

## **PLANNING JUSTIFICATION REPORT**

**Proposed Waste Transfer and Processing Station  
For Windsor Disposal Services (Vince Mocerri Holdings)  
Part of Lot 13, Concession 2, Eastern Division Gosfield  
Part 2, Plan 12R-12742  
2071 Road 3 East, Town of Kingsville**

**October 6, 2017**

### **1.0 PURPOSE**

The purpose of this report is to support a zoning by-law amendment application for the property known as Part 2, Plan 12R-12742, 2071 Road 3 East, in the Town of Kingsville to permit the erection of a waste transfer and processing station for Windsor Disposal Services (WDS).

### **2.0 SITE DESCRIPTION**

The subject site is a 4.12 hectare (10.2 ac.) parcel, with approximately 200 metres (656 ft.) of frontage, located in Part of Lot 13, Concession 2, Eastern Division Gosfield, on the south side of Road 3 East, about 160 m (525 ft.) west of County Road (CR) 31. The parcel is presently vacant but at one time it was used as a quarry, which has since been filled.

The site is designated Industrial in the Official Plan, which permits the proposed use, and is zoned Heavy Industrial – Exception Zone 1 (M3-1) on the west side, and Heavy Industrial (M3) on the east side, neither of which zone permits the proposed use, hence the need for a zoning amendment.

As the proposed use, if approved, will result in a waste disposal site, as defined under the Environmental Protection Act (EPA), an application for an Environmental Compliance Approval (ECA) is being made by the applicant simultaneous to the zoning amendment application.

Finally, a site plan approval application will also ultimately be required, but will be applied for separately at a later date.

#### *Neighbouring Land Uses*

Immediately adjacent to the west and south is a closed landfill. To the east is a small 4.5 ha (11.1 ac.) farm parcel with a single detached dwelling. Across Road 3 East to the north are two more dwellings and additional farmland. Further to the west, on both sides of Road 3 East, are a variety of industrial uses.

Please refer to the following Appendices:

- A-1 Key Map
- A-2 Site Aerial Photo
- A-3 Proposed Site Plan
- A-4 Zoning Map 54
- A-5 Excerpt from Design and Operations Report
- A-6 June 8, 2017 ERCA meeting summary

- A-7 MNRF correspondence re Endangered Species Act 2007

### 3.0 BACKGROUND

WDS currently operates a waste processing and transfer facility in the City of Windsor. The facility is licensed to process up to 999 tonnes per day of solid non-hazardous waste generated by industrial, commercial and institutional clients throughout the County of Essex. Materials brought into the facility are processed into two streams: recyclables such as cardboard, paper and ferrous which are shipped to markets; and, Residual Waste is sent to licensed waste disposal facilities.

A similar facility is proposed for the Kingsville property on Road #3. Attached as Appendix 5 is an excerpt from the Design and Operations Report prepared by WDS to support the Environmental Compliance Approval (ECA) application, which describes the operation in more detail. Refer also to Appendix 3, Conceptual Site Plan.

The overall approach desired by WDS is to construct the building once a site plan is approved and begin the recycling function, a use permitted in the existing zoning by-law, but hold off on the waste transfer use until the ECA has been procured. This is discussed further in the Analysis below.

### 4.0 ANALYSIS

#### *Provincial Policy Statement (PPS)*

There are no issues with the PPS arising from this application.

#### *Essex County Official Plan (COP)*

There are no issues with the COP arising from this application.

#### *Kingsville Official Plan (KOP)*

As noted above the subject lands are designated Industrial in the KOP. Policy 3.3(d) states:

- (d) the Zoning By-law implementing this Plan may divide the industrial areas into "heavy" or "light" or "restricted" zones so that industrial activities likely to give rise to noise and other nuisances are located where they will not cause an adverse effect to existing uses and other permitted uses;

Comment: the existing zoning has classified the subject area as "heavy", which would cover the proposed waste transfer use.

Policy 3.3(b) states:

- (b) it is a basic policy of this Plan that the amenities of adjacent non-industrial areas shall be safeguarded and industrial development shall not be allowed to adversely affect the surrounding areas from, but not necessarily limited to, noise, odour, dust, vibration and lighting. All industries shall meet the requirements of, and where necessary, obtain the statutory approval(s) of the Ministry of the Environment with respect to: water taking, provision of potable water, waste water/sanitary sewage disposal, storm drainage, solid waste disposal and all emissions to the natural environment, including air, noise, and vibration;

Comment: the proposed waste transfer use, which will be added to the list of heavy industrial uses already permitted, will be subject to the regulations of the Environmental Protection Act and must obtain an Environment Compliance Approval before being allowed to proceed.

