

**THE REGIONAL MUNICIPALITY OF NIAGARA
PLANNING & ECONOMIC DEVELOPMENT COMMITTEE
MINUTES**

**PEDC 3-2023
Wednesday, March 8, 2023
Council Chamber / Video Conference
Niagara Region Headquarters, Campbell West
1815 Sir Isaac Brock Way, Thorold, ON**

Committee: Bateman, Bradley (Regional Chair), Davies (Committee Vice Chair), Ganann, Huson (Committee Chair), Ip, Junkin (via Video Conference), Morocco, Rigby, Seaborn, Sorrento, Ugulini, Witteveen

Other Councillors: Craitor (via Video Conference)

Absent/Regrets: Campion, Foster, Jordan, Kaiser, Redekop, Steele

Staff: E. Acs, Manager, Community Planning, M. Bannerman, Program Manager, Grants & Incentives, D. Barnhart, Chief of Staff (via Video Conference), P. Busnello, Manager, Development Planning (via Video Conference), J. Federici, Planner, P. Lambert, Director, Infrastructure Planning & Development Engineering, B. Landry, Manager, Economic Research and Analysis, M. Marino, Associate Director, Economic Development, D. Morreale, Director, Development Approvals, R. Muzzell, Manager, Program Financial Support (via Video Conference), S. Norman, Senior Planner, A.-M. Norio, Regional Clerk, G. Scharback, Deputy Regional Clerk (via Video Conference), M. Sergi, Commissioner, Planning & Development Services, G. Spezza, Director, Economic Development, J. Spratt, Legislative Coordinator, A. Stea, Director, Community & Long Range Planning, R. Tripp, Chief Administrative Officer

1. CALL TO ORDER

Committee Chair Huson called the meeting to order at 1:00 p.m.

2. DISCLOSURES OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

3. **STATUTORY PUBLIC MEETING UNDER THE PLANNING ACT**

At 1:01 p.m. Committee Chair Huson called the Statutory Public Meeting under the *Planning Act* to order and stated that the meeting was being held in accordance with Section 17 of the *Planning Act*.

The purpose of this meeting is to receive comments and correspondence from the public regarding a Regional Official Plan Amendment application regarding Port Colborne Quarry Pit 3 Expansion.

The proposed amendment affects lands which are immediately to the east of the existing Port Colborne quarry operation. The total area proposed to be licensed and of the proposed regional official plan amendment is 80.3 hectares.

The Committee Chair stated that any person who wished to make representation on the proposed amendment would be given an opportunity to do so. She additionally advised that written submissions may be submitted to the Clerk's Office to be placed on a public agenda and become part of the public record. Personal information will be collected and maintained for the purpose of creating a record and may be available to the general public pursuant to the *Municipal Act*, the *Municipal Freedom of Information and Privacy Act*, and any other relevant Acts.

3.1 **Presentation**

3.1.1 Regional Official Plan Amendment Application

Sean Norman, Senior Planner, provided information respecting Overview of the Application - Regional Official Plan Amendment - Port Colborne Quarries, Proposed Expansion of Pit 3 (Application No. ROPA-21-0001). Topics of the presentation included:

- Supporting Information
- Timeline of ROPA Application
- Concurrent Applications
- Approval Process
- Summary of Next Steps

3.2 **Speakers to the Matter**

3.2.1 David Siscoe, Senior Planner, IBI Group

David Siscoe, Senior Planner, IBI Group, appeared on behalf of Port Colborne Quarries Inc., to provide information on the application including the proposed expansion, operation and rehabilitation plans, and project status.

3.2.2 Jack S. Hellinga, Resident, City of Port Colborne

Jack S. Hellinga, Resident, City of Port Colborne, appeared in opposition to the Official Plan Amendment expressing concerns regarding enforcement, the need for controlled agreements and the wetlands.

3.2.3 Robert Henderson, Resident, City of Port Colborne

Robert Henderson, Resident, City of Port Colborne, appeared in opposition to the Official Plan Amendment expressing concerns regarding the aquifer and the future of the quarry.

