

March 1, 2023

From: Harry Wells

██████████
Port Colborne, ON ██████████
██████████

To: Niagara Region

Planning and Development Services
1815 Sir Isaac Brock Way,
Thorold, ON L2V 4T7

Re: Application to Amend Objection to Regional Official Plan Amendment Application No. ROPA-21-0001, Port Colborne Quarries (PCQ) – Proposal for Pit 3 Expansion

Dear Regional Clerk,

Please accept this as part of my input on the proposed amendments to Regional Official Plan (ROP), Port Colborne Official Plan (OP) and Port Colborne Zoning By-law 6575/30/18 (ZBL).

The application to amend form was completed claiming that no fill was placed on the site when completing Part 5 Item C as shown below. I believe this to be a false statement as there was paper waste pulp placed north of the racetrack as shown in Figure 1 and 2 below. It is my understanding that the mound that is there is comprised of wastepaper pulp from one of the Thorold paper mills. This being the case then the Application should not be accepted until it is accurately completed, and the issue of there being fill there it should be investigated and dealt with appropriately.

Respectfully Submitted



Harry Wells

PART 5: Previous Uses of the Subject Lands

A. What were the previous uses of the subject lands?

Agriculture

B. Has there been an industrial or commercial use of the site or adjacent land?

☐ *Yes ☒ No

*Please specify the type of use:

*Last year of use on subject lands:

C. Has there been fill placed on the site?

☐ *Yes ☒ No

This is a false statement as fill has been placed on the site at the north side of the Humberstone Speedway. See Appendix I

*Please specify the type of fill:

*Time period of fill placement:

D. Is there reason to believe the site may have been contaminated by former uses, either on the site or on adjacent sites? (e.g. former industrial use, agricultural use, commercial use, gas station, petroleum or other fuel stored on site or adjacent site.)

☐ *Yes ☒ No

It is reasonable to believe the Humberstone Speedway site is contaminated with petroleum and other chemicals used by vehicles participating in races and demolition derbies.

*If "yes", an environmental site assessment of all former uses of the site and, if appropriate, an adjacent site, to the satisfaction of the Ministry of Environment and Climate Change and/or the Region is required. This study must be prepared in accordance with O.R. 153/04 by a qualified consultant.

Fill place on site of PCQ Expansion

Figure 1: Google Maps aerial view



Figure 2: Google Maps view from Miller Road



March 1, 2023

From: Harry Wells

[REDACTED]
Port Colborne, ON [REDACTED]
[REDACTED]

To: Planning and Development Services
1815 Sir Isaac Brock Way,
Thorold, ON L2V 4T7

Re: Aquifer Protection Objection to Regional Official Plan Amendment Application No. ROPA-21-0001, Port Colborne Quarries (PCQ) – Proposal for Pit 3 Expansion

Dear Regional Clerk,

Please accept this as part of my input on the proposed amendments to Regional Official Plan (ROP), Port Colborne Official Plan (OP) and Port Colborne Zoning By-law 6575/30/18 (ZBL).

It is understood that mineral aggregate is considered a strategic resource and that pits and quarries are a necessary activity and land use, and that they must be located where the resource exists. However, The Provincial Policy Statement (PPS) requires the appropriate development and protection of resources of provincial interest, public health and safety, and the quality of the natural and built environment.

The policies of the Provincial Policy Statement represent minimum standards and the expectation is that planning authorities and decision-makers will go beyond these minimum standards to address matters of importance, unless doing so would conflict with any policy of the Provincial Policy Statement.

The Province must ensure that its resources are managed in a sustainable way to conserve biodiversity, protect essential ecological processes and public health and safety, provide for the production of food and fibre, minimize environmental and social impacts, provide for recreational opportunities (e.g. fishing, hunting and hiking) and meet its long-term needs.

The Provincial Policy Statement, 2020 Pg 26 section 2.2 Water states that the Regional and Municipal Planning authorities shall protect, improve or restore the quality and quantity of water resource systems consisting of ground water features, hydrologic functions, natural heritage features and areas, and surface water features which are necessary for the ecological and hydrological integrity of the watershed. Allowing the expansion to be a Class 2 MAO means they will be conducting activities below the water table in the actual aquifer. In order for them to conduct these activities it is proposed that the water table in all the Pits will be reduced and maintained 16 meters below the existing 178 masl to 162 masl. That equates to over 10 million cubic meters of water being pumped out of the aquifer and kept out just for the expansion.

The demand for aggregates and the policies of the PPS do not override the protection of the environment, existing land use constraints, the legal rights of adjacent properties

or the health and safety of the public. It is expected that the activity will be carried out in a manner that will not create any adverse impacts to the environment, water, sensitive land uses and public. It is expected that commitments made by applicants to obtain a license will be honoured, and that the commitments will be enforced by the appropriate authority.

Using the same Section and Clause numbering as the Planning Justification Report (PJR), the following comments and objections are raised:

Water

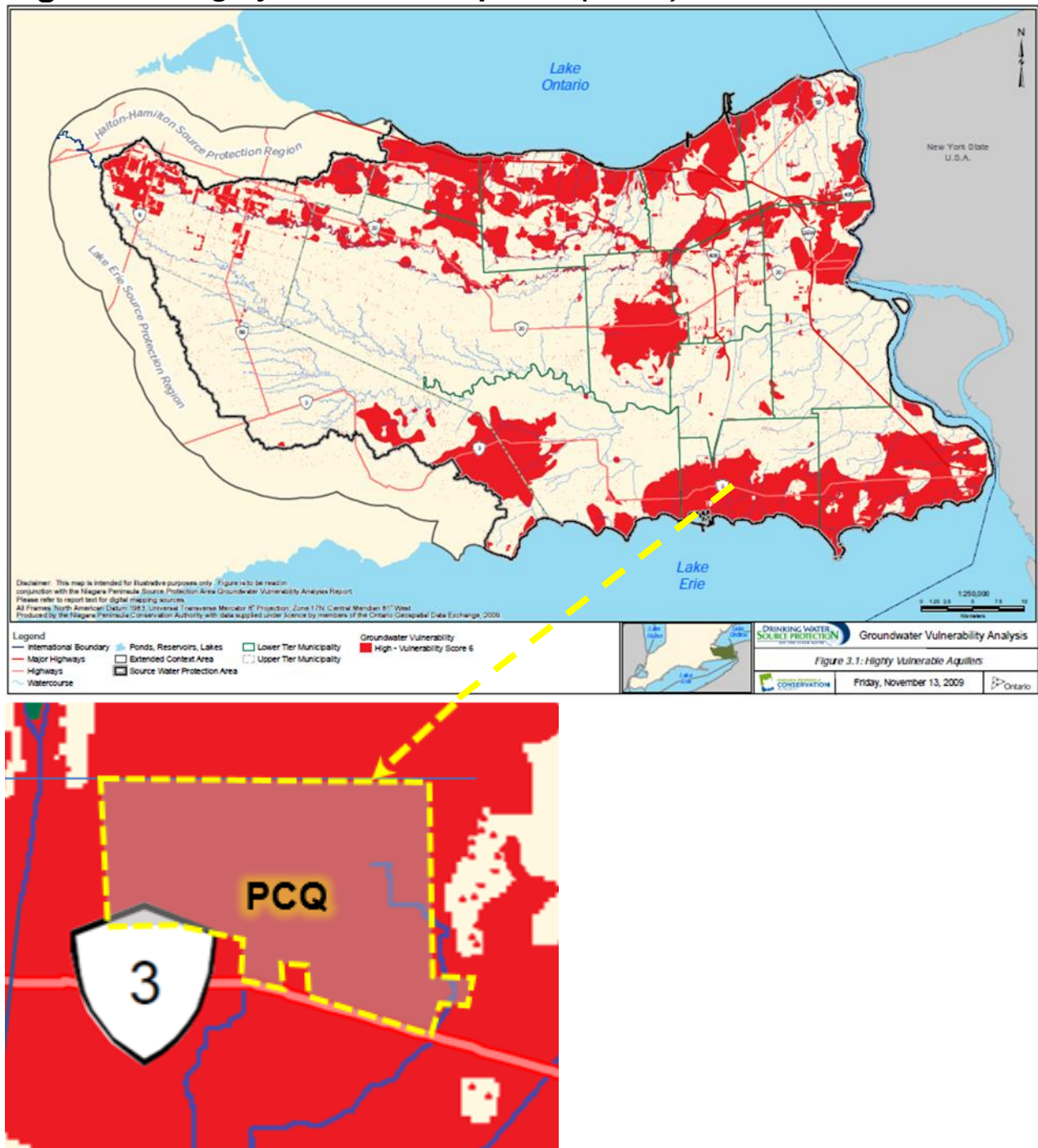
6.1.3 Water (Pg 12)