Therefore, once the proposed use receives the ECA, it will conform to the Kingsville Official Plan.

### *Zoning By-law*

The site is presently divided into two zones, Heavy Industrial (M3), and Heavy Industrial Exception Zone 1 (M3-1), as can be seen on the zoning map schedule attached as Appendix 4, with the M3-1 zone on the west side. Also, as is evident from the conceptual site plan, Appendix 3, the proposed building will lie in the Heavy Industrial (M3) Zone, which permits the following uses:

#### Main use

- All the uses identified in the (M1) and (M2) zone
- Building and construction material recycling facility
- Asphalt and Concrete batching plant
- Fertilizer dealerships, warehousing and processing facility
- Grain warehousing and processing facility
- General Salvage Operation
- Heavy Industrial uses
- Materials transfer facility
- Motor Vehicle Salvage Operation Petroleum resource operations

#### Accessory use

- Outside storage
- Enclosed storage

#### Secondary Uses

- offices
- retail component
- showrooms, merchandizing centres and retail or wholesale outlets;
- cafeterias

The M3-1 zone permits a “transfer station for the storage, crushing and recycling of asphalt, concrete, brick and tile, and asphalt plant and accessory uses.”

Clearly the waste transfer station will have similar or far less impact than that of the other uses permitted on the site, an impact which can be further mitigated through site plan control and the operational requirements arising from the Environmental Compliance Approval under the Environmental Protection Act.

In considering the ECA application, the Ministry of the Environment will take into consideration the position of the Town with regard to the proposed, therefore it is of importance to the applicant to gain the support of the Town, best achieved through the zoning by-law. Thus it is proposed as follows:

- the zoning by-law be amended to permit a “waste transfer station” on the subject lands
- the amending by-law be subject to the “h” – holding symbol which will permit those uses presently permitted, with the “h” to be removed once an ECA has been granted for the facility.

### *Site Plan*

The site plan provided is conceptual. A separate formal site plan application will be submitted once the stormwater management plan has been completed.

## **5.0 OTHERS CONSULTED**

WDS representatives and the writer met with ERCA representatives on June 8, 2017. The conclusion of that meeting was that there was no requirement for an Environmental Impact Assessment, but WDS was urged to prepare and submit to the Ministry of Natural Resources and Forestry a Stage 1: Information Request as required under the Endangered Species Act. The meeting summary is attached as Appendix 6.


The Information Request was completed and the MNRF response, attached as Appendix 7, was that no further submissions were required.

## **6.0 CONCLUSION**

In my opinion the application for the establishment of a combined Waste Transfer and Material Transfer Station can be supported for the following reasons:

- a) It satisfies the intent of the Official Plan policies with regard to Industrial Uses;
- b) It will provide for a use more benign than most uses presently permitted on the site;
- c) Performance standards which will reduce, mitigate or eliminate any negative impacts can be provided through the zoning by-law, site plan control and the Environmental Compliance Approval required by the Environmental Protection Act.