3.2.4 Sharon Ladd, Resident, City of Port Colborne

Sharon Ladd, Resident, City of Port Colborne, appeared in opposition to the Official Plan Amendment expressing concerns for her property, business and the environment.

3.2.5 Kevin Ladd, Resident, City of Port Colborne

Kevin Ladd, Resident, City of Port Colborne, appeared in opposition to the Official Plan Amendment expressing concerns regarding his property, traffic, contaminants and protection of the water source.

3.2.6 Cindy Mitchell

Cindy Mitchell, appeared on behalf of neighbours of the quarry, in opposition to the Official Plan Amendment expressing concerns for the environment and ecosystem, license requirements and wetland protection.

3.2.7 Harry Wells, Resident, City of Port Colborne

Harry Wells, Resident, City of Port Colborne, appeared in opposition to the Official Plan Amendment expressing concerns for conditions for the amendment, protecting the aquifer, economic prosperity and additional options for the quarry.

3.2.8 Melissa Bigford

Melissa Bigford, Resident, City of Port Colborne, appeared in opposition to the Official Plan Amendment expressing concerns for the environment, agriculture, water quality and the aquifer.

The speaking notes are attached to these minutes as PDS-C 7-2023.

3.3 Correspondence

3.3.1 PDS-C 4-2023

Gary Gaverluk, Vice President, The Niagara Water Protection Alliance

3.3.2 PDS-C 5-2023

Jack S. Hellinga, Resident, City of Port Colborne

Moved by Councillor Ugolini
Seconded by Councillor Davies

That the comments and correspondence items provided at the Statutory Public Meeting **BE RECEIVED** and **REFERRED** to staff for consideration in the preparation of the final report respecting Regional Official Plan Amendment Application – Port Colborne Quarries, Proposed Expansion of Pit 3.

Carried

3.4 Report (For Information Only)

3.4.1 PDS 5-2023

Regional Official Plan Amendment Application – Port Colborne Quarries, Proposed Expansion of Pit 3

Moved by Councillor Seaborn
Seconded by Councillor Ganann

That Report PDS 5-2023, dated March 8, 2022, respecting Regional Official Plan Amendment Application – Port Colborne Quarries, Proposed Expansion of Pit 3, **BE RECEIVED** for information and **BE CIRCULATED** to the City of Port Colborne and the Niagara Peninsula Conservation Authority.

Carried

3.5 Summary and Next Steps

Sean Norman, Senior Planner, advised that all comments or correspondence received would be considered in the preparation of the final report respecting the Regional Official Plan Amendment - Port Colborne Quarries, Proposed Expansion of Pit 3.

3.6 Adjournment of the Statutory Public Meeting Under the Planning Act

The Committee Chair declared the Statutory Public Meeting under the *Planning Act* adjourned at 3:17 p.m. and advised that those individuals who wish to be informed of when the Region is considering a final report on this matter must inform the Regional Clerk in writing.

4. **PRESENTATIONS**

There were no presentations.

5. **DELEGATIONS**

There were no delegations.

6. **ITEMS FOR CONSIDERATION**

6.1 PDS 7-2023

Niagara Falls 2018 Waterfront Investment Program Grant Extension

Moved by Councillor Morocco

Seconded by Councillor Seaborn

That Report PDS 7-2023, dated March 8, 2023, respecting Niagara Falls 2018 Waterfront Investment Program Grant Extension, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That an extension of the 2018 Waterfront Investment Program grant for the City of Niagara Falls' Millennium Trail Section 5 through December 31, 2024 **BE APPROVED**; and
2. That Report PDS 7-2023 **BE CIRCULATED** to the City of Niagara Falls

Moved by Councillor Ip

Seconded by Councillor Seaborn

That the motion **BE AMENDED** as follows:

1. That an extension of the 2018 Waterfront Investment Program grant for the City of Niagara Falls' Millennium Trail Section 5 through December 31, 2024 **BE APPROVED after which time the Regional funding allocated for the grant would be repurposed.**

