

Windsor, Ontario April 4, 2013

A meeting of the **Windsor Essex County Environment Committee** is held this day commencing at 5:30 o'clock p.m. in the Board Room, Lou Romano Water Reclamation Plant, there being present the following members:

Councillor Alan Halberstadt, Co- Chair
Charlie Wright, Co-Chair (arrives at 6:45 p.m.)
Councillor Hilary Payne
Derek Coronado
Rick Coronado
Jesse Costa Gardner
Paul Henshaw
John Miller (arrives at 5:35 p.m.)
Mike Nelson (arrives at 6:00 p.m.)
Tamara Stomp (arrives at 5:44 p.m.)
Radwan Tamr

Regrets received from:

Mark Bartlett
Roger Dzugan
Karen Fallon
Evan Freeman-Gibb

Delegations:

Nancy Pancheshan, Save Ojibway, *regarding Item 4.2*
Allen Benson, Senior Biologist, Dillon Consulting *regarding Item 4.2*
Johanna Shapira, Solicitor, Wood Bull LLP representing Coco Paving Inc.,
regarding Item 4.2

Guests in attendance:

Ralph Benoit
Christine Gross, Field Naturalists, Canada Southland Trust
Tom Henderson, Public Advisory Council Detroit River Canadian Cleanup
David Monroe
Anthony Rossi, Coco Paving Inc.
Karl Tanner, Dillon Consulting Inc.

Also present are the following resource personnel:

James Bryant, County Engineering Department
Averil Parent, Environment & Sustainability Coordinator
Beau Wansbrough, Planner II
Karen Kadour, Committee Coordinator

1. CALL TO ORDER

Councillor Halberstadt Co-Chair calls the meeting to order at 5:33 o'clock p.m. and the Committee considers the Agenda being Schedule "A" **attached** hereto, matters which are dealt with as follows:

2. ADDITIONS TO THE AGENDA

No additions.

3. DECLARATIONS OF CONFLICT

None disclosed.

4. PRESENTATIONS

4.1 The Prestige LED Lighting – Energy conservation possibilities through LED lights presentation is deferred to the May 2, 2013 WECEC meeting.

4.2 Coco Paving Inc. Big Box Proposal on Environmental Registry

Windsor City Council at its meeting held October 29, 2007 adopted the following resolution:

CR433/2007

- I That the application of 1223244 Ontario Ltd for an amendment to the City of Windsor Official Plan changing the designation of Sprucewood Avenue between Ojibway Parkway and Matchette Road from Class I Collector Road to a Class II Arterial Road **BE APPROVED**.
- II That the application of 1223244 Ontario Ltd for an amendment to the City of Windsor Official Plan for Part of Block Z, Registered Plan 927 **BE APPROVED** changing the designation from Residential and Commercial Corridor to Commercial Centre.