PPS Policy 2.2 states that:

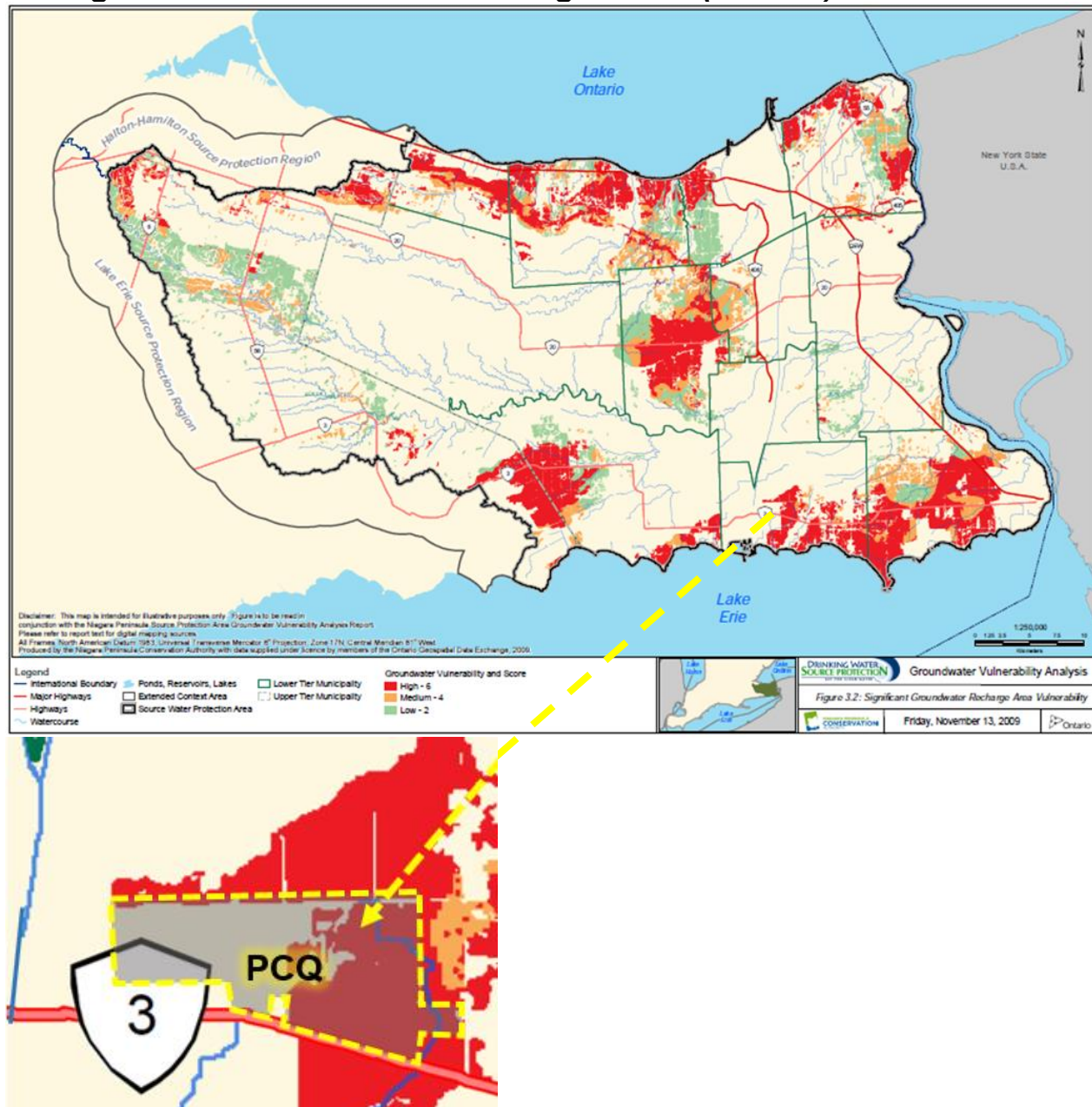
*2.2.2 Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be **protected, improved** or restored. Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore sensitive surface water features, sensitive groundwater features, and their hydrologic functions.*

In the Hydrogeology Assessment Appendix J of their Expansion submission, they identify the Highly Vulnerable Aquifer (HVA) that the quarry resides in and many of the rural citizens in both Port Colborne and Fort Erie access as a source of drinking water, but they failed to address the fact that the quarry is also in a Significant Groundwater Recharge Areas (SGRA). This is of significant importance because the combination of a HVA and SGRA will increase the vulnerability of the aquifer to contamination. Below are Figures 3.1 and 3.2 produced by the Niagara Peninsula Source Protection Committee and in their November 30, 2009, Analysis illustrating the areas of the HVAs and SGRAs clearly showing that PCQ is well within both areas. On page 8 of their report, they state “The vulnerability category for historic and licensed aggregate pits and quarries will be raised to high as there is no protection to the aquifer”.

Figure 3.1 Highly Vulnerable Aquifers (HVAs)



3.2 Significant Groundwater Recharge Areas (SGRAs)



PPS Policy 10.1.2 regarding Exceptions states that: The policies of this chapter generally do not apply to the following items:

- a) Approved development applications under the Planning Act as of May 4, 2006;
- b) **Fill activities proposed in accordance with a site licence under the Aggregate Resources Act; or (Emphasis added).**

This change suggest that fill will be imported to the site from other areas. There is no information in the application on how fill will be managed other than it will be used as part of the proposed progressive rehabilitation plan to create a variety of side slopes ranging from 2:1 to 4:1, However PCQ has state in other documents that **the use of imported clean inert fill as per MECP Guidelines is not being proposed.** If PCQ does use fill from the Race track or other offsite sources there is a high potential the fill could be contaminated. With the floor of the pit being 8 meters below the groundwater level any contaminate fill could irreversibly contaminate the aquifer.

Groundwater is being impacted up to a kilometer away from PCQ's operations based on their Hydrology Reports. There is nothing in the submissions of PCQ that provides details on mitigation measures against threats to the vulnerable aquifer ground water as identified by the Niagara Region Planning Committee or the Niagara Peninsula Source Protection Authority in the February 17, 2020 Source Protection Program. PCQ provides nothing that will improve or restore sensitive surface water features, sensitive groundwater features, and their hydrologic functions.

PCQ does not propose or suggest any mitigative measures to improve or restore sensitive groundwater features but they will be pumping the groundwater down to make the quarry floor dry and creating a cone of influence out to 1 kilometer from their excavation area (refer to Appendix II) so they will be negatively impacting both the groundwater and surface waters not protecting or improving them.

The only thing they will be doing with regards to the ground water is conducting a ground water monitoring and response program that includes monitoring of the on-site wells if they have any groundwater in them monthly and conducting a water quality analysis program every five years. (Page 87 in the Hydrogeological recommendations and Page 21 in the Golder Hydrogeological Level 1/2 Water Resource Study)

Highly vulnerable aquifers are to be protected under Section 4.2 of the PPS. Section 2.2.2 clearly states that mitigative measures are required to be in place to protect, improve or restore sensitive ground water features, and their hydrologic functions. Section 4.2.1 Contaminant Management requires contaminant management plans to be in place for developments involving Highly Vulnerable Aquifers. No such plan was included in the documents provided by PCQ.

Objection

I object to granting the approval of the amendments to the ROP, COP and Zoning-by Law for the Pit 3 extension as proposed by PCQ on the grounds that it fails to satisfy the

PPS with regards to protecting and improving the water of the Highly Vulnerable Aquifer. It is unreasonable to expect a water quality sampling program conducted every five years would be effective in mitigating any adverse affect on the Highly Vulnerable Aquifer. To approve this extension PCQ should be required to put in place a Contaminant Management Plan in combination with a Water Quality Monitoring Program that conforms to the MECP Ontario Drinking Water Standards.

Respectfully Submitted

A handwritten signature in dark ink, appearing to read 'H. Wells', written in a cursive style.

Harry Wells

March 1, 2023

From: Harry Wells

Port Colborne, ON

To: Niagara Region

Planning and Development Services
1815 Sir Isaac Brock Way,
Thorold, ON L2V 4T7

Re: Rehabilitation Objection to Regional Official Plan Amendment Application No. ROPA-21-0001, Port Colborne Quarries (PCQ) – Proposal for Pit 3 Expansion

Dear Regional Clerk,

Please accept this as part of my input on the proposed amendments to Regional Official Plan (ROP), Port Colborne Official Plan (OP) and Port Colborne Zoning By-law 6575/30/18 (ZBL).