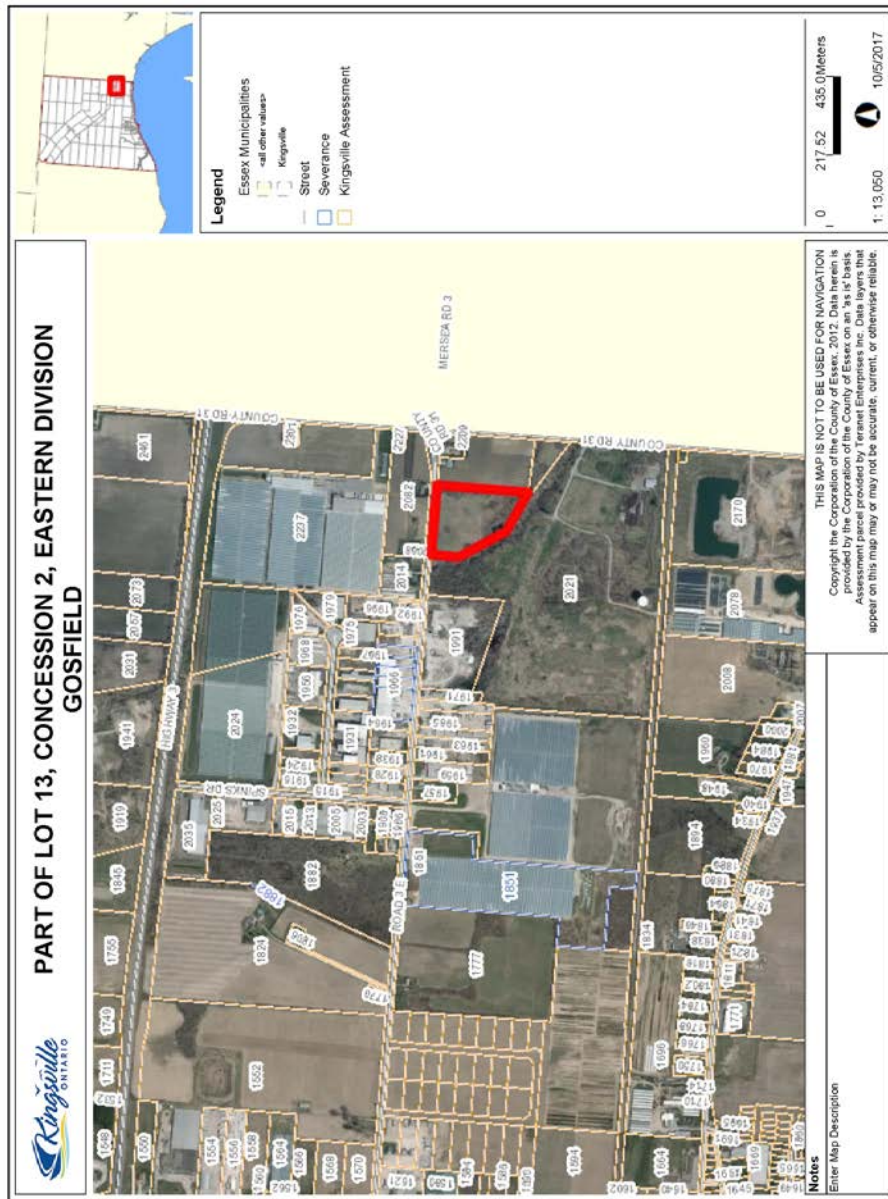
Prepared by:

  
Tom Storey, M.Sc., RPP, MCIP  
Storey Samways Planning Ltd.

### **Attachments:**

- |     |  |
|-----|--|
| A-1 | Key Map  |
| A-2 | Site Aerial Photo                                  |
| A-3 | Proposed Site Plan                                 |
| A-4 | Zoning Map 54                                      |
| A-5 | Excerpt from Design and Operations Report          |
| A-6 | June 8, 2017 ERCA meeting summary                  |
| A-7 | MNRF correspondence re Endangered Species Act 2007 |