Carried

The Chair called the vote on the motion, as amended, and declared it,

Carried

7. CONSENT ITEMS FOR INFORMATION

7.1 PDS 6-2023

2022 Niagara Region Employment Inventory Result

John Federici, Planner, and Blake Landry, Manager, Economic Research & Analysis Manager, provided information respecting 2022 Niagara Region Employment Inventory Result. Topics of the presentation included:

- Employment Inventory Overview
- History and Reporting Gap
- Partnerships and Collaboration 2022
- 2022 Inventory Completion Rate
- 5-Year Completion Rate Trend and Business Counts
- Number of Businesses/jobs by NAICS Sector
- Diversity, Equity, and Inclusion
- Engaging the Business Community
- Project Page and Open Data

Moved by Councillor Bateman
Seconded by Councillor Morocco

That Report PDS 6-2023, dated March 8, 2023, respecting 2022 Niagara Region Employment Inventory Results, **BE RECEIVED** and **BE CIRCULATED** to the Local Area Municipalities, Local Economic Development Offices, Workforce Collective, the Niagara Chambers of Commerce and Brock University.

Carried

7.2 PDS-C 3-2023

Collaboration to Support Industrial Development in Fort Erie

Moved by Councillor Witteveen
Seconded by Councillor Ganann

That Report PDS-C 3-2023, dated March 8, 2023, respecting Collaboration to Support Industrial Development in Fort Erie, **BE RECEIVED**.

Carried

8. OTHER BUSINESS

8.1 Niagara Escarpment Commission Appointment

Councillor Witteveen advised committee that he was once again appointed as Niagara Regional Council's representative for the Niagara Escarpment Commission.

9. NEXT MEETING

The next meeting will be held on Wednesday, April 5, 2023, at 1:00 p.m. in the Council Chamber, Regional Headquarters.

10. ADJOURNMENT

There being no further business, the meeting adjourned at 3:57 p.m.

Councillor Huson
Committee Chair

Jenna Spratt
Legislative Coordinator

Ann-Marie Norio
Regional Clerk

March 8, 2023

To: Members of Regional Council and Staff,

Ontario's prime agricultural land is a finite, non-renewable resource comprising less than 5% of Ontario's land base. It is the foundation for food, the local food economy, Agri-food exports, economic prosperity and the growing bio-based economy. The Provincial Policy Statement (PPS) states that Ontario's prime agricultural areas shall be protected for long-term use for agriculture and defines prime agricultural areas as areas where prime agricultural lands predominate. Agriculture is a finite resource, dependent on soil, climate, and topography.

This proposed expansion of Pit 3, should not be allowed as it does not follow the PPS for Prime Agricultural land, Environmental Conservation Area and Environmental Protection Area.

When siting, designing and operating permitted uses in prime agricultural areas, care must be taken to ensure PPS environmental policies are met. For example, the environment is clean and healthy; any undesirable effects of development, including impacts on air, water and other resources, are minimized; land, resources and biodiversity are conserved; and the quality and quantity of water resources are protected, improved and restored.

The principal use in prime agricultural areas:

- Prime agricultural areas are protected for future generations
- Land taken out of agricultural production, if any, is minimal
- Regard is given to the long-term (multi-generational) impact on prime agricultural areas
- Normal farm practices are able to continue unhindered
- Agricultural and rural character and heritage are maintained as much as possible
- Uses are compatible with agricultural uses
- They make a positive contribution to the agricultural industry, either directly or indirectly
- Servicing requirements (e.g., water and wastewater, road access, fire services, policing) fit with the agricultural context.

Under these principals an amendment to the Regional Official Plan from Agriculture to Licensed Mineral Aggregate Operation and city Official Plan from Agriculture to Mineral Aggregate should not be approved!

How will the change in designation from Agriculture to Licensed Mineral Aggregate Operation follow the PPS environmental policies?