PCQ operates several (3) existing quarry sites within the area bounded by Highway 140, Highway 3 (Main St.), Miller Road and Second Concession Road (*Pit 1, Pit 2 and Pit 3*). Some of these sites are active but not licensed and therefore do not have an established rehabilitation plan, and other sites are licensed under the Aggregate Resources Act which are both active and non-active extraction areas.

Fact is PCQ operates only 3 quarry sites Pit 1, Pit 2 and Pit 3. Pit 1 was depleted prior to 1971 and is not an active extraction site and could have and should have been rehabilitated many years ago when Pit 2 was depleted. Processing of aggregate continues in unlicensed Pit 1 despite the 1982 SPA and the availability of sufficient space in the depleted Pit 2 to move the processing to Pit 2 and rehabilitate Pit 1 in what is understood to be progressive.

Failure to require and ensure rehabilitation of Pit 1 by the City of Port Colborne and the MNRF defies the intention of the Aggregate Resources Act (ARA), Provincial Policy Statement (PPS), Regional Official Plan (ROP), Port Colborne Official Plan (PCOP) and Port Colborne's Comprehensive Zoning By-law (CZB) requiring progressive rehabilitation. One can speculate the reason for not rehabilitating Pit 1 to be purely financial and benefitting only PCQ.

Fact is there is an established rehabilitation plan for Pit 1 that is found in the Site Plan Agreement of 1982 between the City and PCQ. Excerpts from the 1982 SPA identifying the rehabilitation and commitment by PCQ are provided below in Figures SPA 1 through SPA 4

Figure SPA1

THE CORPORATION OF THE CITY OF PORT COLBORNE

BY-LAW NO. 1155/102/81

BEING A BY-LAW TO AUTHORIZE ENTERING
INTO A SITE PLAN AGREEMENT WITH PORT
COLBORNE QUARRIES LIMITED.

1. In this Agreement,
(a) "Plans and drawings" means the plans and drawings included as Schedule "A" - Existing Site Plan or Existing Features; Schedule "B" - Proposed Site Development Plan or Direction of Operation; Schedule "C" - Rehabilitation Plan; attached hereto and forming Part of this Agreement and such additional Plans and drawings as may subsequently be approved by the City of Port Colborne including plans or drawings which revise or replace any one or more of the plans and drawings attached hereto.

Site Plan Agreement 1982 Page 1 of 26

Figure SPA 2

14. The Quarries has as a condition of licensing pursuant to the Pits and Quarries Control Act, agreed to undertake and maintain a rehabilitation program comprising a passive recreational lake which would only be used by sail boats, canoes and row boats.

Site Plan Agreement 1982 Page 6 of 26

Figure SPA 3

23. The Quarries agrees to the undertaking and maintenance of a rehabilitation program compatible to the program contemplated in Clause 14 of this Agreement for that area west of Snider Road,
Pit 1
being Part of Lots 23 and 24, Concession 2.

Site Plan Agreement 1982 Page 8 of 26

Figure SPA 4

31. This Agreement shall enure the benefit of and shall be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns and successors in title.

Site Plan Agreement 1982 Page 10 of 26

This is acknowledged on page 6 of the Comprehensive Rehabilitation Strategy and page 16 of the Planning Justification Report. PCQ's acknowledgement of the Site Plan Agreement and their demonstrated lack of progressive rehabilitation demonstrates they

are not committed to honouring the intent of agreements and illustrates how they will honour their future commitments.

Fact is Pit 2 was depleted in and about 1986. Pits 2 and 3 are licensed under the Aggregate Resources Act license #4444 and a condition of that license is progressive rehabilitation. Pit 2 is not an active extraction site and is only used for storage of various things and a haulage road to connect Pit 1 and Pit 3. The haulage road would not be required if the processing operations in Pit 1 were relocated into Pit 3 as implied in the licensing of Pit 2 and 3 and now as proposed in the request for expansion.

Although the Site Plans for Pit 2 and Pit 3 are combined and the Rehabilitation Plan is the same for both, being that of a passive recreational use as a lake the remediation of them can be independent. The “extraction of the site is all but complete” with an estimated million tonnes of reserve remaining that PCQ could retrieve but claim it is problematical and expensive because it is buried under overburden. Retrieval is well within the ability of PCQ and the overburden could be used for the rehabilitation of Pit 2. One can speculate the reason for not retrieving the reserve and not rehabilitating Pit 2 is purely financial and benefitting only PCQ. If PCQ were truly honouring their commitment to progressive rehabilitation, Pit 2 would and should be ready to have the pumps turned off and allowed to fill and become a passive recreational lake.

PCQ openly acknowledge on Page 8 of the Comprehensive Rehabilitation Strategy that progressive rehabilitation is a key component of the Aggregate Resources Act (ARA) and a policy requirement of the PPS. In addition to the ARA and PPS rehabilitation is a key component of the Regional Official Plan and the Port Colborne Official Plan (PCOP). The PCOP in section 10.1 Mineral Aggregate states a party conducting a mineral aggregate operation such as PCQ shall minimize the long-term impact of the disturbed area by encouraging and promoting the timely, progressive, and final rehabilitation of the aggregate operations. Rehabilitation at PCQ has not been timely or progressive.

The ROP in section 6. Resources 6.A Mineral Resources Policies state that all Mineral Aggregate Operations must meet the landscaping, buffering and setback regulations of the Province; and must follow the plans as prescribed as a condition of their licensing for the rehabilitation of their quarry. Setbacks should not be less than that specified by in PCQ’s License #4444.

PCQ acknowledges that progressive rehabilitation is a key component of the various acts and regulations that govern their MAO but PCQ has denied and delayed the progressive rehabilitation of Pit 1 and 2. PCQ has shown no willingness or significant effort to rehabilitate the depleted quarries and have found excuses and loopholes to avert the requirements to progressively rehabilitate.

10.2.2 Additional Policies

viii) Proposed progressive rehabilitation plan

c) For applications on *Prime agricultural land*, the site will be progressively rehabilitated to agriculture so that substantially the same area and average soil

capability for agriculture are restored. Complete agricultural rehabilitation shall not be required if:

- i) There is a substantial quantity of *aggregate* resource below the water table warranting extraction;
 - ii) The depth of planned extraction makes restoration of pre-extraction agricultural capacity unfeasible and other alternatives have been considered by the applicant and found unsuitable. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 to 7 soils, resources on lands identified as greenfield area, and resources on *prime agricultural lands* where rehabilitation is feasible. Where no other alternatives are found, *prime agricultural lands* shall be protected in this order of priority. Canada Land Inventory Classes 1, 2 and 3; and
 - iii) Agricultural rehabilitation in remaining areas will be maximized.
- e) In environmental areas, as provided in Section 4, the City will require rehabilitation to enhance the restoration of ecosystem integrity in accordance with the policies of this Plan, the Regional Policy Plan and the appropriate *watershed/sub-watershed* study.
- f) Where such resources exist, the City will promote and encourage rehabilitation of *aggregate* operations in a manner which incorporates the cultural and heritage resources in or adjacent to the site, including the conservation of *significant* cultural or heritage features where practical.

ROP 6.B Objectives for Mineral Resources

Objective 6.B.2 To ensure the suitable location, operation and **rehabilitation of mineral extraction activities in order to minimize conflicts with both the natural and human environment of the Region.**

11.5 Parkland Acquisition and Dedication

The Planning Act gives the authority to the municipality to require land for parks and recreational purposes at the time of *development*. This requires the developer to transfer a predetermined amount to the City at no cost. The amount of land that can be requested is limited by the Act and varies depending on use.

11.5.1 General

a) The City will acquire lands to achieve an integrated park and open space system through:

- i) Land dedication;
- ii) Cash-in-lieu;
- iii) Subsidies or grants for acquisition from other levels of government or public agencies;
- iv) Donations, gifts, contributions or bequests from individuals, corporations or other levels of government or public agencies; and
- v) Funds allocated in the capital budget.

11.5.2 Exemptions from Parkland Dedication

The City may provide for exemptions to the required parkland dedication if:

- a) Privately-owned open space is made available through a co-operative use agreement and which would fill a leisure need identified by and to the satisfaction of the City;
- c) Special features are being preserved in which the City has an interest.

PPS states that it is equally important to protect the overall health and safety of the population, including preparing for the impacts of a changing climate. The Provincial Policy Statement directs development away from areas of natural and human-made hazards. This preventative approach supports provincial and municipal financial well-being over the long term, protects public health and safety, and minimizes cost, risk and social disruption.

Objection

The amendments to the ROP, PCOP and Zoning should not be approved until PCQ has demonstrated the progressive rehabilitation of Pits 1 and 2 and the satisfying of all the conditions of the PPS Policy 1.7 with regards to rehabilitation of Pits 1 and 2.

