

**THOMSON ROGERS**  
**LAWYERS**

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**SENT BY EMAIL ONLY**

June 13, 2022

Ms. Diana Huson, Chair  
Planning and Economic Development Committee  
Region of Niagara  
1815 Sir Isaac Brock Way  
P.O. Box 1042  
Thorold, ON  
L2V 4T7

Dear Chair Huson:

**Re: Proposed Niagara Official Plan  
PDS 17-2022, Planning and Economic Development Committee  
Cytec Canada Inc.  
City of Niagara Falls  
Our File 050846**

We are the solicitors for Cytec Canada Inc. (“Cytec”) – part of the Solvay Group. We have been requested by Cytec to make submissions regarding the proposed Niagara Official Plan (“NOP”).

On behalf of Cytec we are requesting that the employment lands/industrial precinct which Cytec occupies be mapped as such in the proposed NOP.

*Background*

Cytec is a major chemical manufacturing company with operations located in Niagara Falls for more than 100 years. Cytec manufactures phosphine in its facility located on its lands fronting Garner Road. Phosphine is a colourless, flammable toxic gas. Cytec is the largest phosphine manufacturer in the world with roughly 65% of the world market. Cytec exports its product worldwide from its Niagara Falls facility. Also located on its lands is a research lab facility. Cytec is a substantial and significant contributor to the City’s

economic well being, including carrying out a \$165 million plant expansion less than a decade ago.

#### *Garner Road Location*

Cytec's major landholdings in the City are located north of the Welland River fronting on Garner Road and consisting of approximately 1,000 acres ("the Cytec lands"). The Cytec lands include Thompson's Creek. The protection of the integrity of Thompson's Creek is of substantial importance to Cytec owing to its use as the outfall for the processing by the facility. Cytec is part of the longstanding industrial precinct in this part of the City.

Fundamental to Cytec's operations is the City's planning program as originally requested by Cytec, refined and implemented by the City's Planning Department, endorsed and supported by City Council, and upheld from time to time by the Ontario Municipal Board/Local Planning Appeal Tribunal (now the Ontario Land Tribunal) over the last twenty-five years or so.

#### *The Planning Program*

The City's planning program implements the fundamental planning principle that sensitive lands uses such as residential land uses, overnight accommodation uses, assembly hall type uses, day cares, nursing homes etc. are required to be separated from heavy industrial users. This planning program is implemented in part through the Cytec arc -- being a 2 km separation distance/arc ("the Cytec arc"). Within the Cytec arc, land uses are restricted to industrial, commercial and less intense recreational land uses, e.g. nature uses or golf courses, and residential land uses or overnight accommodations or other sensitive land uses are prohibited. Outside the arc, but proximate to the arc, restrictions are implemented on the height of land uses and the type of land uses is refined and/ or prohibited, e.g. daycares or nursing homes are of concern. Additionally on residential development outside but near the arc there is the requirement for a notice clause regarding the Cytec use.

This planning program addresses three fundamental objectives: mitigation of adverse effects; minimization of risk to public health and safety; and maintenance of the long term viability of existing industries. From Cytec's perspective these factors are of critical importance, and the City's planning program, including the arc, appropriately manage the risk safety profile of a major chemical manufacturing facility.

These principles were incorporated into the original Grand Niagara Resort Official Plan Amendment #37 (approved by the Ontario Municipal Board as it then was) and into the

Heartland Forest Official Plan Amendment #40. Subsequent Secondary Plans (Official Plan Amendments) being the Garner South Secondary Plan and the Grand Niagara Secondary Plan continued to implement these principles. All implementing planning approvals respect the Cytec arc in the Zoning By-law(s), plan(s) of subdivision, site plan(s) and consent(s).

*Niagara Official Plan (“NOP”)*

Cytec and its Planning Consultant have reviewed the proposed NOP and in particular those policies with respect to employment areas. The NOP only identifies certain employment lands on Schedules B and G (i.e., Core, Dynamic and Knowledge and Innovation). The NOP however does not identify all locally designated employment lands throughout the various local municipalities. The existing employment lands in the southwest quadrant of the existing Niagara Falls urban area, in which the existing Cytec operation is located, are not shown as Employment Area on the NOP schedules despite long standing industrial uses in this area.

Our concern with the approach under the NOP is that locally designated employment areas will not be sufficiently protected for future employment use and leaves these lands vulnerable to non-employment uses. This could potentially lead to employment conversions affecting existing industrial uses through the introduction of sensitive land uses. Cytec does not support employment conversions that introduce sensitive and incompatible land uses in proximity to its existing operations.

In keeping with the PPS 2020 and the Growth Plan 2019, the importance and continued vitality of the industrial precinct that Cytec occupies, together with the significance of Cytec’s ongoing operations, we request that the Region map this employment area as part of its employment lands mapping in the forthcoming NOP.

*Request for Notice*

We respectfully request notice of the adoption of the NOP and that a copy of this correspondence be forwarded to the Ministry of Municipal Affairs and Housing. Notice should be forward to the attention of the writer, together with a copy to Cytec’s Planning Consultant.



The addresses follow:

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We thank the Committee for its consideration of this letter and Cytec's request.

Yours very truly,

A handwritten signature in black ink that reads "Jeff Wilker".

Jeffrey J. Wilker

JJW/pf

- cc: Ann-Marie Norio, Regional Clerk, Niagara Region
- cc: Michelle Sergi, Commissioner Planning and Development Services, Niagara Region
- cc: Kira Dolch, Director of Planning, Building and Development, City of Niagara Falls
- cc: Brad Campbell, Site Director, Cytec
- cc: Don Sorley, Country Controller, Cytec
- cc: Ken Milo, Environmental Rehabilitation Officer, Cytec
- cc: Glenn Wellings, Wellings Planning Consultants