TOWNSHIP OF ESSA
MINUTES OF A PUBLIC MEETING
WEDNESDAY, DECEMBER 20, 2017

PROPOSED ZONING BY-LAW AMENDMENT (Z6/17)
8716 County Road 56

A Public Meeting was held on Wednesday, December 20, 2017 at 6:00 p.m. in the Council Chambers, Administration Centre, Township of Essa.

In attendance: Mayor Terry Dowdall
               Deputy Mayor Sandie Macdonald
               Councillor Keith White
               Councillor Michael Smith
               Councillor Ron Henderson
               G. Murphy, Chief Administrative Officer
               C. Healey, Manager of Planning and Development
               D. Perreault, Manager of Public Works
               C. Mohr, Manager of Finance
               C. Ross Tustin, Fire Chief
               S. Crouse, Manager of Parks and Recreation
               L. Lehr, Clerk

Staff in attendance: G. Murphy, Chief Administrative Officer
                    C. Healey, Manager of Planning and Development
                    D. Perreault, Manager of Public Works
                    C. Mohr, Manager of Finance
                    C. Ross Tustin, Fire Chief
                    S. Crouse, Manager of Parks and Recreation
                    L. Lehr, Clerk

The Mayor opened the meeting stating that the purpose of the Public Meeting is to review an application for a Zoning By-law Amendment relating to East Part of Lot 30, Concession 6, at 8716 County Road 56 (CR 56), in accordance with Section 34 the Planning Act. As well, to hear comments and review written submissions from the public and other agencies. The Planner will describe the review process and steps involved in considering an application received under the Planning Act. The applicant and their agents will describe the application. I will then open the meeting to comments from the public. No decision is planned to be made here this evening as Council is only here to listen to the details and receive questions and concerns. Council is here to ask for thoughts and opinions and all information will be carefully considered.

The Planner described the proposal as follows:

The Planner explained that the planning process in Ontario is a public process whereby neighbours to applications and agencies and aboriginal groups are provided with the opportunity to comment on applications for new land uses. The Smart Growth for our Communities Act of 2015 reinforced that Councils must seriously consider all public comments. We are here this evening to collect comments. It will take this office, being myself, time to sift through comments and report back on what I have learned and would conclude. I have received 9 detailed letters to-date and can say that some raise very good points and ask very good questions. It is acknowledged that I have questions that remain unanswered as more is learned about this application. The letters received and comments made this evening will form part of the record on this application. Authors of letters and speakers are allowed to appeal a decision of Council to the Ontario Municipal Board. The applicant is also allowed to appeal a decision. The time to appeal would be following a decision and notice to explain this will be mailed out to those involved.

8716 CR 56 is located at the south end of the Utopia Industrial Area. The surrounding land uses include industrial uses to the north, conservation lands to the south, agricultural uses in other directions, and there is a residential enclave (Utopia) within approximately 0.5 km of the proposed use. The nearest homes lie across the street to the north, to the west and southwest—all within 300 metres.
The lands at 8716 CR 56 are designated as 'Transport and Utility' in Essa's Official Plan (OP) – application of Section 28, the Interpretation Section, has been applied - and are zoned as Agricultural (A) Zone in the Township's Zoning By-law (By-law No. 2003-50). According to Essa's OP, it is the intent of lands designated as Transport and Utility to be used for railways, hydro transmission lines and transformers and related necessary facilities. The subject lands have been used for railway purposes by the City of Barrie and Town of Collingwood, now County of Simcoe, since about 1998.

The purpose of the application received by the Municipality on November 1st is to pursue recognizing the rail yard use and associated operations and allowing a transload facility for fuels with accessory fuel storage through a Zoning By-law Amendment (ZBA). The lands would be zoned as Industrial (M1) Zone. That being said, I would suggest that the application received has turned into a fuel storage yard in my opinion, and for this reason, I would suggest that the applicants, the City of Barrie and County of Simcoe, need to submit a new application for an Official Plan Amendment (OPA) along with a Planning Justification Report to discuss compliance with planning policy and the need and appropriateness of additional employment/industrial land at this location. I believe that the application started out as a continuation or extension of the rail line use but with added fuel storage, I now believe that the proposed use should follow proper process associated with an OPA under the Planning Act. This will involve another public meeting.

