
Subject: Initiation Report for Port Colborne Quarry Regional Official Plan Amendment 20

Report to: Planning and Economic Development Committee

Report date: Wednesday, September 15, 2021

Recommendations

1. That Report PDS 35-2021 **BE RECEIVED** for information; and
2. That a copy Report PDS 35-2021 **BE CIRCULATED** to the City of Port Colborne, the Niagara Peninsula Conservation Authority and IBI Group.

Key Facts

- The purpose of this report is to advise Regional Council that applications to amend the Regional Official Plan (ROP), the Port Colborne local Official Plan (LOP) and the Port Colborne Zoning By-law have been made by Port Colborne Quarries Inc.
- The Region is the approval authority of the Regional Official Plan Amendment (ROPA) and local Official Plan Amendment (LOPA).
- The application is proposed to facilitate an expansion of the existing quarry. The proposed ROPA consists of text and schedule changes to add the subject lands to Section 13 (Site Specific Policies) of the ROP.
- The applicant has also filed an application for a Category 2 (Below Water Quarry) - Class A Licence to the Ministry of Northern Development, Mines, Natural Resources and Forestry (MNDMNR) under the Aggregate Resources Act.

Financial Considerations

There are no financial considerations arising from this report, as the cost of work associated with application review is recovered through planning fees (\$130,315) in accordance with the Council approved Schedule of Rates and Fees. Costs of advertising for open houses and public meetings are also paid by the applicant, and the Region has entered into a Cost Acknowledgement Agreement with the applicant to cover other costs associated with the application (i.e. peer reviews).

Analysis

The application proposes that the ROP be amended to permit an expansion of the existing quarry. If approved, this expansion would occur on lands located on the north side of Main Street East/ Highway 3, south of Second Concession Road, and west of Miller Road in the City of Port Colborne (Appendix 1). The lands are currently occupied by a mix of uses including: a car racing track, agricultural field crops, rural residential uses and environmental features. The proposed site is located immediately adjacent to the existing Port Colborne Quarry Pit 3.

The subject lands are designated Good General Agriculture and Environmental Conservation Area in the ROP. Based on the policies of the ROP, where a new pit or quarry or an extension to an existing licensed pit or quarry are to be located outside a possible aggregate area (illustrated on Schedule D4), a ROPA is required. The subject lands are not shown on ROP Schedule D4, therefore, a ROPA is required.

The ROPA application was submitted on March 17, 2021. Based on a Staff review, the application was deemed incomplete (April 15, 2021). Subsequent Environmental Site Assessment and Soil Management Plans were submitted and the application was deemed complete on July 8, 2021. Concurrent applications for a local Official Plan Amendment and a Zoning By-law Amendment have been submitted to the City of Port Colborne. The ROPA and LOPA will be processed concurrently.

A joint open house for the ROPA and LOPA has been scheduled for September 9, 2021 via Zoom. Advertising for the open house was posted on the Region's website, in Niagara This Week, and via mail to all property owners within 1km of the subject lands. The open house is not required by the Planning Act, but is being held to solicit feedback given the scale of the application. A statutory public meeting, in accordance with the requirements of the Planning Act, will be scheduled at a later date. Comments received from the public in either the joint public open house or the statutory public meeting will be brought forward to Committee for consideration.

An application for a Category 2 (Below Water Quarry) - Class A Licence has also been submitted to the MNDMNR under the Aggregate Resources Act. The total area to be licensed is 106.29 hectares, of which 71.12 hectares is proposed for extraction. Prior to the final approval of the provincial Aggregate Resources Act license, the appropriate municipal land use approvals must be in place.

JART Process

As previously communicated to Council, a Joint Agency Review Team (JART) has been formed to coordinate the technical review of the applications. The JART is a team of planning staff from the Region, the City of Port Colborne, and the Niagara Peninsula Conservation Authority (NPCA). The purpose of JART is to share information, resources, and expertise so that the applications and the associated studies are reviewed in a streamlined and coordinated manner. Staff from interested provincial ministries will be engaged through the JART process as well. The JART does not make a recommendation on the applications, but works collaboratively to review the studies and ensure coordinated public and stakeholder engagement and consultation. Once all reviews are complete, a technical JART report will be prepared on the applications for use independently by staff at each agency as the technical basis to develop a recommendation report, which is then considered by the decision-makers at each individual agency.

Alternatives Reviewed

As this report is for information, there are no alternatives reviewed.

Relationship to Council Strategic Priorities

This report is provided to execute Regional Council's Strategic Priority for a Sustainable and Engaging Government and Responsible Growth and Infrastructure Planning. By reviewing development planning applications for conformity with the planning policy regime, the Region fulfills our commitment to high quality, efficient and coordinated service through enhanced communication, partnership and collaboration. Review of the applications in a coordinated manner will also ensure that Council's priority for preservation of the natural environment is addressed in a holistic manner.

Other Pertinent Reports

- [CWCD 166-2020](#)

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Appendices

Appendix 1 Location Map