

City of Port Colborne
Public Meeting Minutes

Date: Tuesday, July 19, 2022
Time: 6:30 pm
Location: Council Chambers, 3rd Floor, City Hall
66 Charlotte Street, Port Colborne

Members Present: M. Bagu, Councillor
E. Beauregard, Councillor
G. Bruno, Councillor
A. Desmarais, Councillor
D. Kalailieff, Councillor
W. Steele, Mayor (presiding officer)
H. Wells, Councillor

Member(s) Absent: R. Bodner, Councillor
F. Danch, Councillor

Staff Present: S. Tufail, Acting Deputy Clerk
N. Rubli, Acting City Clerk
C. Roome, Planner
D. Landry, Manager of Planning Services
D. Schulz, Senior Planner

1. Call to Order

Mayor Steele called the meeting to order at 6:30 p.m.

2. Adoption of Agenda

Moved By Councillor D. Kalailieff

Seconded By Councillor E. Beauregard

That the agenda dated July 19, 2022 be confirmed, as amended.

Carried

3. Disclosures of Interest

4. Statutory Public Meetings

4.1 Public Meeting Report for Proposed Zoning By-law Amendment at 409 Davis Street, D14-05-22, 2022-162

Purpose Of Meeting

The purpose of this meeting, pursuant to section 34 of the Planning Act, is to consider an application initiated by the applicant Steven Rivers on behalf of the owner Jonathan Beam for the lands legally known as Part of Lot 9 on Plan 849, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 409 Davis Street.

The application for Zoning By-law Amendment proposes to change the zoning from Second Density Residential (R2) to a special provision of the Fourth Density Residential zone that will reduce the front yard setback from 9m to 2.26m, the interior side yard setback from 1.2m to 0.69m and the corner side yard setback from 3m to 2.04m.

Method of Notice

Notice of the Public Meeting was administered in accordance with Section 34 of the Planning Act, as amended, and Ontario Regulation 545/06.

The Notice of Public Meeting was circulated to required agencies, and property owners within 120 metres of the lands on June 28th, 2022. A public meeting sign was also posted on the property no later than June 28th, 2022. Meeting details have been provided along with the Council Agenda.

Presentation of Application for Zoning By-law Amendment

Mr. Roome, City Planner, presented the following:

This application proposes to change the zoning from R2 to a special provision of the Fourth Density Residential zone. The special provision is being sought to reduce the front yard setback from 9m to 2.26m, the interior side yard setback from 1.2m to 0.69m and the corner side yard setback from 3m to 2.04m. This application is being sought to permit the construction of a proposed six-unit residential building on the subject parcel.

That Planning and Development Report – Planning Division 2022-162 be received for information.

Moved By Councillor H. Wells

Seconded By Councillor G. Bruno

That Planning and Development Report – Planning Division 2022-162 be received for information.

Carried

a. Delegation from Steven Rivers, applicant

Steven Rivers, the applicant from South Coast Consulting presented the proposal.

Questions of Clarification to Staff

Councillor Wells stated the structure will not impact visual aspects in the area.

Councillor Bruno agreed it would be a visual lift of the neighbourhood.

Councillor Beauregard asked for clarification regarding the landscape requirement on the property.

Mr. Roome explained that the landscape requirement in Port Colborne's Zoning By-law is 25% and includes the landscape strip.

b. Delegation from Judy Kramer, resident

The delegates attended the meeting on behalf of their daughter, a neighbour of the proposed property. Mr. and Mrs. Kramer expressed concerns with the following:

- Parking capacity in the area
- The height of the building
- Lack of green space for residents resulting in insufficient drainage.

Mr. Roome confirmed the proposal meets the landscape coverage requirement in the R4 zone.

Mr. Kramer asked for clarification on the proposed second storey and its height.

Mr. Rivers confirmed there is a proposal for a second storey on the drawings.

Ms. Landry, Manager of Planning, explained the proposal will have to meet the City's Zoning By-law maximum height requirement of 11 metres.

Mr. Kramer asked if the height requirement must be met and indicated on a plan before the granting of the Zoning By-law Amendment.

Ms. Landry clarified there is no contention if the proposal meets the Zoning By-law.

Questions of Clarification to Staff

Councillor Beauregard asked whether a Planning Justification Report was required.

Mr. Roome answered no.

Councillor Bruno asked when building drawings are submitted in the process.

Mr. Roome stated drawings are submitted after the Zoning By-law Amendment process.

That Planning and Development Report – Planning Division 2022-162 be received for information.