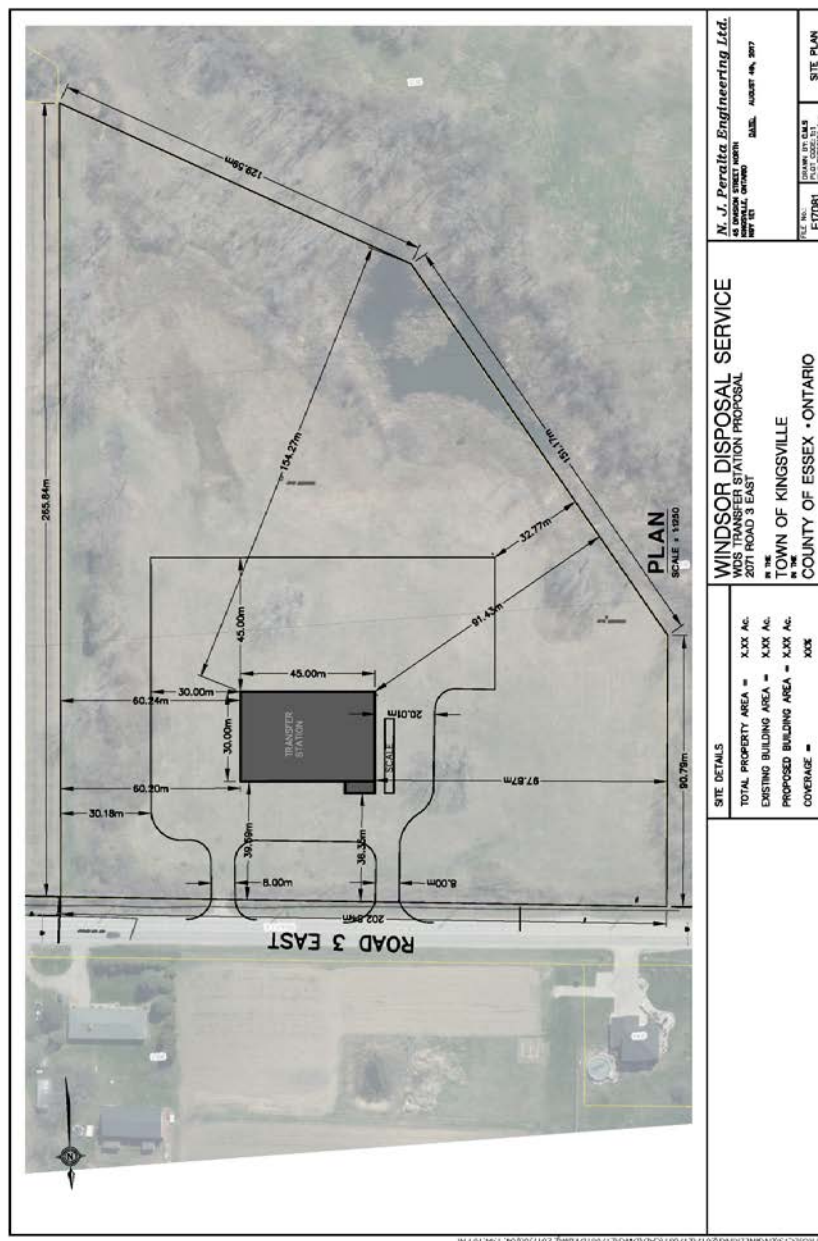
## APPENDIX A-1: Key Map



## **APPENDIX A-2: Site Aerial Photo**

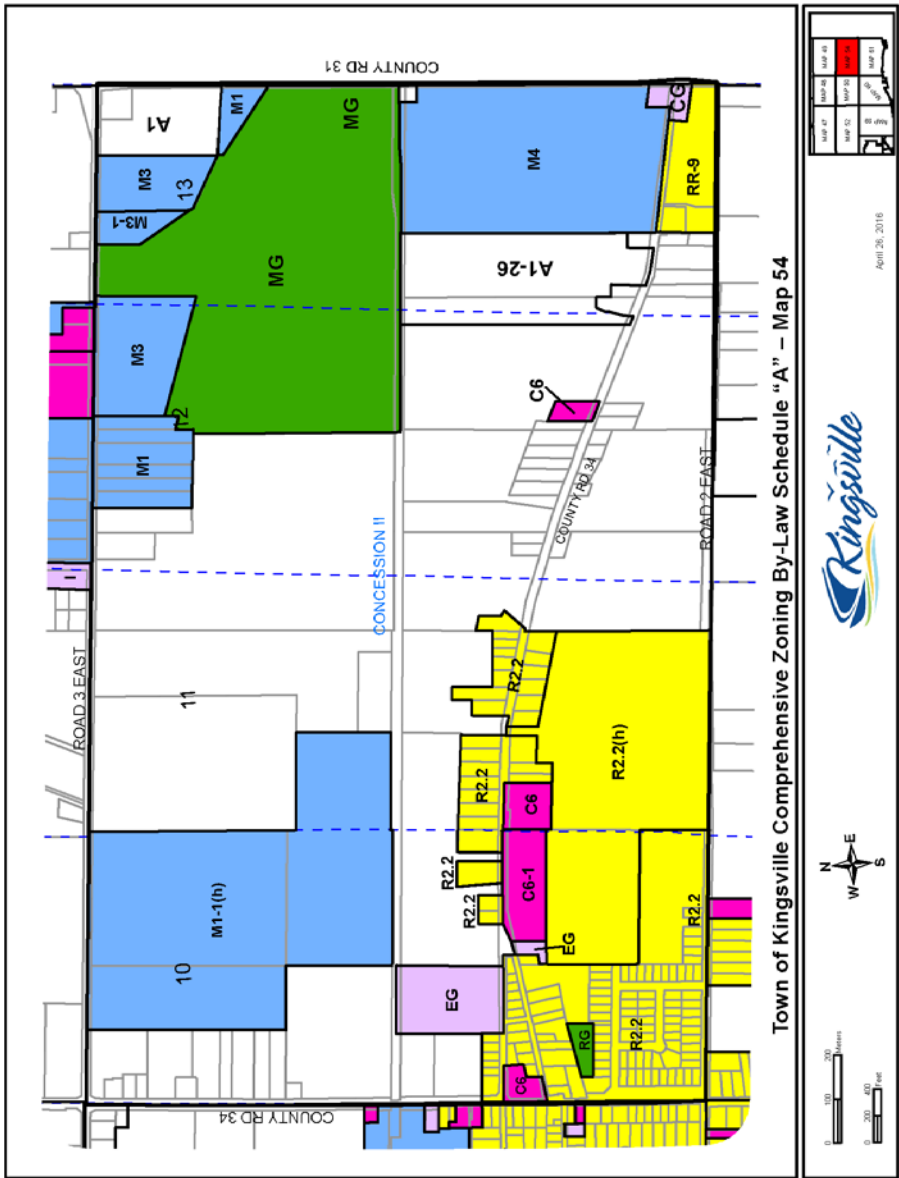


## **APPENDIX A-3: Site Plan**





## **APPENDIX A-4: Zone Map 54**





## **APPENDIX A-5: Excerpt from Design and Operations Report**

VMH Waste Transfer  
and Processing Facility

- 3 -

Design and Operations Report

### **1.0 INTRODUCTION**

This Design and Operations (D&O) Report is prepared to support an application by Vince Mocerri Holdings (VMH) for a Environmental Compliance Approval for a waste disposal site for a non-hazardous solid waste transfer and processing facility.

The VMH waste transfer and processing facility is proposed for a 5 hectare (ha) property located on Road 3 (Part Lot 13, concession 2 Eastern Division Gosfield being Part 2 on Plan 12R-12742) in Kingsville, Ontario. The building will have a total floor area of 1,400 square metres (m<sup>2</sup>). Waste will be received from roll-off trucks, front-end trucks, private vehicles and municipal collection vehicles. The waste will be sorted into waste and recyclable material. Waste will be transferred into tractor trailers for haulage to approved landfill sites and recyclable materials will be hauled to market. Waste wood will be processed into woodchips to be used as fuel in the local greenhouse industry.

This D&O Report has been prepared to describe the initial design of the facility and the on-site operations, which will include the following activities:

- The receipt, processing and transfer of an annual average of 250 tonnes per day of solid non-hazardous waste from residential, and industrial, commercial, institutional (IC&I) and municipal generators.
- The receipt or shipment off-site of a maximum of 75,750 tonnes of waste annually.
- In order to account for seasonal fluctuations in waste generation, the operator may receive or ship off-site up to a maximum of 400 tonnes of waste per day, provided that the maximum annual limit of 75,750 tonnes per year is not exceeded.
- A maximum waste storage quantity of 160 tonnes at any one time.