Respectfully Submitted

A handwritten signature in dark ink, appearing to read 'Harry Wells', is written above the printed name.

Harry Wells

March 1, 2023

From: Harry Wells

[REDACTED]
Port Colborne, ON [REDACTED]
[REDACTED]

To: Niagara Region

Planning and Development Services
1815 Sir Isaac Brock Way,
Thorold, ON L2V 4T7

Re: Reduced Setback Objection to Regional Official Plan Amendment Application No. ROPA-21-0001, Port Colborne Quarries (PCQ) – Proposal for Pit 3 Expansion

Dear Regional Clerk,

Please accept this as part of my input on the proposed amendments to Regional Official Plan (ROP), Port Colborne Official Plan (OP) and Port Colborne Zoning By-law 6575/30/18 (ZBL).

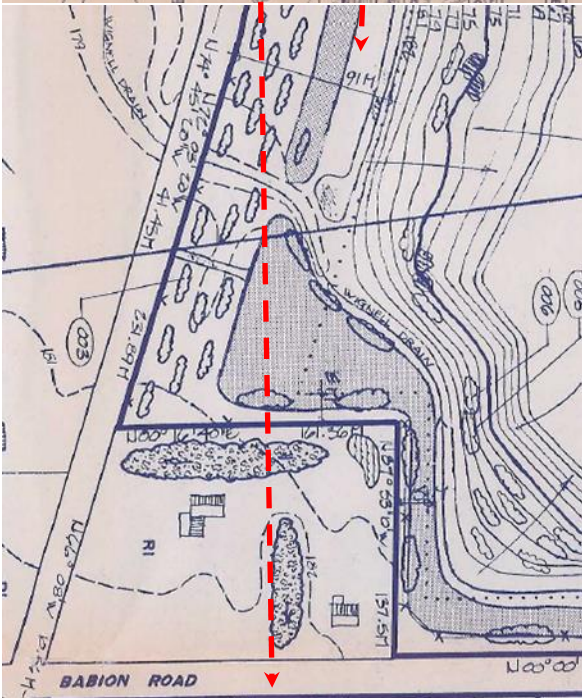
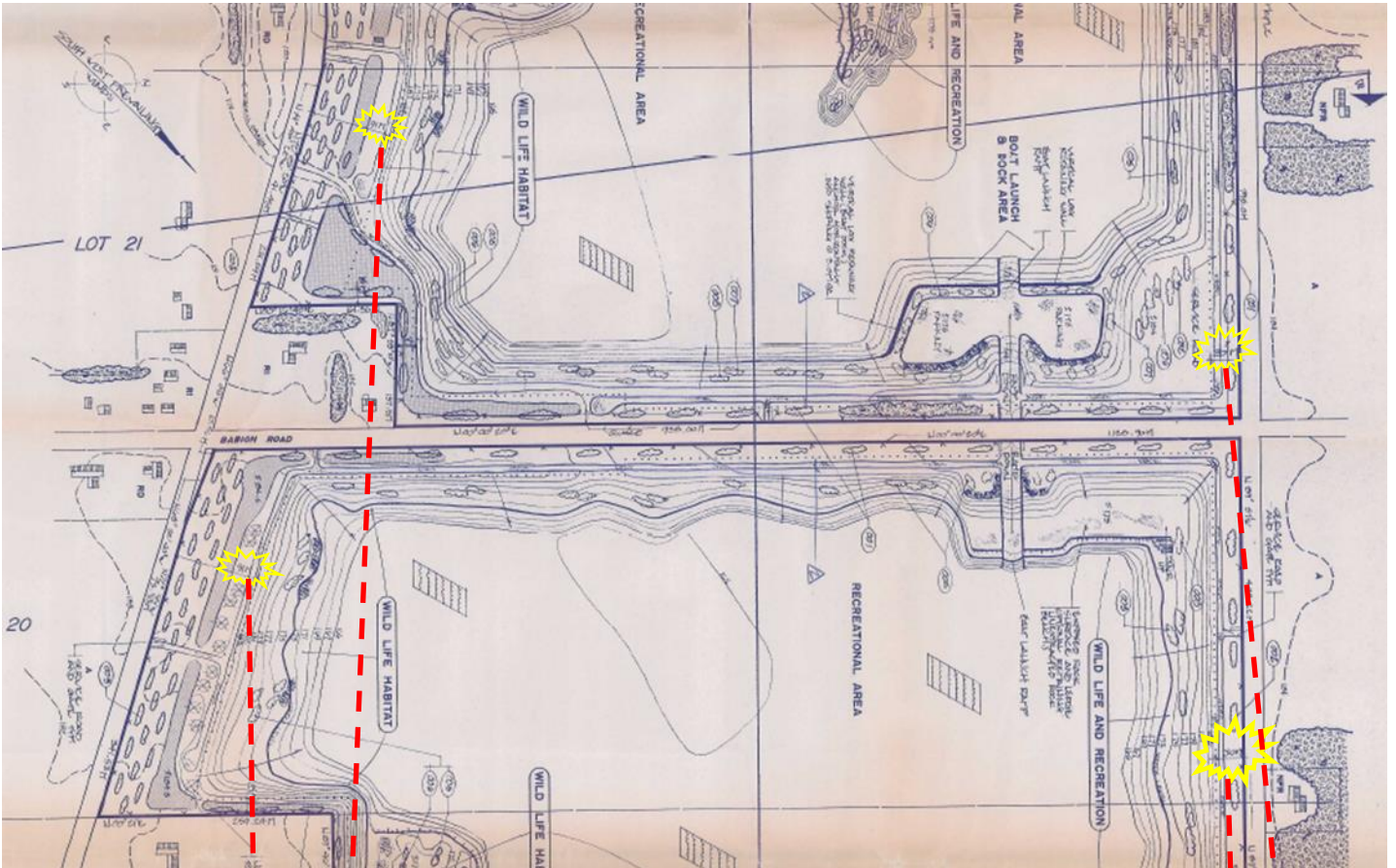
In my opinion these amendments are not consistent with the Provincial Policy Statement and Regional Policies to protect Transportation Corridors. The reduction of the setback is not consistent with Provincial Policy Statement, 2020 (Pg 21) 1.6.8 Transportation and Infrastructure Corridors, sections 1.6.8.1, 1.6.8.2 or 1.6.8.3.

The Regional Official Plan, Amendment 6 states that ***“Transportation corridors and transit facilities play an integral role in the regional economy and the daily lives of Niagara’s residents by supporting the movement of people and goods. As the region continues to grow, the need for new and expanded transportation corridors and transit facilities will emerge. To ensure that these corridors and facilities can be developed in a manner that helps achieve growth and employment goals without compromising existing and planned land uses, corridors must be protected.”*** Reducing the set back from 90 to 30 meters is not consistent with the intent of protecting the HWY #3/Main Street. This restricts available land for expansion of the corridor and has the potential to create impediments to traffic on the corridor at entrance points to the property.

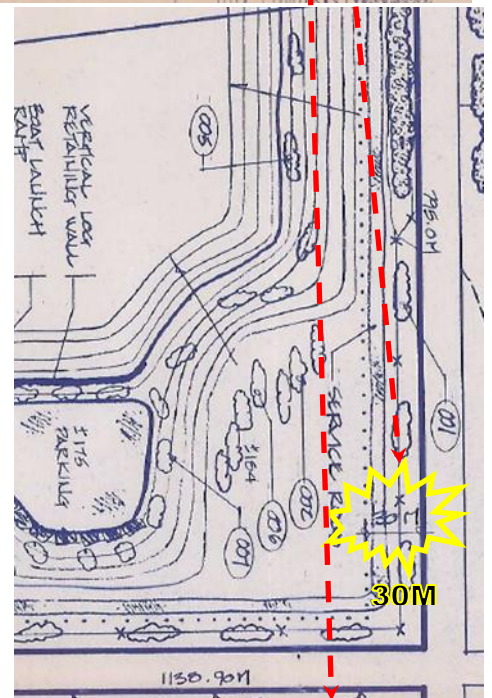
In my opinion the reduction of the setback is also not consistent with the Region’s Policies 9.D.1, 9.D.3, 9.D.13, and 9.D.14.

Reducing the set back for the extension along Highway 3 is not consistent with the conditions on Licence #4444. The setback from Highway 3 for Pits 2 and 3 is 90m as shown below in Figure 1.

