

FINAL

# Planning Report – Site Alteration Permit

Port Colborne Quarries Inc.

---

1937 2<sup>nd</sup> Concession Road, Port Colborne, ON



Prepared for Port Colborne Quarries Inc.  
by IBI Group  
July 24, 2018

## TABLE OF CONTENTS

<b>1</b>	<b>Introduction .....</b>	<b>1</b>
1.1	History .....	1
1.2	Purpose of Planning Report.....	1
1.3	Regulatory Context .....	2
<b>2</b>	<b>Existing Conditions .....</b>	<b>2</b>
2.1	Location.....	2
2.2	Existing Uses .....	2
2.3	Surrounding Uses .....	2
<b>3</b>	<b>Proposed Clean Fill Program.....</b>	<b>5</b>
3.1	Vision.....	5
3.2	Source Material .....	5
3.3	Volume, Staging and Estimated Duration .....	7
3.4	Truck Movements.....	7
<b>4</b>	<b>Land Use Compatibility .....</b>	<b>7</b>
<b>5</b>	<b>Review of Existing Land Use Policy .....</b>	<b>13</b>
5.1	Niagara Region Official Plan 2014.....	13
5.2	City of Port Colborne Official Plan 2017 .....	13
5.3	City of Port Colborne Zoning By-Law No. 6575/30/18.....	13
5.4	City of Port Colborne Site Alteration By-Law .....	14
5.5	Niagara Peninsula Conservation Authority .....	14
5.6	MOECC- Management of Excess Soil.....	14
<b>6</b>	<b>Approvals Required.....</b>	<b>14</b>
<b>7</b>	<b>Conclusion .....</b>	<b>15</b>

# Figures

---

Figure 1 Site Location Map .....	3
Figure 2 Existing Conditions Map .....	4
Figure 3 Zoning Provisions .....	6
Figure 4 Fill Staging Map .....	8
Figure 5 Final Pit 1 Elevations .....	9
Figure 6 Proposed Truck Movements for Fill Material .....	10

# 1 Introduction

The following Report has been prepared to support an application for a Site Alteration Permit for lands owned by Port Colborne Quarries Inc. (PCQ) to implement a staged clean fill program requiring the importation of clean inert fill. The following approval is required:

- Site Alteration Permit from the City of Port Colborne, pursuant to By-Law No. 5528/125/10 being a By-Law to *prohibit or regulate the removal of topsoil, the placing or dumping of fill and the alteration of the grade of land within the City of Port Colborne.*

The subject lands are part of a series of quarries owned by PCQ, known as Pit 1, Pit 2 and Pit 3. The properties are located in the central portion of the municipality, just outside and to the northeast of the existing built-up area, near the intersection of Highway 140 and Highway 3. The subject site, referred to by PCQ as Pit 1, is approximately 67 hectares (166 acres) in size and is currently used as an aggregate processing facility to support the quarrying activity taking place in Pit 2 and 3. The subject lands are a former, unlicensed extraction site and represent an open pit landscape whereas Pits 2 and 3 are regulated under the Aggregate Resources Act (ARA) - Licence 4444. Backfilling has occurred in Pit 1 for side-slope stabilization using imported material.

The legal description of the subject site is Part Lots 23 and 24, Concession 2 (Former Township of Humberstone), City of Port Colborne, Regional Municipality of Niagara.

The purpose of this application is to permit the importation of clean inert fill that meets Ministry of Environment (MOE) *Table 1 Standards for soil, ground water and sediment under Part XV.1 of the Environmental Protection Act*, so that the site may be returned to original grade and ultimately re-zoned for mixed-use industrial development.

## 1.1 History

According to PCQ staff, quarrying initially began on the subject lands sometime between 1954 and 1955 under the ownership of the Grey Nuns. Shortly thereafter, the lands were purchased by Canada Steamship Lines and under their ownership, the level of quarrying activity escalated. It is believed that during the peak production years, the quarry had as many as 60 employees with an annual production in the range of 2 million tonnes. By 1971 when the provincial Pits and Quarries Control Act (P&QCA) came into effect, the site was completely exhausted of its' aggregate reserves and consequently, the site did not get licensed under the aforementioned Act. As such, the Pit 1 reserves were fully extracted in a span 16 years.

Because the subject lands were never licensed under either the P&QCA or the ARA, Pit 1 does not have any stipulated progressive and/or final rehabilitation requirements.

## 1.2 Purpose of Planning Report

It is the intent of PCQ to import a sufficient amount of backfill material to Pit 1 in order to bring the lands back to their pre-extraction grade, with a vision they be repurposed in the long-term as a mixed-use industrial development. Based on this, the purpose of this report is to provide the City of Port Colborne with the necessary information to evaluate and approve the issuance of a Site Alteration Permit.

