoning By-law Amendment**  
**Mineral Aggregate and Petroleum Resources**  
**Mineral Aggregate Operations**  
**City of Port Colborne**

“Proposed addition to amendment

That any new mineral aggregate operations or expansion of existing mineral aggregate operations, within the City of Port Colborne, be limited in depth above the aquifer, with an appropriate vertical buffer distance between the bottom of the pit and the water bearing aggregate.”

David Henderson  
2199 Babion Rd.,  
Port Colborne. ON.,  
L3K 5V5

Melissa Bigford  
173 Chippawa Rd.  
Port Colborne, ON.  
L3K1T6

January 18, 2022

To: Mayor and Members of Council,

I am writing this letter in regards to Report #2022-09, Public Meeting for Official Plan Application and Zoning By-law Amendment, File D09-01-20 and D14-03-20.

I have some questions that I would like answered tonight by staff as to why the protection of adjoining land from adverse effects of a reduced water supply was omitted in the proposed by-law amendment. Where are the Highly Vulnerable Aquifer policies that were included in a previous recommendation report to council regarding these official plans and zoning bylaw amendments?

A resolution was passed by this council directing additional protection of the aquifer including local official plan polices and changes to the zoning by-laws? Since zoning by-laws are a local document that provide for the day-to-day regulation of land use controls; how do these new amendments provide additional protection of the aquifer and surrounding sensitive land uses? Will the subsequent site-specific zoning by-law amendment applications come through council, will public input be allowed or will it be a decision made by staff. If that is the case I would request that the site-specific applications should come through council with public input.

Why is the zoning by-law not being amended to include prohibited uses which were going to include asphalt and cement manufacturing plant, and an aggregate transfer station omitted? Now they are listed as permitted uses following a comprehensive analysis. This analysis still omitted any highly vulnerable aquifer protection policy to reference.

In conclusion, there are many vulnerabilities to the aquifer and surrounding sensitive land uses that still need to addressed and protected in the proposed changes to the official plan and zoning by-laws!

Sincerely,

Melissa Bigford

*Jeffrey J. Wilker*  
416-868-3118  
*jwilker@thomsonrogers.com*

**SENT BY EMAIL ONLY**

January 14, 2022

Mayor Steele and Members of City Council  
c/o Mr. David Schulz, Senior Planner  
City of Port Colborne  
66 Charlotte Street  
Port Colborne, Ontario  
L3K 3C8

Dear Mayor Steele and Members of Council:

**Public Meeting Report for OPA and ZBA  
to the Mineral Aggregate Policies and Zone  
City File Nos. D09-01-20 and D14-03-20  
City Report 2022-09  
Port Colborne Quarries Inc.  
Our File No. 500725**

As the City is aware, we are the solicitors for Port Colborne Quarries Inc. (“PCQ”) in this matter. We are writing to provide our comments for consideration by City Council (and planning staff) as part of the public meeting process being held on January 18, 2022. This letter should be added to the record for the public meeting.

PCQ has previously expressed its concerns regarding this proposed planning initiative by the City. While PCQ is appreciative of having dialogue with the City and its advisors, my client’s concerns remain outstanding and are outlined below for your respective consideration.

We request that City Council receive these concerns and direct its planning staff and its planning consultant, NPG Planning Solutions, to continue dialogue with PCQ and its professional advisors to endeavour to address those concerns with appropriate modifications to the draft documents. This should occur prior to City Council receiving further planning advice and/or City Council adopting the proposed Official Plan Amendment (“OPA”) and the companion Zoning By-law (“ZBLA”) in their existing forms.



PCQ is both a substantial and interested stakeholder in the City's planning documents under consideration for the reasons set out in this letter.

PCQ operates a quarry within the boundaries of the City. Those operations are longstanding. Indeed PCQ is the *only* landowner with lands authorized under the City's Official Plan for Mineral Aggregate Operations and having Zoning By-law permissions for Mineral Aggregate Operations.