In fact, the public meeting being held here this evening is early and further Information is still required on several topics. Public meeting notice concerning the proposed Amendment was circulated in accordance with the Planning Act although the application is considered to be incomplete. The application is incomplete because of a lack of detail yet provided. More specifically, after reviewing the information received, this office has the following questions and this may not be an exhaustive list (listed after the list of studies received as provided below). *Note that copies of studies rec’d are available in the lobby for pick up.*

The following studies have been provided: Functional Servicing Report which is an engineering overview, Traffic Study, Noise Brief, Preliminary Draft Risk Matrix, Preliminary Draft Emergency Response Plan, Fire Systems Draft Summary and Draft Scope of Work, but contain a lack of detail and further information is requested in a number of areas to be summarized (at a later date, following this meeting), on issues including but not limited to:

1. a Planning Justification Report discussing all applicable planning policy
2. noise assessment of transport trucks and pumps and motors, and compliance discussion with reference to Ministry noise standards and details on berms and other mitigation measures
3. lighting from rail cars and trucks—what is impact and how to be mitigated?
4. safety of transporting and handling—does this comply with standards, how so?
5. assessment of final risk assessment and blast zones—is this acceptable?
6. explosions—what is risk, how to react?
7. derailments—what is risk, how to react?
8. disaster protocol to be circulated to all affected
9. storage of empty fuel tanker cars where high pressure valve mechanisms for fuel vapour could malfunction—where safe?
10. Groundwater—what is impact on lands around?
11. drinking water—what is risk on wells around—the site itself does not have potable water
12. high water table causes problems already, what will happen with additional development?
13. vapour siphons which have the potential to malfunction—how to address?
14. separation distances recommended by Fed’n of Cadn Municipalities and Transport Canada—are these being complied with?
15. traffic involving trains and transport trucks—this has not been fully assessed
16. road conditions on the 30th sideroad – a blind curve poses a safety concern for vehicular safety which will be added to
17. road blockages – will these be a problem in the future?
18. compatibility with surrounding land uses
19. smell from fuel vapours and exhaust, air quality concerns: is the proposed use safe and meeting D6 Guidelines (Provincial Guidelines)
20. septic information – more info required to determine if room for expansion
21. well information – do they have a dug or drilled well – affects septic expansion
22. drainage and drainage details of concern – lack of info to-date
23. turning radii, track patterns, proposed traffic flows – more info required to assess how the site will function and if it will work and impact on neighbours
24. is there a need for railway signalization on CR 56?

The Township has received written comments as follows:

NVCA: the NVCA has notified the Township that comments will be forthcoming – comments on OPA and ZBA forthcoming and site plan comments to follow at a later date

Essa Fire Dept: This department does not have the capacity to fight a fire or respond to an emergency stemming from this application.

AECOM Engineering (Township Engineer): More info is required on several accounts.

County of Simcoe: Does not oppose the zoning amendment but would like the opportunity to review and comment on the site plan control application

SUMMARY OF COMMENTS FROM NEIGHBOURS (letters copied to Council) Planner:

1. Friends of Utopia Gristmill and Park
2. Lewis
3. Innovative Planning Solutions for client
4. Keown
5. Allen
6. Reid
7. Cole
8. Celeste Phillips, Professional Planner, for client
9. Chowaniec
10. Krejci
11. Pratt

PRESENTATION FROM THE APPLICANT’S AGENT AND TEAM OF CONSULTANTS

The City of Barrie and the County of Simcoe are represented by: Cando (applicant), and their representatives: Ian Marcil of Ospar and Engineers from SLR Consulting and Cole Engineering.

Ian Marcil, Ospar, stated that he represents CANDO and has worked on many projects. He stated they are wanting a ZBA, not a site plan approval at this stage. They want to correct the by-law. This has nothing to do with expansion and will always be run as a railyard. The rail use won’t stop. This property should have been industrial from day one. This has become a conflict – compatibility at issue. Some items can be addressed. Guidelines of FCM and Transport Canada are best practices only. They are taken out of context in their use by neighbours. They apply to new development not to existing locations. Existing locations have specific issues already at play. A lot of the same concerns have been heard, and want to focus on the zoning, as this was a mistaken zoning.
Sean Crick, General Manager, CANDO, then spoke, making some points:

- Trains run twice a week at present.
- 500 employees and 125 are in Ontario.
- Canadian company, employee-owned company.
- Community commitment.
- Legal, non-conforming use in Utopia.
- Sharing what they want exactly so there will be no surprises, they are being upfront.
- City of Barrie owns, they (CANDO) lease.
- Direct transfer from railcar to truck - 80%.
- Designed for 3000 railcars per year.
- 9 railcars per day - 18 trucks.
- Looking to be good neighbours.
- Industry moves on allocation.
- Hours are to be 16 hours per day, 6am - 10pm, 7 days a week.
- Switching causes noise - 3 hours per day.
- Switching done after morning traffic rush.
- Railway encroachment in Ontario a problem as southern Ontario has become developed.
- On edge of industrial park.
- Want 8 tanks on-site - 100,000L each.
- Catchbasin under each railcar - whole length.
- Flammable liquids as opposed to explosive as some people think.
- Double-walled tanks.
- Picture of Vaughan site which is in operation and which puts out trucks on our highways now.
- Discussed design criteria.
- Fire-positive grounding protection.
- Security fencing.
- Recognized safety performance.
- Vapour balancing system.
- Surface management plan for discharge - lined to recognize high water table.
- Drip control.
- Fire monitoring.
- TSSA requirements and local Fire Chief needs to sign off.
- Struggling to make ends meet right now so site looks terrible but it will be improved on.
- Proposing railway signalized crossing on 56 although not needed at present.
- Road improvements/safety upgrades.
- Will help with economic development.
- Trucks off the 400 - helps commuters.
- Heavier rail and new ties.

The Mayor then opened up the floor to anyone in the audience who would like to speak. He further stated that speakers must clearly state their name and address so that proper records may be kept and notice of future decisions may be sent out.

Chris Zimmerman, 8699 9th Line: fuel depot doesn't fit with climate change. Pull up tracks and make it a trail. Don't want rail. Toxic spills and water quality are concerns; also a concern over wellhead protection area. Near to the Minesing wetlands - large wetland home to sensitive species. Google Simcoe.ca GIS mapping layers to learn about sensitive features and what could be of concern. Noise; a berm will only hide, not get rid of noise. Trusses across the road will burn easily. No benefits. Shut down rail, pull up tracks. Want it clean, quiet and healthy.
Pat Guergis, 5428 30th Sideroad: stuffed mailboxes with notices. 5km away. No one knew of application. Runaway trains in the past that CANDO did not even know about, so how good of operator are they?

Dave Pratt, 8750 6th Line: is in favour. Has lived here for 39 years and the owner of Tarpin Lumber and uses the BCR. Employ 100 staff and 35% are Essa taxpayers. More volume needed for short line rail as not enough volume. CANDO puts safety first and are always professional. Want regular rail service. It will increase the amount received on rail, want to cut down on the trucks on the highway.

Lloyd Veinotte, 5272 30th Sideroad: have been here over 47 years. 700 people can lose their lives. Want to say NO. Water won't fight gas. House insurance will go up.

Andre Johnson, 8729 Old Mill Road: asked what the difference is between fire v. explosion? CANDO replied that liquefied gases are stored under pressure. Compressed liquid means explosion. Then calculate blast ring. NOT using gases under pressure.

Tanya Krans, 5850 Old Mill Road: what about CPR spill recently? Concerned for amphibians/turtles. Toads killed and gone and not returned. Concerned about the environment. No follow up on past spill. Environmental problems in the past - what is plan going forward? Concerned that CANDO will be as bad as CPR has been. CPR has not taken responsibility for their past spill and concerned this will happen again.

Sean Crick responded that it was not a CANDO spill in the past, that it was a separate company.

Katherine Gibson, SLR Engineering, said a hydrological study is underway right now. Will be containment system with track pans. Mrs. Krans asked, How far south? What about cars being shuttled in? Ms. Gibson explained she will get that information. A plan to collect contaminants. Where was last spill? Railway already carries fuel and uses secondary line off of CPR. CPR will continue to carry fuel.

Edward Edskes, 6072 30th Sideroad: safety is real life - no guarantee in real life. A residential community and want the application shut down.

Resident, 5890 Old Mill Road: what will the berm look like? Will it protect from any overflow? Concern for explosions. Want to know more about safety factors.

Brett Kelly, 5173 30th Sideroad: concern for climate change and a concern for future. Bad investment because we shouldn't be investing in fuel applications and this will cost the Township in terms of road maintenance.
- Timeline to growth should be discussed more.
- History of success of safety features in other locations and communities.
- Foam to fight? Who will provide this?
- Are volunteer fire fighters expected to fight the fires?
- Truck routes - where will they be?
- Who is footing the bill for road upgrades? This will end up costing taxpayers.