- Shipping and Receiving hours of 7:00 am to 8:00 pm Monday to Saturday.
- Operating hours of 24 hours a day, Monday to Sunday.

The D&O Report has been prepared in accordance with the MOE's *Guide to Applying for Approval of Waste Disposal Sites*.

## **2.0 FACILITY DESIGN**

### **2.1 Function of the Site**

The function of the site is to receive, process and transfer non-hazardous municipal solid waste, including waste from residential, and industrial, commercial, institutional (IC&I) and municipal generators.

Waste will be deposited on the floor in the facility, processed to remove recyclable material and then loaded into trucks or tractor trailers to be hauled to other locations for recycling or disposal.

All waste sources will be located in the Province of Ontario.

### **2.2 Site Location and Land Use**

The waste transfer and processing facility is proposed for a 5 hectare (ha) property located at Road 3 in Kingsville, Ontario. The Site Location Plan (Figure 1) shows the location of the property relative to major arterial roads and highways.

The property is owned by VMH and consists of undeveloped land that is zoned Heavy Industrial (M3). Permitted uses include all the uses identified in the (M1) and (M2) zone such as:

- Building and construction material recycling facility
- Asphalt and concrete batching plant
- Fertilizer dealerships, warehousing and processing facility
- Grain warehousing and processing facility
- General salvage operation
- Heavy industrial uses
- Materials transfer facility
- Vehicle salvage operation
- Petroleum resource operations.

The Zoning Plan (Figure 2) shows the current zoning in the vicinity of the site. This was confirmed by officials with the Town of Kingsville. The site and vicinity are fairly flat. The proposed facility is consistent with the allowable site zoning and surrounding land use. Businesses in the area include a concrete batch plant to the west, greenhouse to the north, a waste transfer facility and former landfill to the south and a farm/orchard to the east. The closest residential receptor is 100 metres away from the facility.