Further part of the "Pit 1" lands owned and operated by PCQ provide for an additional permitted use of "concrete product manufacturing and uses" pursuant to Special Provision MAO 38-H of the City's Comprehensive Zoning By-law. It is noted that this site specific zoning permission was passed by the City in 2013, appealed to the Ontario Municipal Board (as it then was -- now the Ontario Land Tribunal), and affirmed by the Board in its Decision/Order of October 22, 2014. The issues surrounding this additional use were fully addressed by the Board, including the City's planning evidence provided in support of the site specific Zoning By-law Amendment. There has been no material change in planning circumstances that would permit the City to overturn the findings of the Board that permitted this additional use.

Going forward we recommend that the City exclude the existing lands designated and zoned for MAO uses, including MAO-38-H, from being subject to the proposed OPA and ZBLA. In other words, the proposed OPA and ZBLA should exclude the existing MAO lands. This provides PCQ with the required requisite certainty for its ongoing operations.

With respect to ongoing applications the City is aware that PCQ has proposed to extend Pit 3 onto expansion lands. The applications include OPAs, ZBLA and a licence application under the *Aggregate Resources Act* which remain under full review, discussion and consideration by the Ministry, Region and City. The rules under which those applications have been filed and have been deemed completed should not and cannot in equity be amended in mid-stream. PCQ requests that the proposed OPA and ZBLA under consideration in this process exclude the Pit 3 extension lands.

In sum, the City's initiatives should not include lands currently designated MAO and zoned MAO being subject to the proposed OPA and ZBLA; and, should also not include the Pit 3 extension lands given that those in process applications are subject to existing and comprehensive review.

Should the City not agree to these requests, it is noted that that there are significant and fundamental problems with both the City's draft OPA and ZBLA including the:

- a) Failure to be consistent with the Provincial Policy Statement 2020, ("PPS 2020") including the mineral aggregate resources provisions;
- b) Non conformity with the Region's Official Plan;
- c) Non conformity with the approved City's Official Plan;
- d) Inappropriate and vague definition of a "needs" test, including restricting same to the boundaries of the City;
- e) Lack of appropriate definition of applicable criteria including lack of clarity regarding the reference to municipal servicing;
- f) Inclusion of a 500 m separation distance which distance: has not been demonstrated to have any justification; is contrary to both the PPS 2020 and Ministry of Environment, Conservation and Parks guidelines, including D-1; and, is prohibition masquerading as regulation;
- g) Failure to appreciate the impact of section 66 of the *Aggregate Resources Act* for licensed lands which overrides municipal planning documents including site plan control; and,
- h) Providing for split zoning for licensed aggregate operations contrary to accepted practice;

We request that City Council receive these comments and direct its planning staff and outside planning consultant to engage in further dialogue with PCQ and its professional advisors prior to any adoption (including required revisions) to the draft OPA and ZBLA.

Should the City proceed with adopting the draft OPA and ZBLA we request that the City provide notice in accordance with the provisions of the *Planning Act* to both myself and Mr. Sisco. Our contact details are listed in the Appendix attached.

We trust that the foregoing is satisfactory.

Yours very truly,



Jeffrey J. Wilker

JJW/jjw

cc: Scott Luey, Chief Administrative Officer  
cc: Mary Lou Tanner/Cory Armfelt, NPG  
cc: Amber LaPointe, City Clerk  
cc: Client  
cc: David Sisco, IBI Group  
cc: Kevin Fitzpatrick, WSP Canada Inc.