## 1.3 Regulatory Context

A Site Plan Agreement, dated February 4, 1982 was signed between the City of Port Colborne (City) and PCQ to regulate quarrying activity associated with Pits 2 and 3 and that Agreement was registered on title as Instrument No. RO385360. Subsequently, PCQ prepared formal Site Plans that addressed all the issues contained in the Agreement as well as the prescribed requirements of the Aggregate Resources Act (ARA 1991). Those plans were ultimately approved by the Ministry of Natural Resources (MNR) as Licence 4444 on January 15, 2007.

Most recently, PCQ has received a legal opinion which concluded that, through the legislative authority held by MNR, the Minister retains sole authority to licence and enforce all lands designated in the Province as it relates to aggregate extraction, and therefore, the aforementioned Agreement was probably never enforceable and currently is inoperative based on Section 66.1 of the Aggregate Resources Act.

## 2 Existing Conditions

### 2.1 Location

The subject site is bound by 2<sup>nd</sup> Concession Road to the north, Snider Road to the east, Highway 3 to the south and Highway 140 to the west. The northwest corner of the property is traversed by the Chippawa Road right-of-way resulting in a triangular shaped parcel that is independent of the subject application and not owned by Port Colborne Quarries Inc. The site is accessed from Ramey Road which is off of 2<sup>nd</sup> Concession Road. Refer to Figure 1 – Site Location Map.