### 2.3 Building Layout and Site Plan

The building lay out is shown in Figure 3. The building will be constructed of metal siding and has a total floor area of 1,400 m<sup>2</sup>, which consists of

- 950 m<sup>2</sup> of waste unloading and storage area;
- 400 m<sup>2</sup> of waste loading area; and,
- 50 m<sup>2</sup> of office area.

The waste unloading, processing, storage and loading areas are located within a large open area. A 3 metre high concrete retaining wall encloses the waste storage area on two sides and allows the waste to be piled against the wall without concern for possible structural damage to the building. All waste will be unloaded, stored, and loaded inside this area. The retaining wall abuts the compactor hopper, allowing waste to be compacted into transfer trailers. The waste unloading and storage area has a 9 metre high clear span ceiling. The office area is in the front (north) part of the transfer building. A pedestrian doorway connects the two areas.

There is an overhead access door into the waste loading area to allow for a tractor trailer to hook-up the waste compactor. The access door is located in the north-east corner of the building. There are four overhead doors leading into the waste unloading area on the south side of the building to allow for four waste receiving vehicles to be unloaded at once. A loading dock is located in the south-west corner of the building and will be used for shipping and receiving recyclable material.

A floor drain is located in the waste loading area. These floor drains discharge into a 4,500 liter holding tank where the wastewater will be stored prior to haulage to the municipal wastewater treatment facility in the Town of Leamington. It is expected that the wastewater would be well within the allowed limits of the sewer-use by-law of Leamington. Wastewater from the office area is discharged into a septic system located on-site.

Figure 4 shows the site plan, including the on- site access roads and buildings. There is one access road into the site and it provides egress/ingress for all vehicular traffic. A roadway around the back (south) of the building provides entrance into the unloading and loading areas of the facility. Weigh scales are located to the west of the office area.

Trucks with incoming waste will enter the site via the access road and proceed to the scales where the vehicle will be weighed and directed to proceed to the receiving area through the access doors on the south side of the plant. The waste will be unloaded onto the receiving floor. A loader operator will then transfer the waste from the receiving floor into the waste compactor and transfer trailer.

#### **2.4 Hours and Days of Operation**

Waste receiving and shipping will take place at the site between 7:00 am to 8:00 pm, Monday to Saturday. Internal operations at the facility, including the loading of trucks may occur 24 hours each day, 365 days of the year.

#### **2.5 Truck Traffic**

There is sufficient queuing capacity on the access roads at the site to allow for vehicles entering and exiting the site.

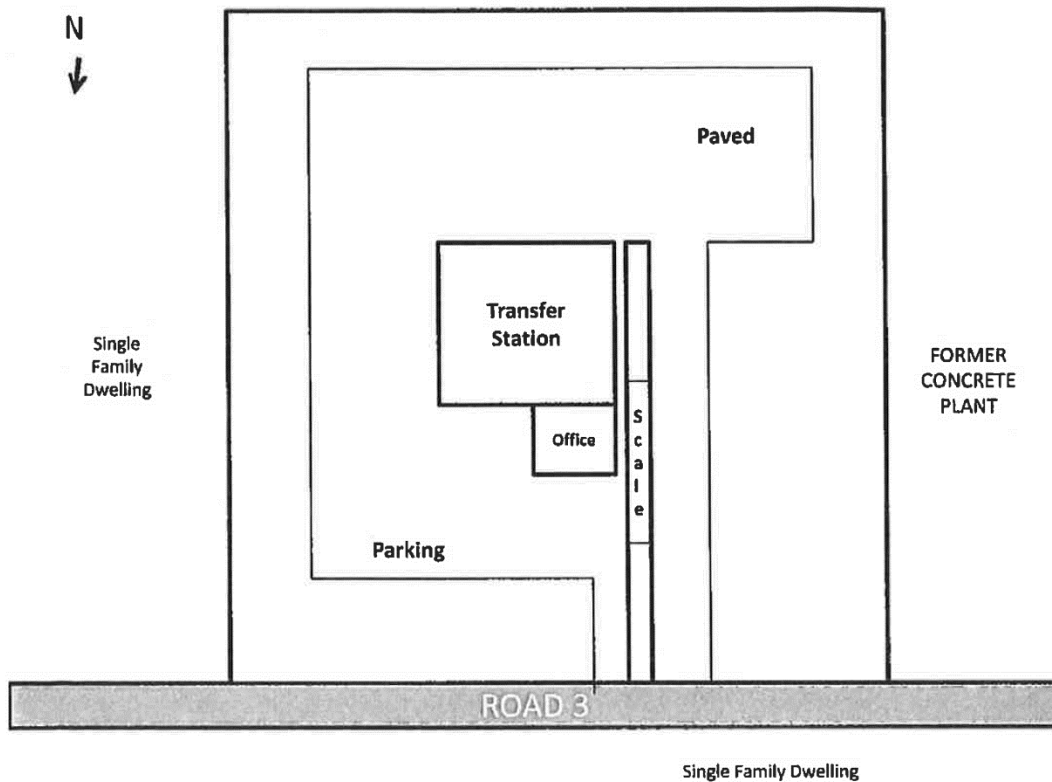
The facility's initial design is to accept a maximum of 75,750 tonnes of waste per year. Based on shipping and receiving six days a week, there would be an a maximum of 7 loaded tractor trailers hauling waste from the site and 2 loaded tractor trailers containing recovered recyclable material exiting the site per day.