**Appendix: Contact Details**

Jeffrey J. Wilker  
Thomson, Rogers Lawyers  
Suite 3100, 390 Bay Street  
Toronto, ON M5H 1W2  
Email: [jwilker@thomsonrogers.com](mailto:jwilker@thomsonrogers.com)  
Tel: +1-416-868-3118

David Sisco  
IBI Group  
Suite 101, 410 Albert Street  
Waterloo, ON N2L 3V3  
Email: [David.Sisco@IBIGROUP.COM](mailto:David.Sisco@IBIGROUP.COM)  
Tel. +1 519 585 2255 ext 63210

From: Josef van Ruyven <[REDACTED]>  
Sent: January 17, 2022 1:24 PM  
To: Charlotte Madden <charlotte.madden@portcolborne.ca>; David Schulz <David.Schulz@portcolborne.ca>; Mayor <mayor@portcolborne.ca>  
Cc: Josef van Ruyven <[REDACTED]>  
Subject: Commentary Submission to Notice of Public Meeting via ZOOM Proposed Official Plan and Zoning By-Law Amendment January 18, 2022

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Members of City Council, City of Port Colborne,  
January 17, 2022

Having read extensively much of the documentation made available for the necessary review of the issues surrounding the Official Plan and the Zoning By-Laws related to the prudent care for, and protection of, the rural water supply for many of our community's residences, specifically in the Vulnerable Aquifer, I wish to make a very brief statement of personal opinion to express my most basic concern.

In order to emphasize the gravity of at least one dimension of the issue, I draw your attention to the two articles below, expressing particular related concern elsewhere in Canada. Of course, the circumstances are different, however, the point I wish to make is that providing protection of our water must be seen as a proactive process, as opposed to a reactionary process. I am relying on you to think proactively about my water, instead of thinking of what can be done after it is contaminated. In Iqaluit, an unknown source of fuel contamination kept residents there from drinking of their water supply. It took months of continuous effort, to rectify the situation where the water source, the pumps, the generators etc., are all in plain sight, above the ground. Considering that contamination of the Vulnerable Aquifer in Port Colborne would not just present a problem of not being able to see what you are dealing with, but realistically, could mean the end of our use of that water supply. I think that would be a tragedy, especially knowing that all that would have been needed to save the Vulnerable Aquifer, is some proactive action taken in the Amending of the wording of Port Colborne's Official Plan, and of the related Zoning By-Law.

I wish I had the tools to do more, however, as a concerned citizen, I am doing what I can.

I wish to thank you all in advance for taking the time to read this submission, and for doing all that you can, to protect all our water. Thank-you!

Sincerely,  
Josef van Ruyven  
787 Hwy 3 East  
Port Colborne, ON  
L3K 5V3

<https://globalnews.ca/news/8511942/igaluit-water-supply-contaminated-fuel/>

<https://globalnews.ca/news/8424719/igaluit-tap-water-contaminated-2-months/>

## Comment on Planning Report Number 2022-09

My name is George McKibbon. I am a member and Chair of Port Colborne's Environmental Advisory Committee. Jack Hellinga, another Committee member, brought the Public Meeting on January 18, 2022 to my attention. The Committee is a Committee of Council. We have not had time to prepare a report for the Environmental Advisory Committee's review. The Committee expressed concern previously about the Mineral Aggregate Operation Zone and land use compatibility provisions. Here are comments for your consideration.

1. The proposed asphalt plant (permanent and portable), cement concrete plant and aggregate depot uses generate air and noise emissions. Municipal studies show these air emissions can result in hospitalizations and mortalities when air quality is poor. These conditions exist even with the best efforts of Ministry of the Environment Conservation and Parks (MECP) Environmental Protection Act regulators, who apply OR 348 and 419 and NPC 300, and municipal planners, who apply the MECP D Series Land Use Compatibility Guidelines.
2. Port Colborne has no air monitoring stations within its jurisdiction with which to benchmark local community air quality. Track out occurs from existing comparable uses. Lands under the Seaway jurisdiction are Federal lands on which Provincial and municipal authority is constrained. Fugitive emissions from existing uses are available for re-suspension with traffic and extreme wind events. Caution should be applied when considering these amendments.
3. When these uses are proposed assessment of cumulative air and noise emissions from existing and proposed industrial uses and local traffic is needed. Under 29.3, Zone Requirements, (a) it is recommended the following underlined words be added after *"appropriate studies including cumulative and worst case scenario noise and air analyses"*.
4. Under 29.3 Zone Requirements, (b) it is recommended that the minimum 500 metre distance from the closest residential use be amended to read: *"is at least 500 metres from any residential use provided the maximum emissions scenario and cumulative air and noise analyses do not require a greater separation distance."*
5. Last, where Mineral Aggregate Operations are considered, these uses should not be permitted where the Aggregate Resources license and site plan provide for extraction below the water table.