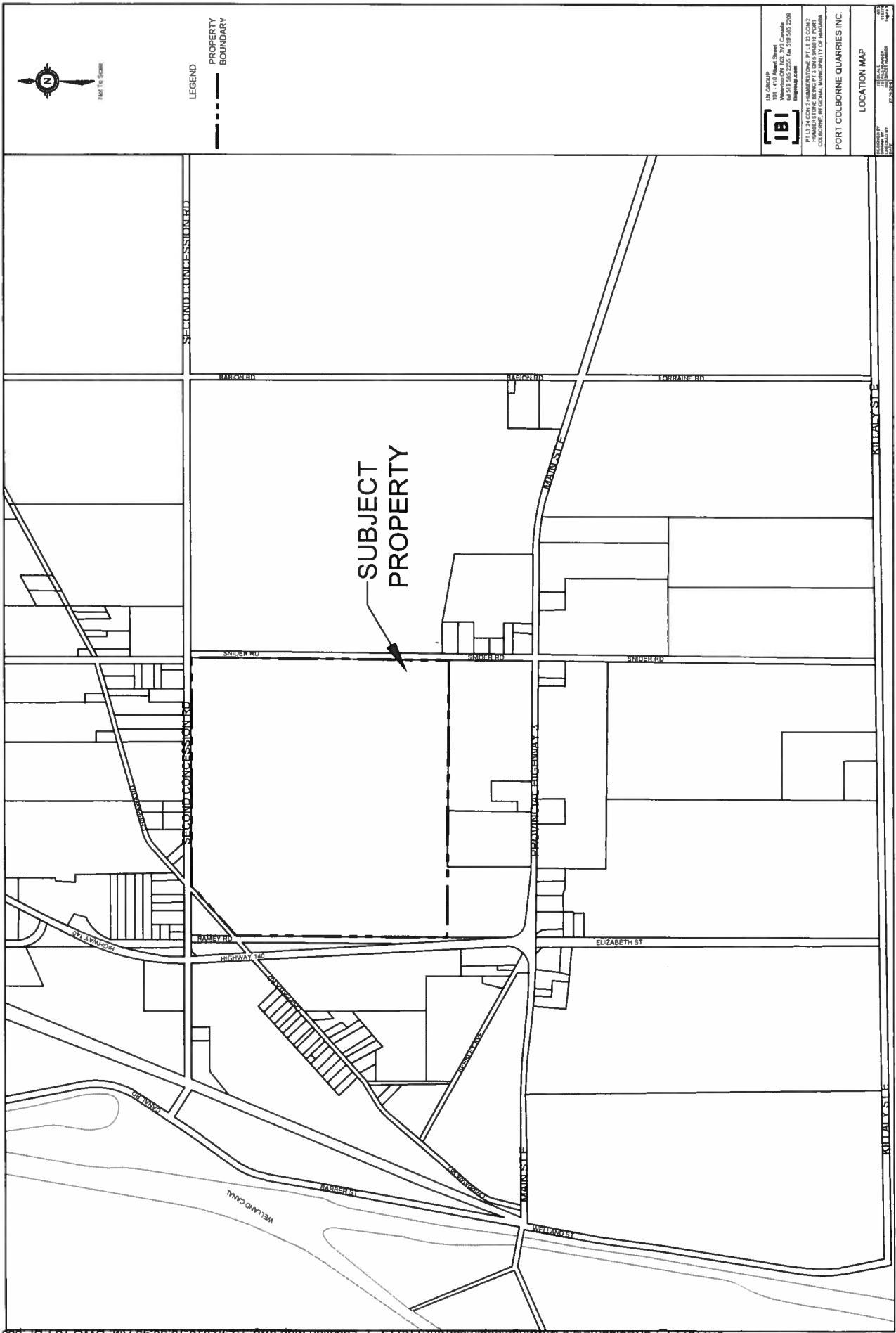
### 2.2 Existing Uses

As mentioned, the site is a depleted quarry which currently hosts an aggregate processing facility to support the adjacent PCQ operation located just east of Snider Road. Associated with the processing equipment are a series of wash ponds located along the site's southern boundary, as well as stockpiles of processed material (crushed, screened, blended) which are dispersed throughout the central portion of the site. Accessory uses include an office, a scale house, shed and warehouse, being located at the site's entrance near Ramey Road. An easement in favour of Ontario Hydro traverses the property in a north/south direction including two large towers/pylons. In the southwest corner of the site is a 5.27 hectare parcel of land that represents a jog in the property boundary. These lands are outside the limits of the former quarry but form part of the overall PCQ land holdings. These lands are undisturbed and are occupied by a grove of trees. Refer to Figure 2, Existing Conditions Map.

### 2.3 Surrounding Uses

Surrounding uses include:

- North: Single-use rural residential dwellings are located to the north of the site between 2<sup>nd</sup> Concession Road and Chippawa Road. However they are set back well enough from the 2<sup>nd</sup> Concession Road right-of-way. Further north are agricultural lands.
- East: The east of the property is occupied by the active PCQ operation (ARA Licence 4444). This operation flanks both sides of Babion Road and comprises the west quarry (Pit 2) and the east quarry (Pit 3). Pit 2 has been depleted and is currently being rehabilitated.





Pit 3 is currently engaged in active extraction. An internal haul route connects all three properties.

West: The west property line abuts the Highway 140 right-of-way. Beyond the right-of-way are agricultural lands, environmental lands and the existing built-up areas of Port Colborne.

South: Agricultural uses predominate the lands abutting the south property line and further to the south is Highway 3.

Refer to Figure 3, Zoning Provisions Map for the zoning relating to the subject lands as well as those surrounding the site. The following is a description of those zoning categories:

#### Subject Site

- MAO Mineral Aggregate Operations
- MAO-38-H Mineral Aggregate Operations permitting concrete manufacturing plant subject to a (H) provision requiring a Site Plan Agreement
- L1-35 Light Industrial permitting a Hotel
- Environmental Protection (pertaining to an identified ANSI - geological formation)

#### Abutting Lands Owned by PQC

- MAO Mineral Aggregate Operations

#### Other Surrounding Lands

- A Agriculture
- AR Agricultural Residential
- LI Light Industrial
- R1 First Density Residential
- RD Residential Development

## 3 Proposed Clean Fill Program

### 3.1 Vision

The purpose of requesting a Site Alteration Permit is to initiate a clean fill program that will allow Pit 1 to be backfilled back to its' pre-extraction grades in order to accommodate the development of a mixed-use industrial development. Planning for the proposed industrial development is intended to occur subsequent to the clean fill program and as such, a future zone change application will be required to permit the final land use.

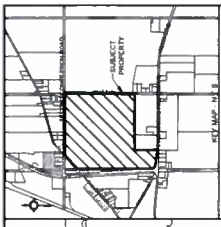
The subject site is well-suited as a mixed-use industrial development as it is within the Region's delineated urban area as identified on Schedule A of the Regional Official Plan and shown as "Industrial" on the City of Port Colborne Official Plan- Schedule A.

The site occupies a prominent location at the intersection of Highway 140 and Highway 3, which are key transportation corridors within Port Colborne and the southern Ontario region at large. It is in close proximity to the Welland Canal allowing for additional access and connectivity. Thus in terms of location, the site enjoys direct access to major transportation corridors, while being buffered from existing sensitive uses; making it well-suited for future industrial/employment.

### 3.2 Source Material

The fill program will entail the importation of inert fill that meets the applicable MOECP guidelines in effect at the time of importation and all the material is to meet the *Table 1 Standards for soil, ground water and sediment under Part XV.1 of the Environmental Protection Act*. Should the standards change over the course of time, the new in-effect standard will be