#### **2.6 Wastes Accepted at the Site**

The site will receive non-hazardous solid municipal waste from residential, and IC&I generators, including Construction & Demolition (C&D) waste. The IC&I generator sector includes, but is not limited to warehousing, storage, apartment buildings, manufacturing facilities, schools, and stores.

The site will receive on an annual basis, an average of no more than 250 tonnes of waste per day (75,750 tonnes per year). The maximum waste that can be received in any one day is capped at 400 tonnes. All waste will be loaded into transfer trailers and transported to an approved disposal site, with the exception of recovered recyclables which would be loaded into roll-off bins and tractor trailers and hauled to an end user.

ESSEX-WINDSOR SOLID WASTE AUTHORITY  
WASTE TRANSFER FACILITY/LANDFILL



<b>VMH</b> <b>2700 DEZIEL DRIVE</b> <b>WINDSOR, ONTARIO</b> <b>N8W 5H8</b>	<b>FIGURE 4 SITE PLAN</b> <b>ROAD 3</b> <b>KINGSVILLE, ONTARIO</b>	<b>WASTE TRANSFER</b> <b>AND PROCESSING</b> <b>FACILITY</b>
<b>TO: MINISTRY OF</b> <b>ENVIRONMENT AND CLIMATE</b> <b>CHANGE</b>	<b>SCALE: NTS</b>	<b>April 2016</b> <b>DRAWN BY: MC</b>

## **APPENDIX A-6: June 8, 2017 ERCA Meeting Summary**

### **MEETING SUMMARY**

PROPOSED WASTE TRANSFER AND PROCESSING FACILITY  
WINDSOR DISPOSAL SERVICES LTD. (WDS)

**SITE LOCATION** – Road 3 (Part of Lot 13, Concession 2, Eastern Division, Gosfield, being Part 2, RP 12R-12742), Town of Kingsville, ON

**MEETING DATE** – June 8, 2017

**MEETING LOCATION** – Essex Regional Conservation Authority (ERCA) office, Essex County Building, Essex, ON

**PRESENT**

- Vince Mocerj, WDS
- Mike Coulson, WDS
- Lou Cuiro, WDS
- Tom Storey, consulting planner to WDS
- Dan Lebedyk, ERCA Biologist
- Mike Nelson, ERCA Watershed Planner

**PURPOSE OF MEETING** – Discuss need for review of natural heritage issues and role of ERCA

### **MEETING SUMMARY**

1. Mr. Storey explained that WDS proposes to construct a waste disposal transfer and processing (recycling) facility on a vacant site zoned for heavy industrial uses. The waste processing use is not permitted so a rezoning is required. A site plan approval is also necessary. As well the application will require an Environmental Compliance Approval (ECA) under the Environmental Protection Act (EPA). The recycling use requires neither a rezoning or ECA. It is proposed that the rezoning proceed with a "H" – Holding Symbol, to be removed once the ECA is given by the MOECC. In the meantime WDS wishes to proceed with the building construction and establishment of the recycling use.
2. The WDS reps described the site (and as could be seen from the aerial photos) as being a former quarry which had been backfilled and was now vacant. There is some vegetation along the rear and west lot lines. The majority of the site is grassed and mown on a regular basis. A single mature tree is found in roughly the middle.
3. The WDS reps also asked if a parking area could be established on the site for the storage of certain materials. ERCA had no concerns but noted that this was an issue to be addressed by the Town Administration.