On behalf of the Port Colborne Environmental Advisory Committee, thank you for the opportunity to comment.

George McKibbon  
Chair, Environmental Advisory Committee



January 18, 2022

City of Port Colborne  
66 Charlotte Street  
Port Colborne, ON,  
L3L 3C8

**ATTN:** Amber LaPointe, Manager of Legislative Services/City Clerk  
[cityclerk@portcolborne.ca](mailto:cityclerk@portcolborne.ca)

**RE: Comments on Draft Zoning By-Law Amendment and Official Plan Amendment -  
File D09-01-20 and D14-03-20  
Aggregate Ancillary Land Uses**

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In April 2018 and March 2021, Lafarge submitted comments related to the City's review of Mineral Aggregate Operation Zone (MAO) and related uses. In our 2018 and 2021 letter (2021 letter attached), we requested to be advised of any information or meetings related to the development of Mineral Aggregate Operation policies and any related zoning by-law amendments.

Unfortunately, we were not directly notified of the January 18<sup>th</sup> Staff Report and meeting to consider draft Official Plan and Zoning By-Law Amendment. Therefore, we have not had an opportunity to fulsomely review the staff report and draft proposed Official Plan Amendment and Zoning By-Law Amendment Text.

Based on our initial review, we have the following concerns and comments regarding the proposed Zoning By-Law Amendment and Official Plan Amendment for Mineral Aggregate Ancillary Uses:

Proposed Official Plan Amendment No.7

PPS Policy 2.5.2.3 states that "*Mineral aggregate resources conservation shall be undertaken, including through the use of accessory aggregate recycling facilities within operations, wherever feasible*".

In order to be consistent with PPS Policy 2.5.2.3, a new definition for *Mineral Aggregate Ancillary Uses* (MAAUs) should be added to the Official Plan. This new definition should make it clear that these uses are different and separate from the blending, recycling, and stockpiling activities that are secondary and accessory to a typical existing and new Mineral Aggregate Operation. Secondary uses to an existing or new Licenced Pit and/or Quarry occur in

**LAFARGE CANADA INC.**  
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Phone: (905) 738-7070 Fax: (905) 738-0224  
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conjunction with ongoing extraction activities for the purposes of creating marketable products and should not be subject to an Official Plan or Zoning By-Law Amendment.

Proposed Zoning By-Law Amendment – Mineral Aggregate Accessory Use Provisions

Proposed Section	Comment
29.2 Permitted Uses	In accordance with PPS Policy 2.5.5.1, text should be added to make it clear that Portable Asphalt Plants and Portable Concrete Plants used on public authority jobs do not require a zoning by-law amendment in all areas, except in areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities. Portable Asphalt Plants and Portable Concrete Plants have specific definitions in the PPS.
29.3 a) Zone Requirements	The first sentence of this proposed provision should be deleted as it is not an appropriate zoning tool nor is there any planning mechanism that allows for this type of restriction to be added to a zoning by-law. This type of requirement should be added as an Official Plan policy which would have the intent of directing Ancillary Aggregate Uses to appropriate Designations (e.g. Industrial or Extractive Industrial Designations)
29.3 b) Zone Requirements	Setback restrictions for new ancillary aggregate uses should be based on site-specific studies. There is no justification for the required arbitrary 500m setback from residential uses to be included in the Zoning By-Law. There is no discussion in the accompanying staff report as to how this setback distance was derived. It is also not clear how “residential uses” would be defined. This distance exceeds Ministry of the Environment, Conservation and Parks guidelines. A 500m minimum setback from residential uses would potentially sterilize most suitable locations within the City. There are already existing policies in the Official Plan that require new development to demonstrate Land Use Compatibility using Ministry of the Environment, Conservation and Parks guidelines (see OP policy 3.10.1 (h); 3.11.1 (d); 3.12.1 (i))
Section 39 – Definitions	The definition for <i>Mineral Aggregate Operation</i> should be consistent with the definition in the PPS. As previously noted, the PPS also has specific definitions for Portable Asphalt and Concrete Plants. In order to avoid confusion, these definitions should also be consistent with the PPS.