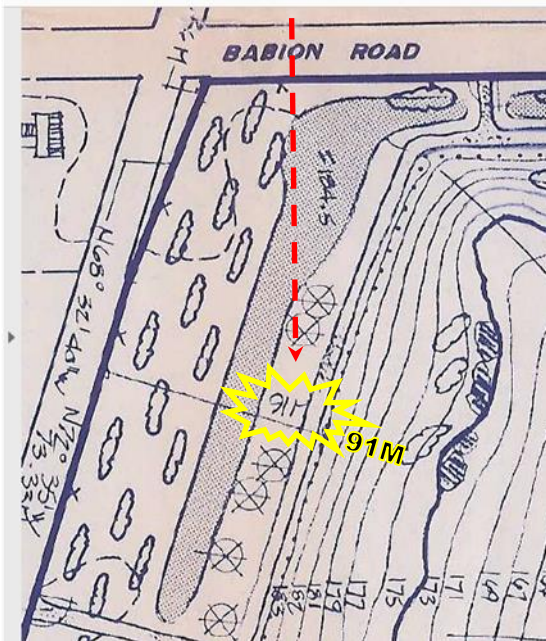
Figure 1
Setbacks Existing at Pit 2 & 3 License #4444



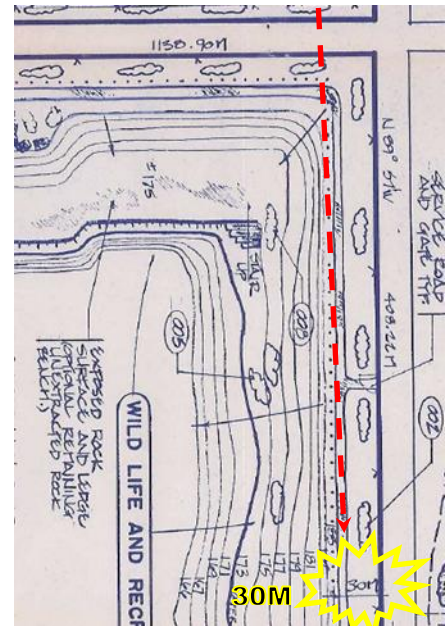
Set Back Pit #2 HWY 3



Set Back Pit #2 2nd Concession



Set Back Pit #3 HWY 3



Set Back Pit #3 2nd Concession

The application of the D Series Land Use Compatibility Guidelines privileges the aggregate industry over industry generally. To the extent the land use compatibility guidelines apply, that application is by joint review with by the Ministry of Norther Development, Mines, Natural Resources and Forestry (MNDMNR) and MECP with one exception: the municipal zoning decision. Port Colborne only gets one opportunity to evaluate the objective merits of PCQ's application and that is in the municipal zoning decision.

Aggregate extraction isn't a land use: In the past the courts concluded aggregate extraction isn't a land use. The Province of Ontario amended the Planning Act by introducing Section 34 (2) which states: "Pits and Quarries. – The making, establishment or operation of a pit or quarry shall be deemed to be a use of land for the purposes of paragraph 1 of subsection 1." 2 34 (1) provides municipalities with the ability to restrict the use of land through zoning.

Where the aggregate industry is concerned, municipalities exercise that control through the initial re-zoning of the land for extraction. Land use compatibility is one test required for rezoning. Otherwise, there is no municipal control of PCQ under the Planning Act after the zoning is approved. Where other industry is concerned, other Planning Act measures apply such as site plan control

The definition of adverse effects is set by the Environmental Protection Act. That inclusive definition is also adopted and applied by the Provincial Policy Statement 2020 under the Planning Act. It is imperative land use compatibility is properly established for existing uses and future uses as permitted in the zoning bylaw before PCQ's zoning approvals are finalized.

Where the aggregate industry is concerned, municipalities exercise that control through the initial re-zoning of the land for extraction. Land use compatibility is one test required for rezoning. Otherwise, there is no municipal control of PCQ under the Planning Act after the zoning is approved. Where other industry is concerned, other Planning Act measures apply such as site plan control.

Planning decisions involve balancing the public interests involved in aggregate extraction and the rights of the private property owners whose lands will become buffers to address the extraction's

adverse effects. It is imperative land use compatibility is properly established for existing uses and future uses as permitted in the zoning bylaw before PCQ's zoning approvals are finalized.

Appendix E attempts to provide a visual comparison of a 30 meter setback compared to a 90 meter setback and how it will negatively impact the viewer's impression of the area.

Objection

The amendments to the ROP, PCOP and Zoning should not be approved until it can be demonstrated the expansion will satisfy all the conditions of the Provincial Policy Statement and Regional Policies to protect Transportation Corridor of HWY #3/Main Street.

Respectfully Submitted

A handwritten signature in dark ink, appearing to read "H. Wells", written in a cursive style.

Harry Wells

Britney Fricke and David Schulz

How is this protecting or improving the quantity of the water resource? How is this preparing for the impacts of a changing climate to water resource systems at the watershed level? What measures is the Region and Municipality putting in place as required by the PPS to protect, improve or restore the vulnerable ground water of the aquifer? What practices for the efficient and sustainable use of the water from the aquifer is the Region and Municipality requiring PCQ to implement to conserve and sustain the quality of the water from the aquifer?

Respectfully submitted

A handwritten signature in dark ink, appearing to read 'Harry Wells', written in a cursive style.

Harry Wells

T: [REDACTED]

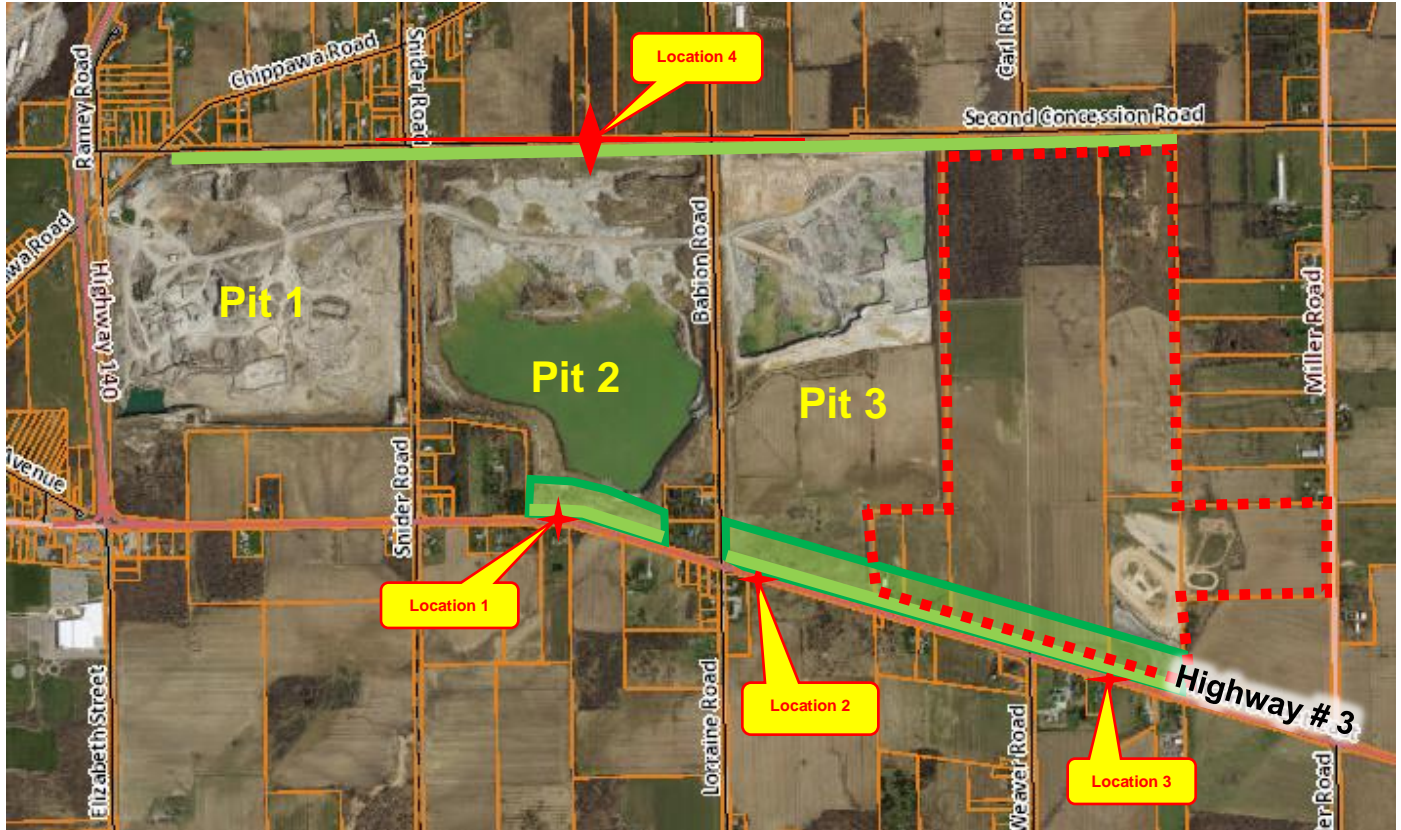
E: [REDACTED]

Appendix E

90 Metre vs 30 Metre Setback and Visual Comparisons

Figure 1

Area of Port Colborne Quarries and locations of Images



★ Indicates the location of the following locations that are provided below

— Indicates the 30m setback

- - - Indicates 90m setback

- - - Indicates Pit 3 Expansion Boundary

Location 1

Figure 2

Pit 2 90 metre set back from north side of Highway 3



Figure 3

Closer image of Figure 2 showing southern berm of Pit 2 with a 90 metre setback



Figure 4

Residence on south side of Highway 3 directly across from area in Figures 2 and 3



Figure 5

Closer image of Figure 4



Figure 6

Visual Comparison of Figure 3 Pit 2 Setback and Figure 5 Residence directly across the Highway



Location 2

Figure 7

View looking east on Highway 3



This view shows a significant visual contrast between Quarry berms on the left and agricultural residential lands on the right.