4. The ERCA observations and advice were as follows:

- The site is not covered by a Conservation Authority Act regulation and therefore ERCA's role with regard to the Planning Act applications was as an advisor to the Town regarding stormwater management and natural heritage.
- ERCA would be a commenting agency on the ECA.
- WDS was urged to prepare the Stage 1: Information Request document required by the Ministry of Natural Resources and Forestry (MNRF) as part of the Species at Risk screening process. WDS was also urged to provide as much information as possible to ensure a response was provided to all the bullet points under Stage 1 in Technical Memo. The best estimate for turnaround by the MNRF is three months.
- WDS should establish the facility envelope.
- At this stage it does not appear that an Environmental Impact Assessment (EIA) will be necessary to satisfy 2.1.5(d) of the Provincial Policy Statement (PPS) – *Development and Site Alteration shall not be permitted in significant wildlife habitat.*
- Preparation of the Stage 1: Information Request document and addressing any issues arising therefrom will meet the requirement of PPS 2.1.7 – *Development/site alteration of the habitat of endangered or threatened species is not permitted except in accordance with provincial and federal requirements.*
- A biologist will only be required if MNRF elevates the Information Request to Stage 2, based on the Stage 1 information.

**ACTION POINTS**

1. Tom S. to provide Mike Coulson with a copy of the MNRF technical memo.
2. Mike Nelson to contact Tom S. with regard to further information on the role of ERCA in the ECA.
3. WDS to arrange a meeting with Kingsville Administration regarding use of the site while the ECA and Planning Act approval processes are underway.



## **APPENDIX A-7: MNRF Correspondence re Endangered Species Act 2007**

**Ministry of Natural  
Resources and Forestry**  
615 John Street North  
Aylmer ON N5H 2S8  
Tel: 519-773-9241  
Fax: 519-773-9014

**Ministère des Richesses  
naturelles et des Forêts**  
615, rue John Nord  
Aylmer ON N5H 2S8  
Tél: 519-773-9241  
Télé: 519-773-9014



August 8, 2017

**AYL-L-067-17**

Vince Mocerì  
Vince Mocerì Holdings Inc.  
2700 Deziel Drive  
Windsor, ON N8W 5H8

Dear Mr. Mocerì:

**RE: Recycling and Waste Transfer Facility and the *Endangered Species Act, 2007***

The Ministry of Natural Resources and Forestry (MNRF) has reviewed the information that was provided on the proposed recycling and waste transfer facility development project to assess the potential impacts of the proposal on endangered or threatened species and their habitats. From the information provided, it is our understanding that the proposed project falls within these parameters:

- a) The project is located at 2071 Road 3 East, west of County Road 31, in the Town of Kingsville, Essex County.
- b) The proposed project involves the construction of a recycling and waste transfer facility and parking lot.
  - The project footprint will occur within the northeastern portion of the property, which is regularly mowed.
- c) The proposed project will begin upon receipt of all required approvals.
- d) MNRF has reviewed species occurrence information on file and determined that there are no known occurrences of endangered or threatened species, or areas of protected habitat, on or in the immediate project area.

Based on a review of the above information, MNRF staff have determined that the activities associated with the project, as currently proposed, **will likely not contravene** section 9 (species protection) and/or section 10 (habitat protection) of the *Endangered Species Act, 2007* (ESA 2007) for species at risk (SAR).

**This Letter to Proponent (AYL-L-067-17) is valid until December 31, 2018. MNRF should be contacted for a new review if the project activities have not been completed by this date.**

If you become aware of any SAR species and/or habitats in the project area, please contact the MNRF Aylmer District office as soon as possible to help determine if the project activities could impact the species or its habitat.

Please note that the province has not been surveyed comprehensively for the presence or absence of SAR, and MNRF data relies on observers to report sightings of SAR. As such, the absence of an element occurrence does not indicate the absence of species and/or habitat.

Please be advised that it is also your responsibility to be aware of and comply with all other relevant provincial or federal legislation, municipal by-laws or required approvals from other agencies.

If you have any concerns or questions regarding this letter, please contact me at 519-773-4736 or by email at [ESA.Aylmer@ontario.ca](mailto:ESA.Aylmer@ontario.ca).

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Jong'.

Catherine Jong  
Management Biologist, Aylmer District  
Ministry of Natural Resources and Forestry