Councillor Desmarais entered the meeting at 6:53pm.

4.2 Public Meeting Report for Official Plan and Zoning By-law Amendments to the Mineral Aggregate Operation Policies, Files D09-01-20 and D14-03-20, 2022-157

Purpose Of Meeting

The purpose of this meeting, pursuant to Sections 22 and 34 of the Planning Act, is to consider an application initiated by the City of Port Colborne for proposed changes to the policies and regulations of the Mineral Aggregate and Petroleum Resources and Mineral Aggregate Operation land uses within the municipal boundary of the City of Port Colborne.

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 via the Port Colborne Niagara This Week newspaper and to required agencies by June 9, 2022. Any members of the public who previously provided comments on this application were also notified via email and/or regular mail.

Moved By Councillor M. Bagu
Seconded By Councillor D. Kalailieff

That Development and Legislative Services – Planning Division Report 2022-157 be received for information.

Carried

a. Delegation from Mary Lou Tanner and Aaron Butler, NPG Planning Solutions Inc., applicant

Ms. Tanner, the Principal Planner at NPG Planning Solutions Inc., presented proposed changes to the Official Plan and Zoning By-law using the regulatory framework of the Planning Act and Aggregate Resources Act. Ms. Tanner addressed public concerns regarding:

- The protection of the South Niagara Aquifer
- Soil Management & Site Alteration

Questions of Clarification to Staff and Consultants

Councillor Beauregard asked which policy the 300-metre setback is from.

Ms. Tanner stated the setback is from the Land-use Compatibility Guidelines as known as the D6 Guidelines.

Councillor Wells asked for clarification regarding the aquifer being a future source of drinking water.

Ms. Tanner indicated it would have to be identified as a municipal drinking source before that is allowed.

Councillor Wells asked for clarification that the Clean Water Act does include future water resources and the protection of the resources.

Ms. Tanner acknowledged the protection of future water resources is in the Clean Water Act.

Councillor Bagu asked how the 300-metre setback is measured.

Ms. Tanner answered measurement is from property line to property line.

Councillor Bagu asked if the Niagara Official Plan had been approved.

Ms. Tanner answered it is pending with the Ministry for approval.

Councillor Desmarais asked if the aquifer will be a potential source of drinking water in the future.

Ms. Tanner answered the Region would make this decision.

Councillor Bruno asked to clarify Section 66 of the report provided to Council regarding the Planning Act and provincial regulation.

Ms. Tanner explained Section 66 of the *Planning Act* allows for the overriding of Municipal legislative policies when the *Aggregate Resources Act* is paramount.

Councillor Wells asked why the term cement plant was not included as a specific use and highly recommends it be included.

Ms. Tanner explained there were some changes in the wording used as requested by the public

b. Delegation from Jack Hellinga, resident

Jack Hellinga requested that the City and NPG be aware of a reference under Ontario Regulation 466/20 under the *Aggregate Resources Act*, restricting recyclable asphalt from being stored within 30m of a body of water, or within two metres of the groundwater table.

c. Delegation from Gary Gaverluk, resident

Suggests some considerations to clearly define each type of accessory use and that under O. Reg. 466/20, certain uses such as recyclable asphalt uses cannot be within 2m of the groundwater table and/or within 30m of a body of water.

d. Delegation from Melissa Bigford, resident

Suggests including the protection of aquifers as a natural heritage feature in Municipal Official Plans under the natural heritage section. Concerned with the recommended 300-metre setback as opposed to the 1000-metre setback outlined in Section 4.11 in the Provincial D6 guidelines.

e. Delegation material from Carol Siemiginowski, Senior Land Manager, Southwest Ontario and Atlantic, Lafarge Canada Inc.

Requests some wording changes to the policies and definitions proposed to clarify that the policies apply only to mineral aggregate-related uses when located outside of a mineral aggregate operation.

Concerned with the blanket approach to considering all mineral aggregate related as Class III under the Province's D6 guidelines.

f. Niagara Region -Planning and Development Services

Regional Planning and Development Services staff are supportive of the amendments from a Provincial and Regional perspective, subject to consideration of the comments contained in the attached Appendix of their letter. On this basis the amendments would be consistent with the PPS and conform to Provincial and Regional plans. The appendix of the Region's letter offers some considerations for some wording changes to the amendments.

5. Procedural Motions

6. Information Items

7. Adjournment

Mayor Steele adjourned the meeting at approximately 7:41 p.m.

William C. Steele, Mayor

Nicole Rubli, Acting City Clerk