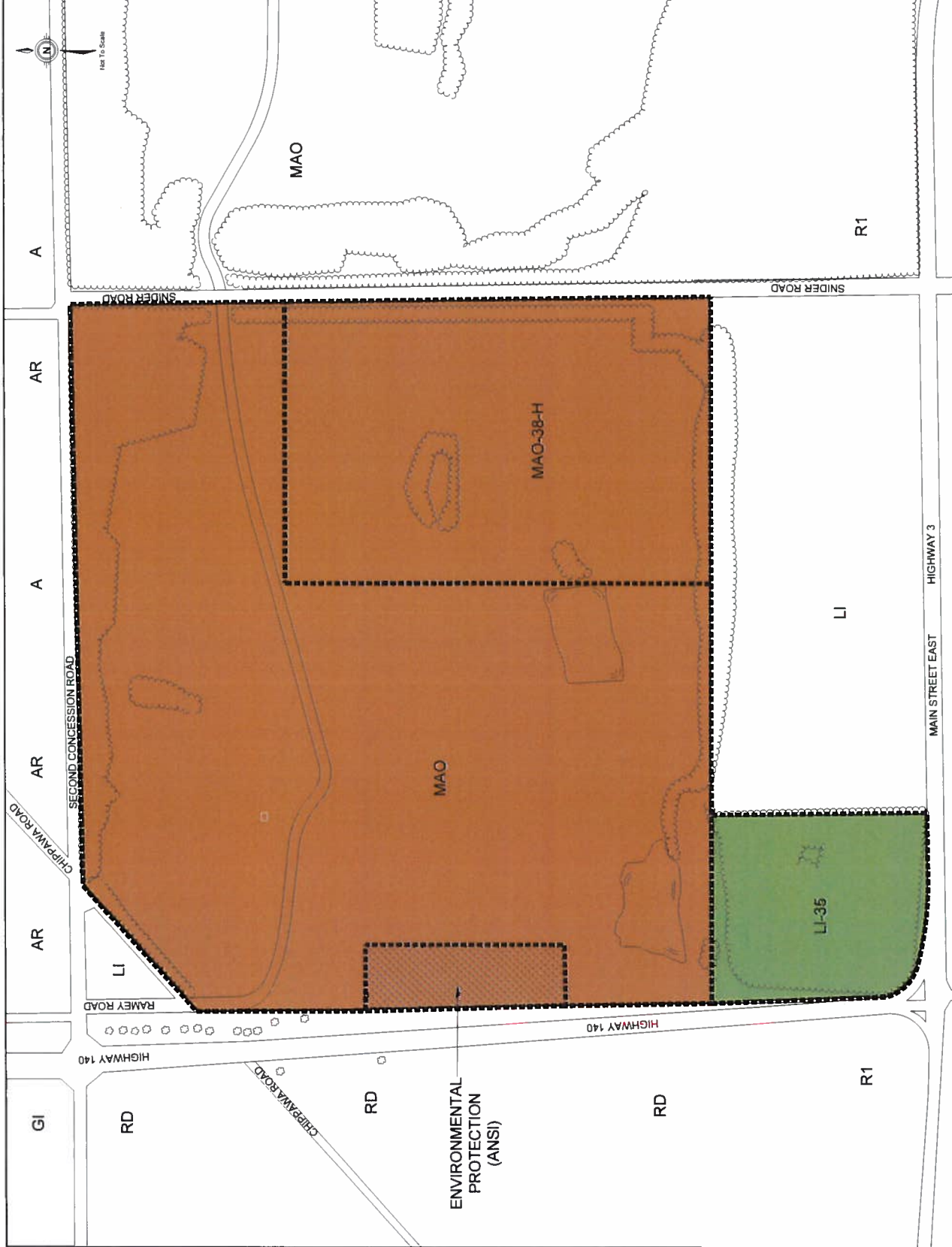


- LEGEND**
- EXISTING VEGETATION
  - POND
  - PROPERTY BOUNDARY
  - HYDRO TOWER
  - ZONING BOUNDARY
  - MINERAL AGGREGATE OPERATIONS (MAO)
  - LIGHT INDUSTRIAL (LI)
  - ENVIRONMENTAL PROTECTION OVERLAY

**IBI**  
 801 GARDNER STREET  
 WILMINGTON, DEL. 19380  
 TEL: 302.476.1000  
 FAX: 302.476.1001  
 WWW.IBI.COM

FILED FOR CONSTRUCTION PERMIT, PT. L.I. 22, CON-2  
 ADMINISTRATION DISTRICT 1, 10/15/2010 BY JOHN  
 COLLIER, ENGINEER, PROFESSIONAL ENGINEER NO. 101040001

**ZONING MAP**  
 PREPARED BY: IBI GROUP, INC.  
 DATE: 10/15/2010



applied. All material entering the facility will be laboratory tested and certified by the *source site* prior to being accepted. All documents will be maintained on-site and be made available to the City, Region, and MOECP upon request.

The fill material will be obtained from sources locally regionally and potentially further afield if available, and typically would be excess spoil material being removed from active construction sites that otherwise would be directed to municipal landfills, and thereby reducing the lifespan of those facilities.

In addition, and further to clause 6 of the City's Site Alteration By-Law No. 5528/125/10, Port Colborne Quarries will agree to release and indemnify that City with respect to any liability that may arise in the event that fill contains contaminants within the meaning of the *Environmental Protection Act*.

### 3.3 Volume, Staging and Estimated Duration

The proposed fill program will proceed in five (5) stages starting from the north east corner of the site moving southward and around the existing processing equipment. During the latter stages as the site fills, the existing aggregate processing equipment will be dismantled and decommissioned. Refer to Figure 4, Fill Staging Program Map.