- III That the application of 1223244 Ontario Ltd for an amendment to Zoning By-law 8600 for Part of Block Z, Registered Plan 927 **BE APPROVED** changing the zoning of Part of Block Z, Registered Plan 927 from RD2.3 and CD2.1 to HCD3.3 save and except the northerly 50 metres of the subject parcel which will change from RD2.3 to GD1.4.
- IV That the Holding symbol **BE REMOVED** when the owner submits an application to remove the Holding symbol and when the following conditions are satisfied:
1. Execution and registration of a development or servicing agreement with the Corporation of the City of Windsor that includes, but is not limited to, the General Provisions of Council Resolution 233/98 and the following additional requirements:
 - a. **Ojibway Lakes Pump Station/ Force Main Upgrades**– The owner agrees that permits will be issued for development of the subject lands, based on capacity of sewage pump structure. Ojibway Lakes Pump Station/ Force Main will require upgrading for the completed development, at the entire expense of the applicant and subject to the approval of the City Engineer. The owner’s engineer will show phasing of development and pump capacity.
 - b. **Matchette/Sprucewood Road and Intersection Improvements**- The owner will complete an environmental assessment at their expense for improvements, along and at Matchette Road and Sprucewood Avenue and that the roadway and intersection improvements be completed in accordance with the Environmental Assessment Act and that the Town of LaSalle be consulted on intersection improvements.
 - c. **Town of LaSalle Consultation** - The owner or the City of Windsor shall consult with the Town of LaSalle for road and intersection improvements within the Town of LaSalle limits.
 - d. **Bonding** – The owner agrees to submit bonding ((less cost sharing or Development Charge Credits) to ensure the completion of all required improvements to the satisfaction of the City Engineer and City Solicitor.
 - e. **Land Conveyances**- The owner agrees to convey for road widening purposes, necessary lands to create a 24-metre right-of-way on Matchette Road and up to a 30-metre right-of-way on Sprucewood Avenue and any other lands identified for intersection improvements at Matchette Road and Sprucewood Avenue.
 - f. **Development Charge Credits**- Improvements to the Matchette/Sprucewood Intersection are identified in the existing Development Charge bylaw. Any improvements completed by the owner qualify for a Development Charge Credit, as approved by City Council.

2. Submission of an Urban Design Study to the satisfaction of the City Planner and inclusion of offsite improvements identified in the Urban Design Study in executed and registered servicing and/or site plan agreements.
 3. Revision of the Environmental Evaluation Report to include an Updated Species at Risk (SAR) review per the comments of the Ministry of Natural Resources dated October 22, 2007.
- V That for any site plan control applications for the subject land, the Site Plan Approval Officer **BE REQUIRED**:
1. To circulate all site plan control applications to the City of Windsor Environmental Planning Advisory Committee for their review and comment; and
 - 2.. To request that the Environmental Planning Advisory Committee send a representative to participate as a member of the Site Plan Review Committee.
- VI That the Site Plan Review Committee **BE DIRECTED** to utilize Schedule B – EPAC Conditions of Approval of the City of Windsor Environmental Planning Advisory Committee minutes for the meeting held on July 17, 2007 as site plan control guidelines (attached to the Report to the City of Windsor Planning Advisory Committee dated September 20, 2007 as Appendix C).
- VII That any Site Plan Control Application, save and except for minor changes or amendments, **BE SUBJECT** to approval by Council.

Carried.

Aye Votes: Councillors Brister, Postma, Lewenza, Gignac, Hatfield, Marra, Valentinis, Jones, Dilkens and Mayor Francis.

Nay Votes: Councillor Halberstadt.

Nancy Panchesan, Save Ojibway is present and provides the following comments relating to the Coco Paving Inc. Big Box proposal:

- In 2007, the zoning designation of the said lands was changed from residential and commercial corridor to commercial centre.
- She is one of the appellants who have appealed a zoning decision by the City of Windsor to the Ontario Municipal Board
- The big box development will have a negative impact on the Ojibway Prairie area.
- The Ojibway Prairie Nature Reserve is a rare five park system that holds some of Canada's and the globe's most endangered ecosystems.
- On March 7, 2013, Coco Paving Inc. submitted a proposal to the Ministry of Natural Resources on the Environmental Bill of Rights website. This proposal was in relation to an overall benefit permit under clause 17 (2) (c) of the

- Endangered Species Act 2007. The public may comment until April 8, 2013. Under this clause, an overall benefit to the species must be obtained.
- Save Ojibway is concerned that traffic and widening of Matchette Road will harm animals that cross from the nature preserve to the park. The widening of Matchette will increase traffic tremendously.
 - Four species-at-risk of concern include the eastern fox snake (endangered), and the willowleaf aster, dense blazing star and Butler's garter snake (threatened).

