To: Chair and Members
Economic Development and Planning Committee

From: Tim McCabe
General Manager
Planning and Economic Development Department

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Date: August 13, 2008

Re: City of Milton Correspondence Regarding Proposed Quarry in Former Flamborough, 11th Concession Road East (PED08203) (Ward 15)

Council Direction:

At its meeting on July 10, 2008, Council referred correspondence from the Town of Milton respecting development applications for the proposed St. Marys Quarry to staff for an information report.

Information:

At the July 10, 2008, Council meeting, correspondence was received from the Town of Milton, dated June 24, 2008, advising of resolutions passed by Milton Council respecting the proposed St. Marys Quarry. Among other resolutions, Milton Council resolved to request that the City of Hamilton “not approve the applications to amend the City’s Official Plan and Zoning By-law until such a time as the M.O.E. has provided a letter of clearance of the site from contamination and the City is satisfied that the site is no longer contaminated”. (See Appendix “A”)

The Official Plan Amendment and Zoning By-law Amendment applications were originally submitted by Loundes, the previous owners of the site, in October 2004. Since that time, St. Marys has purchased the site and assumed carriage of the development applications. In 2005, a Combined Aggregate Review Team (CART), comprising contributors from City Departments, agencies and staff from Milton and other adjacent municipalities, has been involved in the identification and assessment of technical issues (i.e. traffic/haul routes, natural heritage/environment and water/hydrogeology) associated with the development proposal.
Since that time, a great deal of work has been undertaken on the file by the proponents, City staff, review agencies and other stakeholders such as the Friends of Rural Communities and the Environment (FORCE). However, a substantial amount of additional work is still required to completely assess this development proposal and determine if the requested amendments to the Official Plan and Zoning By-law are supportable.

In this regard, the application is still under review and a staff position on the St. Marys’ quarry applications is not imminent. The matter of contamination will be assessed as part of the comprehensive review of the application before a recommendation is brought before Committee.

With respect to the Town of Milton’s resolution, it is not the City’s general practice to not approve applications until clearance of contamination has been received. Rather, when considering rezoning applications where remediation of site contamination is required prior to development, it is City practice to affix a Holding provision to the zoning designation. A Holding provision would preclude development from occurring on the property until a Record of Site Condition (R.S.C.) has been issued by the Ministry of the Environment, to the satisfaction of the City. Once the City is satisfied that proper remediation has occurred via the issuance of a R.S.C., a separate By-law is required to be passed by City Council to remove the Holding provision and allow development to occur. In the case of the St. Marys proposal, staff is of the opinion that this process would address the City of Milton’s desire to not have the property used for quarrying purposes until any possible site contamination has been remediated.

Tim McCabe
General Manager
Planning and Economic Development Department

:CPB
Attach. (1)
Resolution

Date: June 23, 2008

Moved by: Councillor C. Lunau

Seconded by: Councillor J. Mowbray

BE IT RESOLVED:

WHEREAS St. Mary’s is the Owner of the proposed quarry site at part Lot 1-3 Concession 11, formerly in the Township of Flamborough, now in the City of Hamilton;

AND WHEREAS St. Mary’s has made applications to the City of Hamilton to amend the official plan and zoning by-law to permit a quarry;

AND WHEREAS on 1998/10/30 the Ministry of the Environment (M.O.E.) issued an Occurrence Report indicating that contaminated materials are still on the site and that the owner did not clean up the site to their satisfaction;

AND WHEREAS the M.O.E. has followed up with inspections in April of 2008 and have required the owners to test the site for potentially contaminated materials and clean up any that are found;

BE IT RESOLVED THAT the M.O.E. keep the Town of Milton informed of the progress with respect to the testing and clean up of the site from any potential contamination;

AND THAT the City of Hamilton be requested to not approve the applications to amend the City’s official plan and zoning by-law until such time as the M.O.E. has provided a letter of clearance of the site from contamination and the City is satisfied that that the site is no longer contaminated;

AND FURTHER THAT the Town Clerk forward this resolution to the M.O.E., City of Hamilton, Area M.P.P.’s Conservation Halton.

MAYOR G. A. KRANTZ

[Signature]