Figure 8

Another view looking a little further east on Highway 3 from location of Figure 7



Quarry berm on the north of Highway 3 has a significant visual difference from the agricultural property on the south of Highway 3

Figure 9

Closer image of Figure 7



Figure 10

Closer image of Figure 8



Location 3

Figure 11

The view driving east on Highway 3



Figure 12

Recreation of Figure 11 of the view easterly with a 90 metre setback along Highway 3



Figure 13

Recreation of Figure 11 of the view easterly with a 30 metre setback along Highway 3



Comparison of Figure 11 to Figure 13 illustrates a drastic visual change between a 30m setback and the current visual aspects of the area. Comparison of Figure 12 to Figure 13 illustrates a similar drastic visual change between a 30m setback and a 90m setback

Figure 14

The view driving east on Highway 3 entering the City



Figure 15

Recreation of Figure 14 of the view westerly with a 90 metre setback along Highway 3 at the proposed location of the Pit 3 expansion



Figure 16

Recreation of Figure 14 of the view westerly with a 30 metre setback along Highway 3 at the proposed location of the Pit 3 expansion



Comparison of Figure 14 to Figure 16 illustrates a drastic visual change between a 30m setback and the current visual aspects of the area. Comparison of Figure 15 to Figure 16 illustrates a similar drastic visual change between a 30m setback and a 90m setback

Location 4

Figure 15

View looking west down Second Concession with PCQ Pit 2 on the left with a 30 metre set back



The picture illustrates the significant visual impact between a 30 metre berm and agricultural lands

Figure 16

View looking south down Babion Road with PCQ Pit 2 on the right with a 30 metre set back and Pt 3 with a 30 metre setback on the left.



Figure 17

View looking east down Second Concession with PCQ Pit 2 and 3 on the right with a 30 metre set back



Figure 18

View looking east down Second Concession with PCQ Pit 2 on the right with a 30 metre set back



Figures 15, 16, 17 and 18 illustrate how narrow a 30 metre set back is and the drastic visual difference from the agricultural land across the road.

Figure 19

Close up of Berm on north side of Pit 1 on Second Concession with 30 metre setback



Figure 20

Close up of residence on north side of Second Concession directly across from land depicted in Figure 17 for comparison.



Note:

These pictures were sourced from Goggle Maps and are meant to illustrate the visual aspects of the current visual aspects of the area, the visual aspects with a 90 metre setback and the visual aspects with a 30 metre set back. It is unreasonable to expect that there will not be a drastic change in the visual aspects along the north side of Highway 3 if the proposed expansion is permitted as proposed. A 90m setback consistent with Pit 2 and Pit 3 as required under the current licensing will have a change visual along the north side of Highway 3 but they would not be as drastic and be consistent with Pit 2.

One of the pillars of the City of Port Colborne's Strategic Plan is attracting tourists and Highway 3 from the east is a main route for tourist entering the City from the US. It is important to protect the visual aspects along Highway 3 such that a good impression is made on tourists entering along this route to be consistent and supportive to the City's efforts to grow tourism and attract tourist and a 30 metre setback is not consistent with the City's Strategic Plan and Community Pillars

March 1, 2023

From: Harry Wells

[REDACTED]
Port Colborne, ON [REDACTED]
[REDACTED]

To: Niagara Region

Planning and Development Services
1815 Sir Isaac Brock Way,
Thorold, ON L2V 4T7

Re: Economic Prosperity Objection to Regional Official Plan Amendment Application
No. ROPA-21-0001, Port Colborne Quarries (PCQ) – Proposal for Pit 3 Expansion

Dear Regional Clerk,

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It is understood that mineral aggregate is considered a strategic resource and that pits and quarries are a necessary activity and land use, and that they must be located where the resource exists. However, The Provincial Policy Statement (PPS) requires the appropriate development and protection of resources of provincial interest, public health and safety, and the quality of the natural and built environment.

The policies of the Provincial Policy Statement represent minimum standards and the expectation is that planning authorities and decision-makers will go beyond these minimum standards to address matters of importance, unless doing so would conflict with any policy of the Provincial Policy Statement.

The Province must ensure that its resources are managed in a sustainable way to conserve biodiversity, protect essential ecological processes and public health and safety, provide for the production of food and fibre, minimize environmental and social impacts, provide for recreational opportunities (e.g. fishing, hunting and hiking) and meet its long-term needs.

The demand for aggregates and the policies of the PPS do not override the protection of the environment, existing land use constraints, the legal rights of adjacent properties or the health and safety of the public. It is expected that the activity will be carried out in a manner that will not create any adverse impacts to the environment, water, sensitive land uses and public. It is expected that commitments made by applicants to obtain a license will be honoured, and that the commitments will be enforced by the appropriate authority.

Using the same Section and Clause numbering as the Planning Justification Report (PJR), the following comments and objections are raised:

6.1.1 Long-Term Economic Prosperity

PPS Policy 1.7 states that:

Long-term economic prosperity should be supported by:

c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;

In consideration of the above the reality is that the proposed Pit 3 Extension does not support the long-term availability of the aggregate resources it actually depletes the aggregate resource and pushes the aggregate source “farther from market”. Based on PCQ’s predictions within 25 years the aggregate resource will be depleted, then once agricultural producing lands will be gone and all that will remain based on the proposed progressive rehabilitation plan is a non-productive private passive lake.

These are the end results of the rehabilitation of Pit 2, Pit 3 and the extension to Pit 3 if approved.

Western Lake:	The lands situated between Snider Road and Babion Road be rehabilitated into a passive-use lake that is approximately 50 hectares in size with an eventual final lake depth of 12.0 metres deep. The side slopes of the lake will be 3:1 and vegetated with grass cover and trees/shrubs. Final ownership of the lake will remain with PCQ.
Eastern Lake:	The lands situated between Babion Road and Miller Road be rehabilitated into a passive use lake that is approximately 177 hectares in size with an eventual final lake depth of 8.0 metres to 16.0 metres deep. The side slopes of the lake will range from 2:1 to 4:1 and vegetated with grass cover and trees/shrubs. Final ownership of the lake will remain with PCQ.

Policy 1.7 requires this extension to support Long-term economic prosperity by promoting opportunities for economic development and community investment-readiness. Long term to PCQ is the time it will take for them to deplete the aggregate resource 25 years. In their expansion submission they are not committing to anything in the future beyond that.

Policy 1.7 requires that this extension should support the sustaining and enhancing of the viability of the agricultural system through protection of agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the agri-food network.

PCQ’s Comprehensive Rehabilitation Strategy falls short of satisfying the requirements of PPS Policy 1.7. Their long-term support for economic prosperity ceases when the mineral resource is exhausted in 25 years or sooner and all that is left, if they do follow through with their rehabilitation plan is a private passive lake.

The Rehabilitation Strategy does not identify how the passive lake will be used or developed to support Long-term economic prosperity or provide opportunities for economic development. By no means is a private passive lake ready for community investment or serve the economy in the future.

Although this extension application speaks to providing for continued use of the agricultural lands conducive and compatible to the mineral aggregate operations its

result will be removing the agricultural resource and taking away opportunities to support local food production.

PCQ's rehabilitation plans fail to establish the use of the passive recreational lake and how that could support sustaining and enhancing the viability of the loss agricultural land or protect the agricultural resources. A private passive lake is not in itself an offsetting opportunity to support the local food or improve the agri-food network. The lake and portions of the property outside the limit of extraction should be considered A Private Open Space and conform to sections 3.13 Parks and Open Space and 3.14 Private Open Space of the City's Official Plan.