Sven Hafner, 54 Michael Street: bad experience with BCR: park trains and don't like this. In the past, they (BCR) came and cut trees bordering/on his property for no reason. Where does Essa benefit? Started a petition at Change.org.

Karen Hunter, 5830 Old Mill Road: nurse and ambulatory care expert with experience. Concern with
safety especially if a disaster here.

Ken Burness, 5417 30th Sideroad: backs onto the BCR and it is terrible looking.

Candace Lewis, 5785 Old Mill Road: where will 40 – 60 additional railcars go? Where are storage tracks? Will tracks extend behind homes on Old Mill Road?

Meghan Dobson, 5914 Old Mill Road: 40 minute bus to Baxter Central PS for school kids and could be more. Track blockages to delay the buses even more which is not good for children who need to learn. Delays take away from their learning.

Sally Ollie, Angus: where is property located? Ugly, traffic and smells, impacts Angus.

Resident, 5914 Old Mill Road: how good of neighbours in other communities? Would like environmental data and records for the past 10 years. Testing water: who will test and how often – how will the public know if the tests fail? Smells can be noxious.

Katherine Gibson, Hydrologist, have consulted with MOECC on environment issues. Developing a plan for testing and this will be developed and finalized moving forward.

Bill Bryant, 5180 30th Sideroad: when was last rail assessment?

Justin Kerr, 8705 9th Line: for rail crossings, will we get protection? Will there be rail signalization on concession roads between Utopia and Barrie?

Sean Crick responded that all traffic will be focused towards County Road 56 and we will not store cars on BCR between County Road 56 and Barrie.

Susan Lutz, 8423 County Road 56: poor notification.

Linda Taylor, 7727 County Road 56: don’t want bells and lights on County Road 56. Keep Barrie out. This is dead track so why upgrade to include rail signalization? Want accuracy and next steps spelled out and described.

Mark Keown, 5795 Old Mill: 2 years is Phoenix history. Why was Phoenix allowed to locate? Groundwater concern and concern for drainage. There’s pooling of water to the homes.

Katherine replied that there are catchment details to be provided so as not to impact on homes.

Archie Duckworth, 36 Edenbridge Drive, Angus: Essa issue as opposed to Utopia and would like to be notified of next meeting.

Sean Crick spoke again – railcars travelling on CPR now, just not stopping but will. Same railcars as now will stop and transfer their fuel into trucks.

Peter Burgess, 5866 County Road 56: concern for traffic on 56, no shoulders on CR 56, turning radii into the site is not possible for trucks to maneuver, traffic/safety for truck tankers and the public driving on county roads.

Stacey Morris, 5833 30th Sideroad: stream with fish on site now: concern for natural habitat.

Sherri Morris, 8691 9th Line: has taken a long time to fix problems: does this show their commitment?
Jeff Van Campen, 8306 6th Line & 8678 CR 56: environment, safety, MDS, what about farming expansion? Will the expanded use limit their ability to farm and expand their livestock numbers? Has a MDS calculation been worked out to determine the impact on their agricultural/livestock operation?

Steve Hudson, 8785 8th Line: traffic in a 50 kph zone, speeding is already an issue so concern for additional traffic.

Sherri Morris, 8691 9th Line: would like more details how to go forward?

Rachel Kolkman, 5304 30th Sideroad: opposed as it could set a precedent, what other further development will follow?

Stewart: customer of BCR in Innisfil and stated that CANDO is top-notch and professional.

Laura Wilson-Kelly, 5173 30th Sideroad: who is held accountable if promises as stated by CANDO in presentation are not followed as in Hamilton facility which residents experienced?

The Mayor then stated that if there are no further questions or submissions, Council wishes to thank all those in attendance for their participation. The planning office will be preparing a report to be presented to Council concerning this matter. As stated already by our Planner, this will take some time. The Planner has informed Council already that further information is required and will need to be circulated. The applicant will be given notice of what information is desired and what is needed for a complete application; the review of the risk assessment must be started with the safety studies sent to a qualified Engineer (note that they are still marked as preliminary only); the applicant will be asked for an Official Plan Amendment and Planning Justification Report; and a future public meeting will be scheduled. The Mayor stated that the process dictates that a public meeting must be held but that Council is listening to and shares concerns of the public. Still, we must let the applicant speak as a part of the process.

The meeting was closed.

Terry Dowdall, Mayor

Lisa Lehr, Clerk