Given that we were not directly notified about the draft amendments; Lafarge reserves the right to provide additional comments as we complete a more fulsome review.

We would be happy to meet with City Staff and their Consultant to discuss the comments outlined in this letter. We again request to be notified of any updates, Council meetings, or decisions regarding this matter.

Yours truly,  
**LAFARGE CANADA INC.**

A handwritten signature in black ink, appearing to read 'Siemiginowski'.

Carol Siemiginowski, P.Eng  
Senior Land Manager, Southwest Ontario & Atlantic

cc. Caitlin Port, MHBC  
David Schulz, City of Port Colborne Senior Planner [David.Schulz@portcolborne.ca](mailto:David.Schulz@portcolborne.ca)  
Sharon Rew, MMAH [sharon.rew@ontario.ca](mailto:sharon.rew@ontario.ca)  
Erin Cotnam, NDMNRF [erin.cotnam@ontario.ca](mailto:erin.cotnam@ontario.ca)

Attach Lafarge March 2021 comments letter on the Township Comprehensive Zoning By-Law

**LAFARGE CANADA INC.**  
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Phone: (905) 738-7070 Fax: (905) 738-0224  
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Lafarge Canada Inc.  
A Division of LafargeHolcim  
6509 Airport Rd  
Mississauga, ON  
L4V 1S7  
Tel: 647-221-0071

March 8<sup>th</sup>, 2021

City of Port Colborne  
66 Charlotte Street  
Port Colborne, ON, L3L 3C8

**DELIVERED VIA EMAIL TO:**

[amberlapointe@portcolborne.ca](mailto:amberlapointe@portcolborne.ca), [danaquilina@portcolborne.ca](mailto:danaquilina@portcolborne.ca),

**ATTN:** Mayor Steele and Members of Council:

**RE: Comments on the City of Port Colborne Official Plan & Zoning By-law Amendment Applications, File D09-01-20 & D14-03-20 Mineral Aggregate Resources & Operation Zone**

---

In April 2018, Lafarge submitted comments on the City of Port Colborne Draft Zoning By-Law and Interim Control By-Law which was passed to allow the municipality to further investigate and consider what uses should be permitted in the Mineral Aggregate Operation Zone (MAO). In our 2018 letter (attached), we requested to be advised of any information or meetings related to the development of Mineral Aggregate Operation policies and zoning provisions. We have not received any updates since the submission of our letter in April 2018.

We have been made aware that Council will consider adopting an Official Plan Amendment and Zoning By-Law Amendment at the March 8, 2021 Council meeting regarding the Mineral Aggregate Resources & Operations Zone. We have not had an opportunity to review the draft Zoning By-law amendment and Official Plan amendment in detail. It appears we may not have received notice for the Open House or Public Meeting that occurred in September 2020.

Lafarge has the following concerns and comments based on our preliminary review which includes and is not limited to:

- The proposed definition of “Aggregate Extraction Operation” in the draft Zoning By-Law Amendment and Official Plan Amendment are not consistent with the PPS 2020 definition of “Mineral Aggregate Operation”;
- The proposed definitions of “Natural Ground Water Table”, “Wet Pit”, and “Dry Pit” do not align with the definitions in the Aggregate Resources Act for “below water table quarry”, “Above water table quarry” and “below the water table”;

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- There is inconsistent and unclear terminology in the draft zoning by-law amendment and official plan amendment for prohibited uses; and,
- It is unclear what the potential implications are of the proposed Highly Vulnerable Aquifer policies and zoning provisions on aggregate recycling activities.