The rehabilitation strategy falls short of exhausting alternative opportunities for economic development and community investment-readiness of the private passive lake. It is understandable that the excavated area can not reasonably be returned to agricultural uses but there are other viable beneficial economic options. There is no reason why the rehabilitation plan does not include opportunities such as but not be limited to:

- Turning the passive lake over to the City for recreational uses;
- Developing or selling the passive lake as an economical recreational business uses similar to Sherkston Shores Resort;
- Developing those portions of the property outside the limit of extraction where they claim agriculture will continue, into residential and commercial opportunities either by themselves or a Developer;
- Creating a floating residential area supporting the need for housing or,
- Using the passive lake for aquacultural uses like fish farming that is an opportunity to support local food, and maintain and improve the food network.

Objection

The amendments to the ROP, PCOP and Zoning should not be approved until it can be demonstrated the expansion will satisfy all the conditions of the PPS Policy 1.7 and the rehabilitation plan is revised to included how and when the rehabilitation will support economic prosperity of the community after the resources have been extracted and well into the future beyond 25 years.

Respectfully Submitted

A handwritten signature in dark ink, appearing to read 'Harry Wells', written in a cursive style.

Harry Wells

Appendix II

Quarry Details

Figure 1 Aerial View of Pit 2 and Pit 3



Figure 2 Pit 2 and Pit 3



[illegible]

Figure 4 Source of Licence 4444 Detail




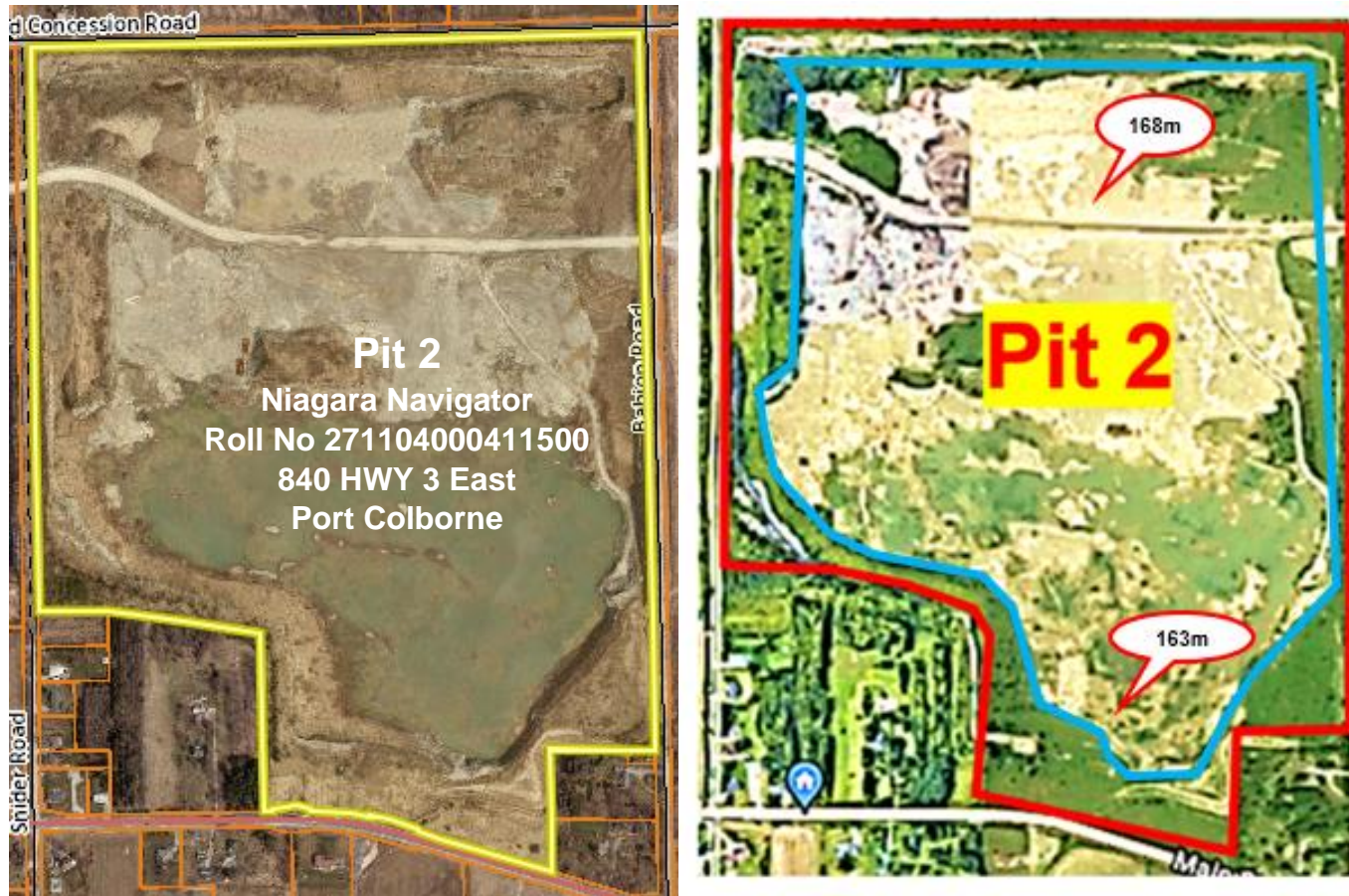
 <p>Lesley Taylor B.Sc. CONSULTING GEOLOGIST 4 Norris Place St. Catharines, Ont. 1-416-684-0898.</p>			
<p>PROJECT NAME : PORT COLBORNE QUARRIES LIMITED PARTS OF LOTS 17, 20, 21 & 22 CONCESSION 3 IN THE TOWNSHIP OF WINTERSTONE NOW IN THE CITY OF PORT COLBORNE REGIONAL MUNICIPALITY OF NIAGARA</p>			
<p>PORT COLBORNE QUARRIES LIMITED P.O. BOX 276 PORT COLBORNE, ONTARIO L3K 5W1</p>			
<p>LICENCE INFORMATION : SEE PAGE 1 OF 6</p>			
<p>SCALE : 1:4000 FEET</p> 		<p>Approved & Certified Jan 25, 1993 L. Taylor Lesley Taylor Geologist</p>	
<p>APPLICANT SIGNATURE : <i>David V. Bishop</i></p>			
<p>DRAWN BY : KJH</p>	<p>CHECKED BY : LT KJH</p>	<p>ISSUE DATE : Jan. 1993</p>	<p>PROJECT No : 91-01-LTKH</p>
<p>DRAWING TITLE : OPERATIONAL PLAN</p>			<p>DRAWING No : 2 OF 6</p>

Figure 5: Pit 2 Detail



Pit 2

Total Area: 73.2 Ha

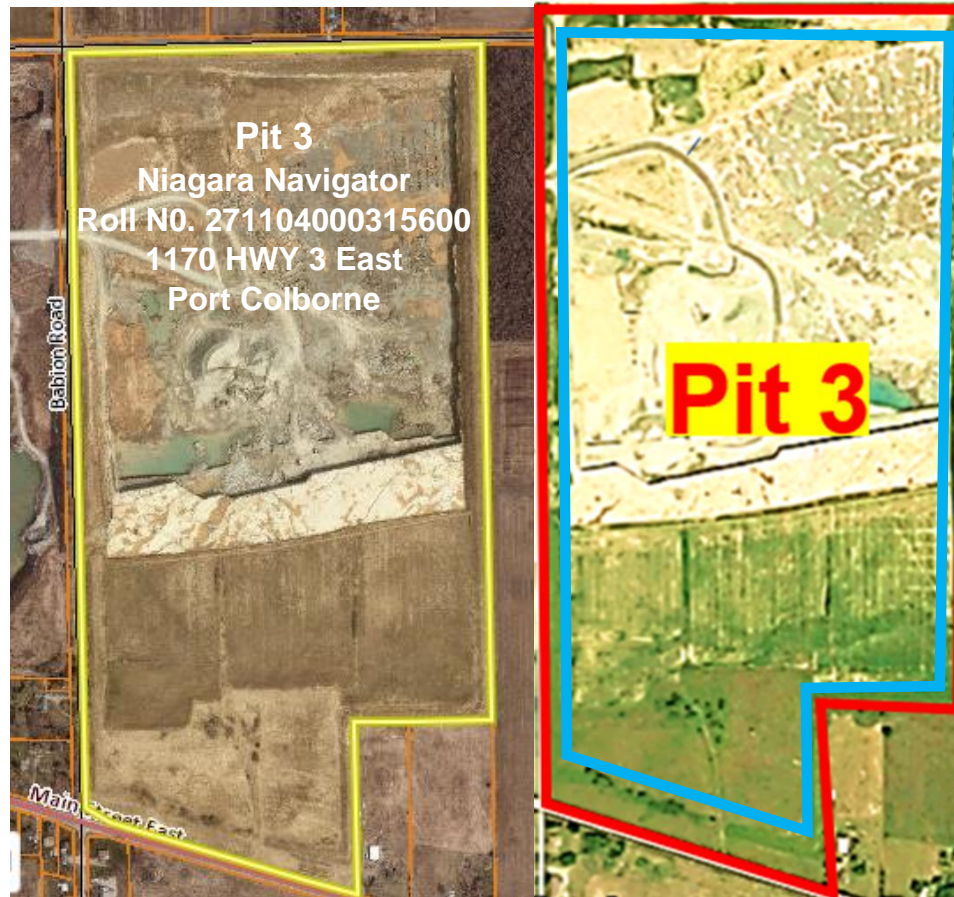
Pit Area (Inside **Blue** line): 58.3 Ha

Berm Area: (Between **Red** and **Blue** lines): 14.9 Ha

% of Watershed: 22.3%

Bottom: Impervious bedrock with a 5m slope north to south to promote water flow to discharge pump.