As the backfill material is imported to the site, it will be sufficiently compacted to meet the necessary specifications for engineered fill that is suitable for industrial development uses. Refer to Figure 5, Final Pit 1 Elevations.

Based on topographical information provided by Russel Technical Surveys, a cut/fill analysis was completed to fully backfill the Pit 1 lands. It has been calculated that the approximate volume of fill required is 6.15 million cubic metres. Using a conversion factor of 2.0 T/cubic metres plus an additional 15% to account for compaction, the estimated quantity of material required is +/-14.1 MT.

The estimated life of the fill program is upwards of twenty (20) years.

### 3.4 Truck Movements

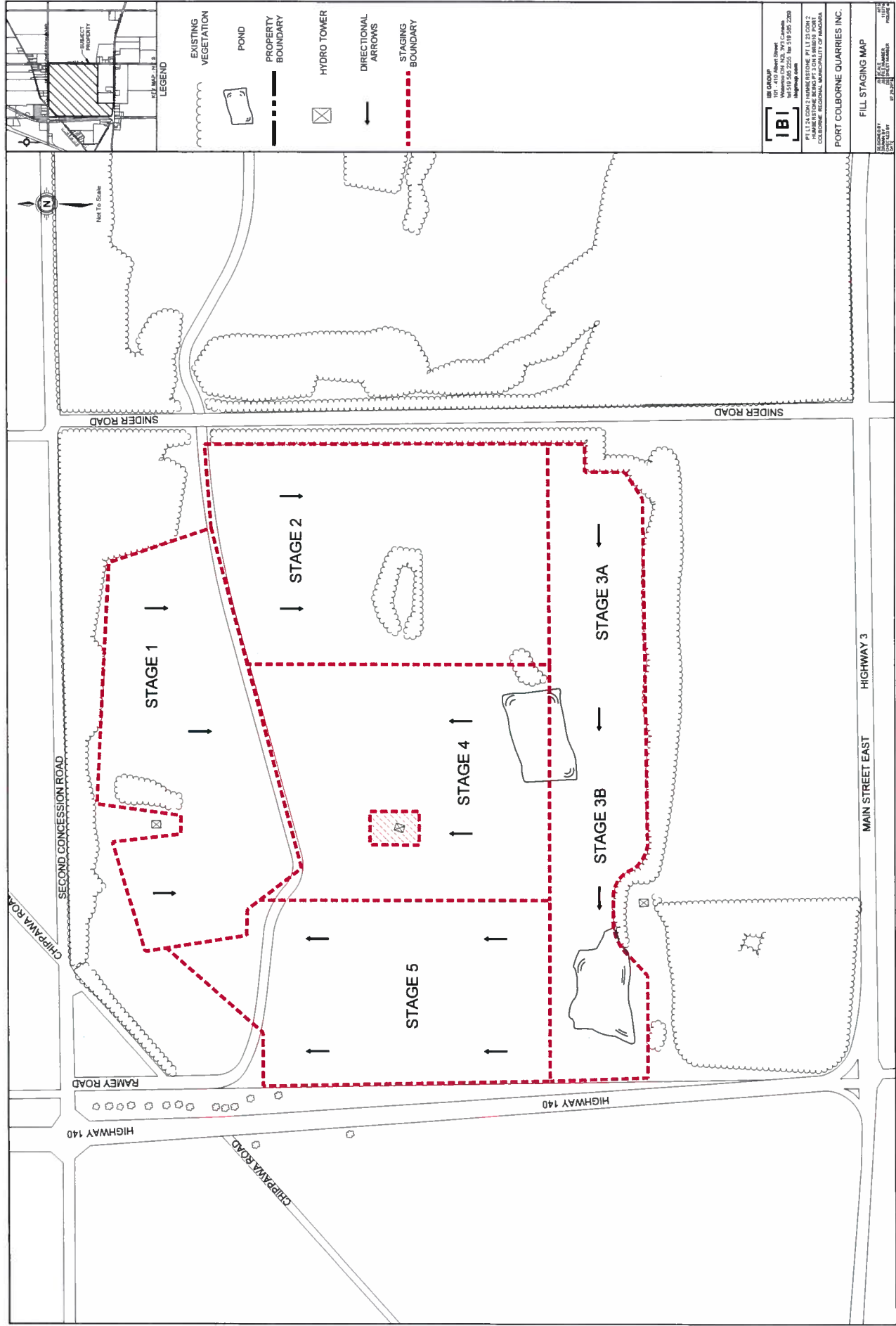
Currently trucks entering and exiting the site use the access at Ramey Road which connects the site to 2<sup>nd</sup> Concession Road. This access is proposed will be retained and no additional accesses are proposed. Refer to Figure 6, Proposed Truck Movements for Fill Material.