What guarantees are there that the removal of such a large parcel of prime agricultural land for the extraction of mineral aggregate will not result in environmental impacts? Specifically the fact that it will not be replaced to its original conditions as there is a substantial quantity of mineral aggregate resources below the water table.

What guarantees will be in place to protect the water table and our natural aquifer?

How will a below water permit quarry follow the PPS environmental policies?

It is not in the best interest of the protection of the environment and the surrounding neighbours to alter the branch of the Wignell Drain that currently extends into the wetlands and woodlands in the southern portion. You can't just move the natural Wignell Drain and put it back close to where it was originally!! It is stated that it will be restored to generally its original location but no firm timeline is given. Will it be 60 years or never?

What are the long-term environmental effects of this realignment and who will be held accountable/liable for any future damage this realignment could/will cause to the surrounding area?

The minimum setbacks from a Provincial Highway should not be reduced from 90m to 30m. Setbacks are an established By-law to protect the surrounding sensitive land uses within municipalities. The reduced setback will have adverse effects on the surrounding properties and could affect the long term durability and structural foundation of Hwy 3 and the abutting landowners. Why do we have a set of by-laws and rules in place to protect the surrounding properties and the environment if they are not enforced and can be altered to suit a developer?

The applicants report states all applicable permit and design approvals for a deceleration lane shall be secured from the Ministry of Transport prior to the construction and use of this access! However, in a previous report to city council by staff it was stated that the subject site is within the MTO permit radius and ministry permits must be obtained prior to any grading /construction on site.

The report also stated that the Ministry of Transport will not allow access to Hwy 3 from the subject site!! So how will a new quarry entry/exit be established directly onto Hwy 3 when the Ministry of Transport approval has not yet been acquired and the fact it has stated previously, it would not be approved?

How will the reduced setback of 30m allow for the construction of a deceleration lane on Hwy 3? Will the Region or MTO have to expropriate land from private landowners abutting Hwy 3 to accommodate the required deceleration lanes and at what cost to taxpayers? Will these deceleration lanes reduce the setback/buffer area even more?

Is there justification from a regional prospective of how reducing the setback by 60m is protecting the established transportation corridor of Hwy 3/ Main St. and consistent with the PPS 2020 & ROPA 6? If so, where is it, if not why not?

The hours of operation are stated in the report to be 7am to 7pm, yet repeatedly in the traffic study report submitted by the applicant it states that trucking activities begin at 6:00 am, which one is it? Bearing in mind, staff shifts and the crusher machinery have started before the 7am Noise By-Law and stated hours of operation. Why are so many different facts being presented by the applicant? These contradictions reported by the applicants own studies show a continued disregard for the rules and operational standards that are there to protect the surrounding neighbourhood.

My other major concern is the fact that the unlicensed Pit 1 will be used for the processing of the blasted rock from Pit 3 which includes the crushing, screening, washing and storage of the blasted rock. There are no mitigation measures currently implemented at Pit 1 to protect the surrounding neighbourhood. No protection from the increase in noise, dust and continued contamination of the aquifer. There is also no guarantee and concrete timelines for when the processing equipment will be moved to Pit 3. It was stated at the virtual open house to be in the 12 to 15 year timeline yet at last night's meeting it was stated to be about 5 to 7 years which one is it? What agreements will be put in place to ensure these timelines are met?

Where does the accountability surrounding the continued use of Pit 1 fall under as it is an unlicensed pit? How will we be protected from the exploitation of the current rules and By-laws? Why are the mitigation measures required for the processing of blasted rock in Pit 3 not being implemented and required in Pit1 to help alleviate some of the ongoing environmental concerns mentioned above (noise/dust)?

In conclusion, the Regional and City Official Plan amendments should not be approved, nor the minimum setbacks reduced. The applicant has not proved to be a good neighbour; operates with a disregard for the protection, consideration of the surrounding environment and neighbourhood including all current operational rules, standards and By-laws.

Thank you,

Melissa Bigford