Figure 6: Pit 3 Detail



Pit 3

Total Area:	70.6 Ha
Pit Area (Inside Blue line):	58.00 Ha
Berm Area (Between the Red and Blue lines):	12.6 Ha
% of Watershed:	21.5%

Bottom: Impervious bedrock with a 3m slope east to west to promote water flow to 2 discharge pumps.

Pit 2 and 3 Combined Area is 43.9% of the watershed

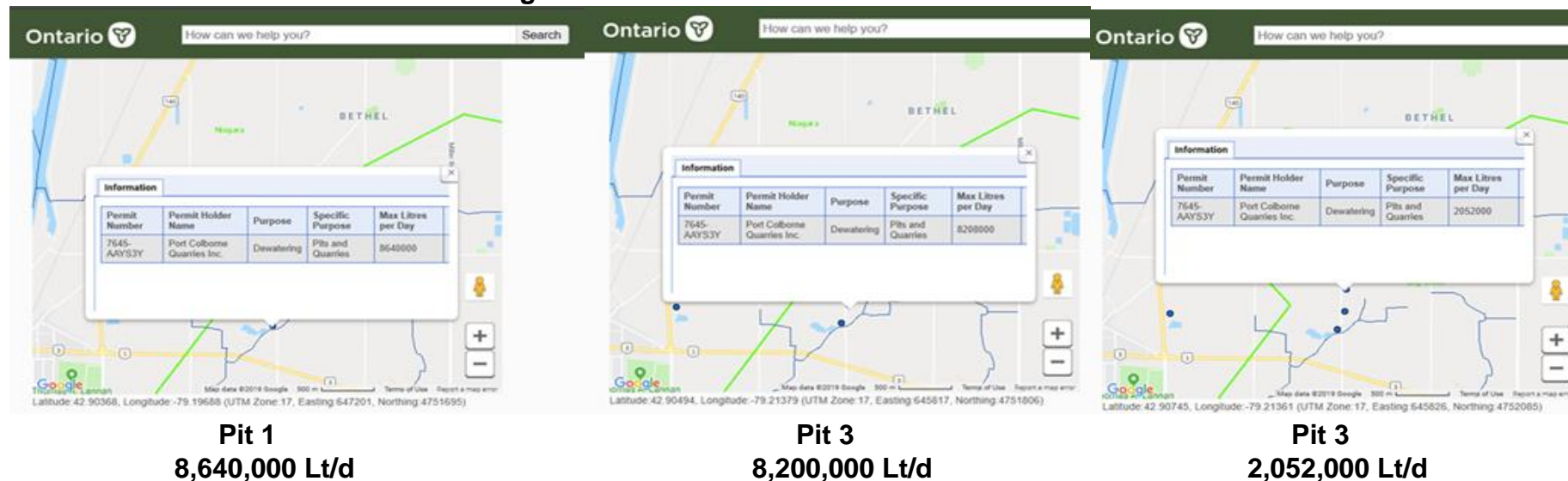
Figure 7: C factors for Hydrologic Soil Groups

Land Use Description on Input Screen	Description and Curve Numbers from TR-55					
	Cover Description		Curve Number for Hydrologic Soil Group			
	Cover Type and Hydrologic Condition	% Impervious Areas	A	B	C	D
Parking and Paved Spaces	Impervious areas: Paved parking lots, roofs, <u>drivesways</u> , etc. (excluding right-of-way)	100	98	98	98	98

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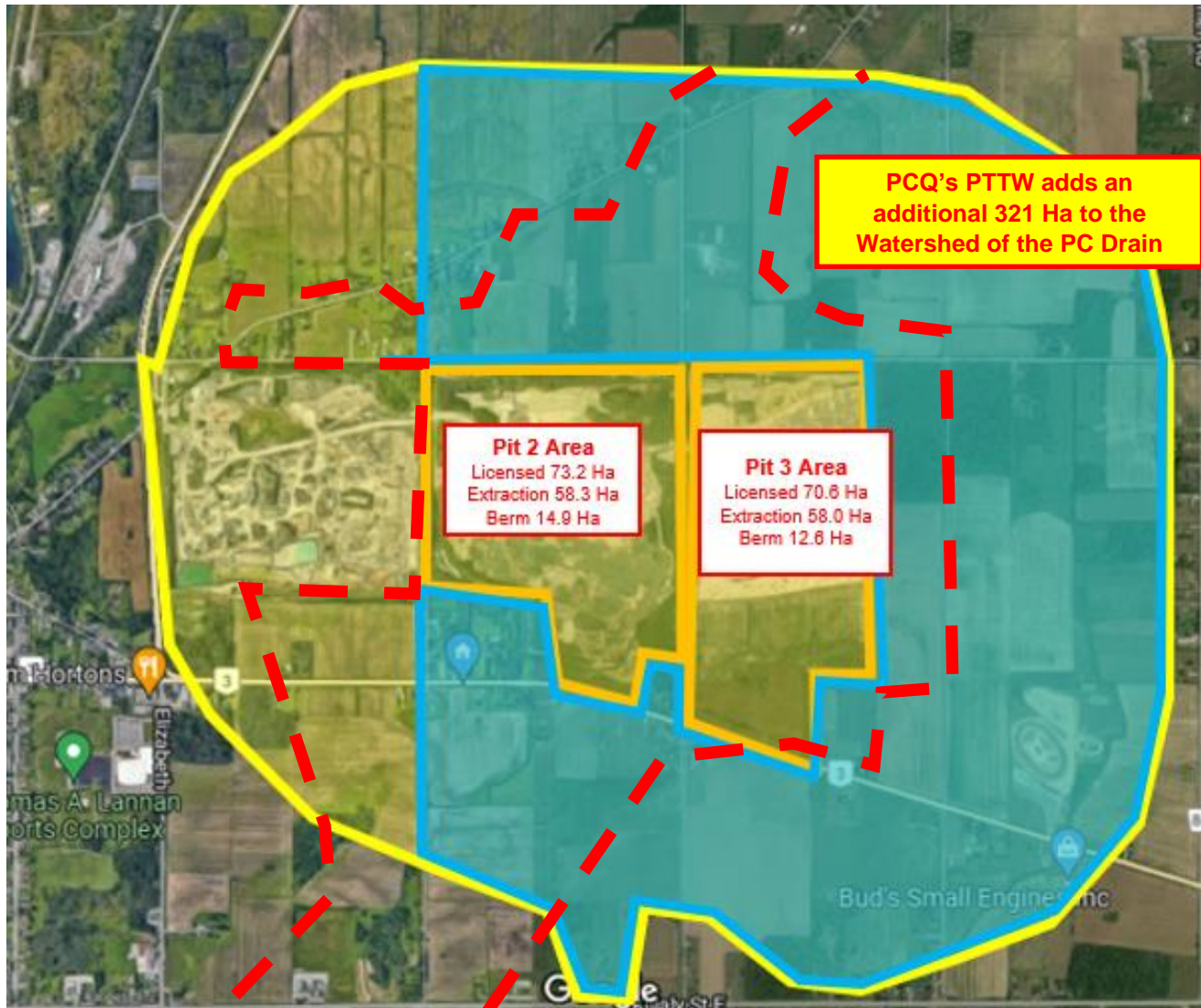
Permit To Take Water No. 7645AAY53Y

Figure 8: Permits to Take Water for Pit 2 and 3



Combined Total Discharge 18,892,000 Lt/d

Figure 9 PTTW Cone of Influence



Area influenced by PCQ Permit to Take Water. Ground water in this area can be pumped into the Port Colborne drain at rates up to 18.9 million litres per day.



PC Drain Watershed Boundary