## 4 Land Use Compatibility

The City (D. Aquilina) requested PCQ to have regard for two specific clauses within the 1982 Site Plan Agreement:

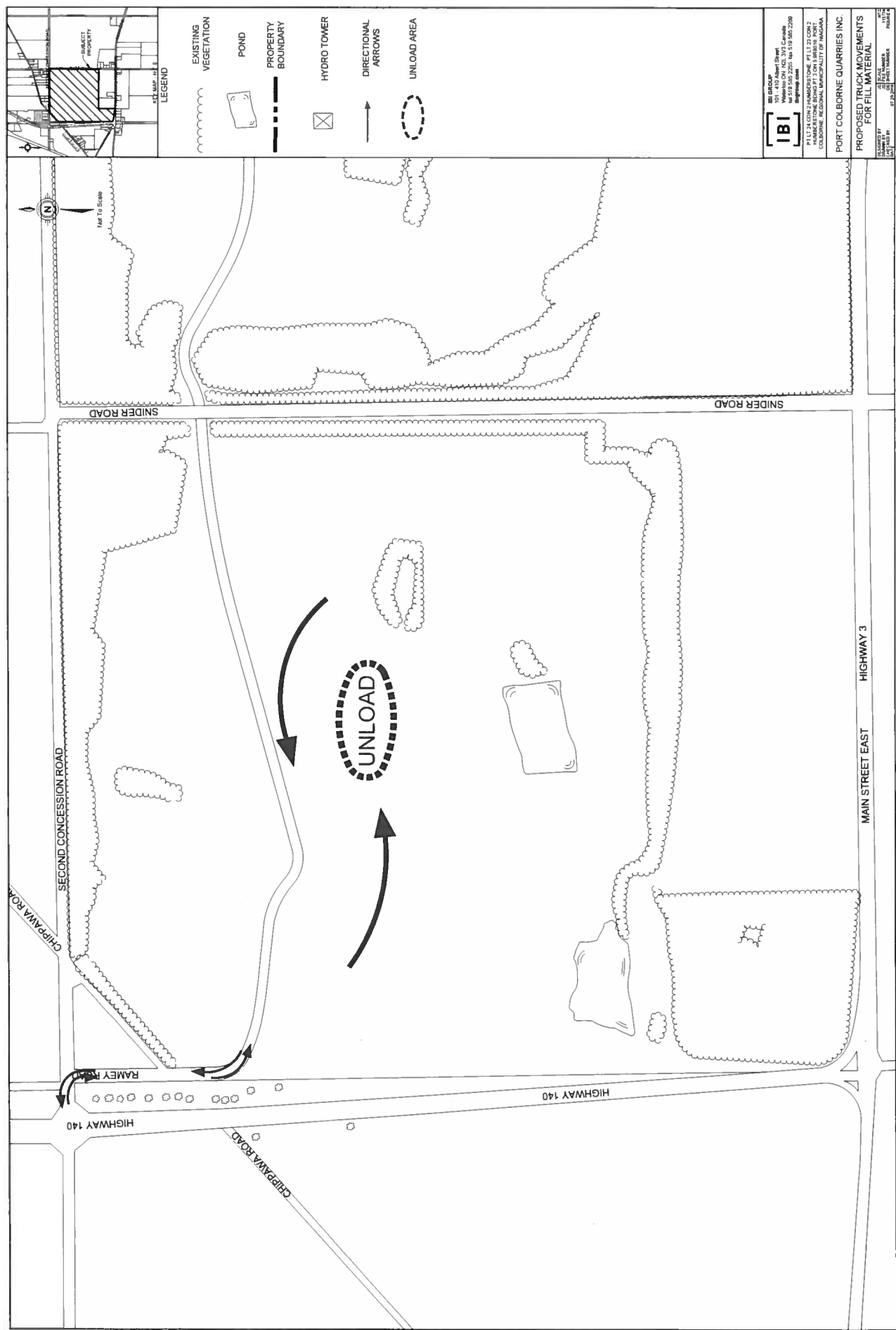
*Clause 14:*

*[PCQ] has as a condition of licensing pursuant to the P&QCA, agreed to undertake and maintain a rehabilitation program comprising a passive recreational lake which would only be used by sail boats, canoes and row boats. [PCQ], however, reserve the right to change the type of rehabilitation program subject to concurrence by both the Ministry of Natural Resources and the City of Port Colborne and the resultant amending of this Agreement.*



11/11/2010 11:14 AM 11/11/2010 11:14 AM





*Clause 23:*

*[PCQ] agrees to the undertaking and maintenance of a rehabilitation program compatible to the program contemplated in Clause 14 of this Agreement for that area west of Snider Road, being Part of Lots 23 and 24 Concession 2.*

Notwithstanding the PCQ position relating to the Site Plan Agreement as described above, we provide the following professional planning opinion of these clauses:

Clause 23 is requesting that the final land use of Pit 1 be compatible to the final land use of Pits 2 and 3, and the final land use of Pit 2 and 3, (as being described in Clause 14), is proposed to be a passive recreational lake. Of note:

- It is acknowledged that the final land use of Pit 2 and 3 is for a passive recreational lake, (as proposed by the existing ARA approved Site Plans).
- Clause 23 requests that the final land use of Pit 1 should be compatible to the final land use of Pits 2 and 3.