Johanna Shapira, Solicitor for Coco Paving Inc. (the client) and Allen Benson, Senior Biologist, Dillon Consulting are present and the salient points of discussion relating to the big box development are as follows:

- As referenced in the foregoing Clause 3 of CR 433/2007, it is noted the MNR requires the need for a study of species at risk.
- City Council added a Holding Symbol at the October 29, 2007 meeting and the client is working to remove the holding symbol.
- The matter is before the Ontario Municipal Board and the client is currently dealing with the MNR to obtain the necessary permit.
- A buffer of 300 metres to be created to protect and enhance the ecological features.
- Mitigating measures to the MNR include the transportation of plant species, snake salvage (only if necessary will remove during the construction phase), propagation of plant species, 5 year post construction monitoring, and habitat enhancement.
- In order to prevent species road mortality, mitigation measures will include the placement of a barrier between the development and the conveyance lands which will not destroy connectivity to the park, and the construction of snake exclusion fencing as a permanent feature.
- Public may make comments regarding this initiative to the Ontario Environmental Bill of Rights (EBR) website.
- Once the permit is drawn up, the Minister of Natural Resources has 30 days to make a decision on the project.

In response to a question asked by D. Coronado regarding if a representative from the MNR was invited to attend this meeting, the Co-Chair responds no one was invited from the MNR.

N. Panchesan advises if Coco Paving receives the permit from the MNR, it could negatively impact the decision made at the OMB. It is likely that the OMB will approve the development if the MNR has approved the permit.

R. Tamr states if the measures are in place to satisfy the MNR, WECEC should be fair in its evaluation. He suggests allow the MNR to comment and to discuss the results when known.

Councillor Payne expresses concern that WECEC does not have the expertise in this matter to comment.

Sample comments from N. Pancheshan relating to Coco Paving Inc's proposal for a permit as an overall benefit under clause 17(2)(c) of the Endangered Species Act is distributed and attached as Appendix "A". The "Reference EBR Registry Number 01-8520, Coco Paving, permit under clause 17(2)(c) of the Endangered Species Act" from N. Pancheshan is distributed and attached as Appendix "B".

Moved by T. Stomp, seconded by J. Costa Gardner,
That City Council **BE REQUESTED** to reconsider/revoke/review Council Resolution CR433/2007 relating to a rezoning for Part of Block Z, Registered Plan 927 as there are no adequate plans for the mitigation of identified species, and further, that a new bylaw **BE ADOPTED** relating to the Official Plan Amendment rezoning.

Carried.

Councillor Payne and M. Nelson abstain from voting on the matter.

R. Tamr voting nay.

Moved by R. Coronado, seconded by J. Miller,
That the Environment & Sustainability Coordinator **BE DIRECTED** to submit a letter on behalf of WECEC to the Environmental Bill of Rights (EBR) website regarding EBR # 011-8520 Permit for activities with conditions to achieve overall benefits to the species – ESA s. 17(2)(c) prior to April 8, 2013 as the Windsor Essex County Environment Committee disagrees with Coco Paving's proposal for a permit as they have not met the requirements for an overall benefit under clause 17(2)(c) of the Endangered Species Act 2007.

Carried.

Councillor Payne and M. Nelson abstain from voting on the matter.

R. Tamr voting nay.

5. MINUTES

Moved by Councillor Payne, seconded by J. Costa Gardner,
That the minutes of the Windsor Essex County Environment Committee at its meeting held March 7, 2013 **BE ADOPTED AS AMENDED** to replace "*larvae*" with "*DNA*" in the sentence "Asian Carp larvae has been found in the Great Lakes".

Carried.

R. Tamr leaves the meeting at 7:00 o'clock p.m.

6. BUSINESS ARISING FROM THE MINUTES

6.1 Petcoke Update

The following documents addressing the storage of petroleum coke on the shores of the Detroit River are distributed and attached as Appendix “C”:

- Letter to the City of Detroit Environmental Affairs dated May 21, 2013
- E-mail from Tom Henderson, Detroit River Cleanup to Councillor Halberstadt dated March 12, 2013 regarding the discovery of piles of petroleum coke on the Michigan side of the Detroit River
- Letter to the State of Michigan Department of Environmental Quality dated March 20, 2013
- Letter to the United States Environmental Protection Agency dated March 20, 2013

It is recommended in the e-mail from Tom Henderson, Detroit River Cleanup that strict controls be put in place to ensure that the petcoke does not run off into the waterway or is blown about in the atmosphere.