We request that Council delay the adoption of the proposed Draft Official Plan and Zoning By-Law Amendment until such a time that the above issues have been resolved. Lafarge would also ask to please notify us of the Council's decision.

Kind regards,

A handwritten signature in blue ink that reads 'Luke McLeod'.

Luke McLeod, P.Eng  
Land Manager  
Southwest Ontario

*cc: Caitlin Port, MHBC  
Dan Aquilina, MCIP, RPP, Director of Planning & Development*

*Enclosures: Lafarge April 2018 Comment Letter; Township Comprehensive Zoning By-Law and Interim Control By-Law for the MZO Zone.*

2022-01-18

Charlotte Madden, Deputy City Clerk  
David Schulz, Senior Planner

Re: D09-01-20 & D14-03-20 Notice of Public Meeting - Mineral Aggregate and Petroleum Resources - Proposed OPA & ZBA - City of Port Colborne

Dear Madam and Sir,

I have read the proposed changes and I am encouraged by the many references to the Highly Vulnerable Aquifer (HVA). Through out the proposed amendments you demonstrate your concern for the need to protect drinking water.

I believe the By-law 6575/30/18 can be made even more water tight if an additional clause is added to ancillary uses.

The intent of such a clause would be to prohibit the backfilling with soil of wet pits. I don't offer specific wording because others are more skilled wordsmiths than I am.

That is the essence of my submission as a delegate. What follows is my opinions in regards to why wet pits should not be backfilled. There are counter opinions as to why it is acceptable to backfill wet pits and these opinions are debatable.

Most of these points revolve around testing.

**The testing of the material is based on testing for contaminants based on historical use of the site.** This is done to reduce the cost of testing. This approach, although sounding logical, is based on human memory and historical records as recorded by humans. The very fact that it relies on humans means there are risks of mistakes.

**The whole is the same as a sample.** This process involves sampling at the construction site and randomly sampling truckloads as they arrive at the dump site. Let me illustrate this with a visual that you will understand. If you use the volume of the council chamber at city hall to represent the material excavated from a site, then the water pitchers at the councillors desks represents the size of the sample taken to test whether the whole volume is safe. In my opinion, no amount of testing is adequate if it risks contaminating a potable water supply.

**The Testing is done by a Qualified Person (QP).** These are good sounding words. In practice they don't always work. The first flaw is the QP is hired by the company receiving the backfill material. The very nature of this arrangement is rife for error. Employees usually like to do the bidding of the management from where they get paid. The staff at companies change with time. In my former career I saw two good employees terminated. Each was in Quality Control and they made a decision to cull inferior product. The General Manager disagreed so they were terminated. Fortunately, for that company the general manager got a better offer and he left the company. However, while he was there, it became clear that a "yes man" was what was to be in charge of quality control. The point is that what can be an acceptable system when it is set-up can deteriorate over time. If this happens in a situation of backfilling a wet pit it can be to late to recover from the contamination that could result.

**Sampling can be selective.** If a site has areas that are contaminated the samples can be taken from areas on site that are more likely to pass testing. Once again this is the human

element coming into the equation. Most employees do a good job but there are unscrupulous individuals that, given the opportunity, will try to manipulate the result.

**Loop Hole.** There is work being done at other levels of government and other agencies. From what I have read, the changes all apply to permitted pits and quarries. I know of at least 1 pit in Port Colborne that is not under a permit and therefore it falls to the council as the decision making body. To close this potential loop hole requires a clause in the Bylaw.

As a guiding statement, I am reminded that 20 % of the water on planet Earth is fresh water. Only 2% is accessible to mankind.

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