It is our position that compatible is not defined as meaning the same or identical, but rather development that can co-exist in harmony with the surrounding area or co-exist without causing undue adverse impacts on the surrounding properties. As noted above, the intent of PCQ is that Pit 1 be returned to its' original pre-extraction grade and ultimately be re-zoned for a mixed-use industrial development.

The question therefore is whether a mixed-use industrial development is a compatible use with a passive recreational lake?

As a starting point, the types of industrial uses which might be proposed by such a development should be clarified. The following list represents the City of Port Colborne permitted uses for the following zoning categories: Light Industrial, Heavy Industrial, Gateway Industrial and Industrial Development:

- Adult Oriented Entertainment Establishment;
- Car wash;
- Contractor's Yard;
- Crematorium;
- Education Facility;
- Industry, Light;
- Medical Marihuana Production Facility;
- Motor Vehicle Repair Garage;
- Public Use;
- Research Facility;
- Transportation Depot;
- Food Vehicle;
- Office;
- Retail Store;
- Restaurant, Fast-Food;
- Restaurant, Full-Service;
- Restaurant, Take-Out
- Heavy Equipment Sales and Service;
- Industry, Heavy;
- Multi-modal Storage Facility;

- Agricultural Farm Related Commercial or Industrial; and
- Warehouse.

Based on these uses, it is our opinion that typical land compatibility issues which could potentially arise between the two uses would include the following:

- Noise Impacts: Within the above list of possible land uses, some have the potential to be a generator or source of industrial type noise and therefore could potentially be deemed to be in conflict with a “passive recreational lake” that is perceived as a pastoral or quiet setting.

We note the following:

- Any industrial development being proposed would be required to meet all applicable MOECP Guidelines for noise including a recognition of all off-site sensitive land uses. Along portions of both the Pit 1 and 2 lands, perimeter berms were constructed as part of the extraction operation which parallel Snider Road. The berms are generally 2.0 – 3.0 metres in height and will provide a break in the landscape for noise attenuation. However, if the proposed industrial noise source is determined to exceed MOECP noise limits, there remains sufficient buffer land available within the Pit 1 lands to accommodate additional attenuation measures (i.e., higher berms), if necessary.
- The separation distance between any proposed industrial uses and the proposed lake include:
  - Future rear yard development setbacks associated with individual industrial uses which currently vary from 8.0 metres to 30.0 metres,
  - The width of the untraveled but open Snider Road is 20.0 metres,
  - The setback between Snider Road and the proposed water's edge is 45.0 metres.

The result is a minimum separation distance ranging from 73 metres to 95 metres. When one considers that the minimum separation distance prescribed by the ARA for buffers between active extraction and existing residential uses is 30.0 metres, we can therefore conclude that the proposed industrial use buffer, being 2½ to 3 times wider, can be deemed as a significant separation buffer.

- The proposed lake will be +/-11.0 metres lower than the surrounding lands (i.e., creating a bathtub like landscape) and with the buffer lands being significantly vegetated, the lake site will be substantially secluded from the Pit 1 lands, all helping to attenuate noise levels.
- Visual Impact: Based on the proposed industrial uses which might be permitted, some would permit buildings up to 11.0 metres in height, and the presence of such tall buildings in close proximity to a passive recreational lake might be deemed as out of character.

We note the following:

- As noted above, given the separation distance (75 metres to 93 metres), the existing and mature vegetation within the intervening lands, the existing perimeter berms, and the elevation difference with the proposed lake being significantly below grade; we have concluded that potentially only the uppermost portion of an 11.0 metre building would be visible from the lake. Based on this, it would be our position if such a building was constructed in proximity to Snider Road, it would not be imposing upon the lake users.

- **Traffic Impacts:** Although traffic concerns are typically identified as a land use conflict issue with new development, no such issues are expected with this site.

We note the following:

- The existing Snider Road which divides the two sites is an open road but posted with caution signs signifying it as a clay road, whereby it is only usable for safe travel by regular road vehicles during short dry periods of the year. As such, this road is rarely used and without any upgrades, will remain as such.
  - It is anticipated that the mix-use industrial development lands will utilize the access points currently used by the quarry operation, thereby egressing onto Highway 140 with no traffic interacting with the lake lands.
- **Dust Impacts**

The specifics of the mixed use industrial will not be refined for many years, but it is anticipated that the development will be developed with full urban cross-section (paved roads, curbs/gutters, municipal servicing) with each lot required to meet the City's Site Plan standards for landscaping and setback requirements. Based on this, it is not anticipated that there will be any greater chance for the production of fugitive dust than from any other existing urban land use within the City of Port Colborne.
  - **Odour**

Given the uses being suggested, we do not believe that any of them could be considered as a source of noxious odours.