D. Coronado questions what actions the Department of Environment Quality (DEQ) will take and if orders will be issued.

A. Parent will contact the DEQ to request a copy of the petcoke report and will provide the report when received.

6.2 Green Speaker Series

A. Parent advises the following groups/organizations will provide funding for the June 7, 2013 Green Speaker Series:

Wyandotte Street Business Improvement Area	\$1,000
St. Clair Architectural Society	\$1,000
WECEC	\$1,000

7. COORDINATOR’S REPORT

A. Parent advises WECEC assisted the City of Windsor and the Downtown Business Improvement Area to organize a kick-off event for the City’s Rose City Clean Sweep campaign. The event will be held on April 5, 2013 from 10:00 a.m. to noon. Participants will meet on Maiden Lane West and will help pick up litter in the downtown area.

Moved by J. Miller, seconded by C. Wright,

That the WECEC Coordinator Monthly Report dated March 2013 **BE ACCEPTED.**

Carried.

8. SUBCOMMITTEE REPORTS

8.1 Air

J. Costa Gardner reports that the Ojibway Shores property is the last remaining stretch of underdeveloped land on the Detroit Shoreline. It is noted that the Port Authority has retained a consultant to undertake a biological survey (species assessment) of Ojibway Shores.

Moved by J. Costa Gardner, seconded by D. Coronado,

That the City of Windsor **BE REQUESTED** to engage the Port Authority to discuss their intentions for the activities occurring on the Ojibway Shores property, namely the hiring of a consultant to undertake a biological survey of the property.

Carried.

8.2 Transportation

The report of the Transportation Subcommittee dated March 11, 2013 is provided in the agenda for information purposes.

8.3 Provincially Significant Wetlands

T. Henderson, Detroit River Canadian Cleanup suggests the two airport woodlots be connected between the 22 acres of open field and to plant trees as an interior forest. ERCA has proposed to plant trees on the south end of the airport woodlot.

Moved by T. Stomp, seconded by Councillor Payne,

That the planting of trees on the 8.5 acres in the middle southern section between the east perimeter woodlot and the shooting woodlot on the airport lands **BE SUPPORTED**, and further that the cost of the trees and the planting will be at the expense of the Essex Region Conservation Authority.

Carried.

8.4 Water Quality

Councillor Halberstadt, Co-Chair advises a meeting of the Water Quality Subcommittee will be held on May 1, 2013.

8.5 Surplus Parks Strategy

Councillor Halberstadt, Co-Chair reports Long Park will be merged with St Bernard School with the construction of the new St. Bernard School as well as the development of 38 residential building lots. The loss of playground equipment will be compensated for by an expansion of playground equipment at the Ford Test Track.

9. NEW BUSINESS

9.1 Strategic Plan Review

This item is deferred to the May 2, 2013 WECEC meeting.

10. COMMUNICATIONS

10.1 The Price of Green Energy: Is Germany Killing the Environment to Save It? – Spiegel Online International, March 12, 2013 is received for information.

10.2 The Windsor Utilities Commission has just ceased adding fluoride to the water system serving Windsor, LaSalle and Tecumseh – Windsor Star article dated March 25, 2013 is received for information.

11. DATE OF NEXT MEETING

The next meeting will be held on May 2, 2013 at 5:30 o'clock p.m. at the Lou Romano Water Reclamation Plant.

12. ADJOURNMENT

There being no further business, the meeting is adjourned at 7:35 o'clock p.m.

Councillor Alan Halberstadt, Co-Chair

Committee Coordinator