## 5 Review of Existing Land Use Policy

The final land use envisioned by PCQ is for a mixed-use industrial development will conform to current local and Regional Official Plan designations as an industrial/ employment and gateway economic centre as detailed below. Detailed plans, drawings and reports pertaining to the proposed mixed-use industrial development will be provided as part of a comprehensive rezoning application and Site Plan application in the future.

### 5.1 Niagara Region Official Plan 2014

The subject lands are within the Urban Area Boundary of the Regional Official Plan and are identified as the "Designated Greenfield Area" per Schedule A-Regional Structure. They are also shown as being within the Gateway Economic Centre per Schedule G1.

An amendment to the Regional Official Plan is therefore not required to implement the fill program.

### 5.2 City of Port Colborne Official Plan 2017

The lands are currently designated 'Mineral Aggregate Operations' and 'Industrial/Employment Area' per Schedule A of the Port Colborne Official Plan.

An amendment to the City's Official Plan is therefore not required to implement the fill program.

### 5.3 City of Port Colborne Zoning By-Law No. 6575/30/18

The lands are zoned MAO (Mineral Aggregate Operations) and MAO-38-H. The southwest corner of the property which is not disturbed and outside of the former quarry area is zoned LI-



35 (Light Industrial). Uses permitted in the MAO zone are limited to extraction and processing of mineral and aggregate materials; accessory buildings and agricultural uses. Special provision 38-H allows for concrete product manufacturing.

A segment of the property along Highway 140 is zoned Environmental Protection and is identified as an Area of Natural and Scientific Interest (ANSI) of the Earth Science category. The significance of this ANSI lies in the fact that it is a representative sequence of the Bertie Formation with a major disconformity. The *Earth Science Inventory Checklist* associated with this ANSI dated July 1980, does not indicate the limits/size of the ANSI. It is being recommended that PCQ work with the applicable government agencies to determine appropriate limits and preservation techniques so to conserve the ANSI and if possible, to provide appropriate interpretive and educational uses whilst maintaining normal site activities. This might take the form of an area left exposed and ultimately accessed by the public via a short trail / staircase to a viewing platform with interpretive signing.

An amendment to the Zoning By-Law is not required to implement the Site Alteration Permit Program.

#### 5.4 City of Port Colborne Site Alteration By-Law

Approval for a clean fill program is subject to the City's Site Alteration By-Law 5528/125/10 which requires the issuance of a Permit to alter grades and/or place fill. This report and accompanying Control Plans have been prepared to support the application for a Site Alteration Permit.

#### 5.5 Niagara Peninsula Conservation Authority

The subject property is also under the jurisdiction of the Niagara Peninsula Conservation Authority. (NPCA). Portions of the property along the southern boundary are identified within the Regulation Limit. Based on the staging program being proposed herein, no portion of the NPCA Regulation Area will be impacted for a minimum of 7-8 years. At such time when the lands may be impacted, PCQ will initiate the applicable NPCA approvals as may be required.

#### 5.6 MOECC- Management of Excess Soil

The Government of Ontario encourages the “beneficial reuse of excess soil in a manner promoting sustainability and the protection of the environment.” To that effect, in 2017 the Ministry of Environment and Climate Change, released a document entitled “Management of Excess Soil - A Guide for Best Management Practices”. The document highlights procedures and protocols for the operation of fill sites while safeguarding against environmental impacts. The document notes that it is appropriate for excess soils to be reused to facilitate the transition and rehabilitation of a pit/quarry, through to a future land use. Given this context, the proposed fill program furthers the overall directives of the MOECC (now MOECP) and meets the growing needs of the construction industry.

## 6 Approvals Required

Based on the above, a Site Alteration Permit is required from the City of Port Colborne.

Port Colborne Quarries Inc. requests a Permit for Site Alteration to implement a Clean Fill Program at their site located on 1937 2<sup>nd</sup> Concession Road. The program entails staged backfilling and compaction of imported inert clean fill that meets the applicable MOECC soil, ground water and sediment standards. We understand that the current requirement would be to

meet *ON Regulation 153/04* Table 1 standards. The volume of fill required to be bought onto the site is approximately 14.1 million tonnes, and the estimated life span of the Program is +/-20 years. The ultimate use for the subject property is intended to be mixed-use industrial which will be in keeping with the policy direction provided by both the Region of Niagara Official Plan and the City of Port Colborne Official Plan.

## 7 Conclusion

In conclusion, it is recommended that this Planning Report fulfills the requirements of the City's Site Alteration By-Law 5528/125/10 and that this be the basis for issuing a Site Alteration Permit.

Yours truly

IBI GROUP

David R. Sisco, BA, MCIP, RPP  
Associate, Senior Planner

DRS/baw  
Encl.



I hereby certify that this Planning Report was prepared by a Registered Professional Planner, within the meaning of the Ontario Professional Planner's Institute Act, 1994.

July 24<sup>th</sup> 2018  
Date

David R. Sisco, BA, MCIP, RPP