
Subject: Statutory Public Meeting for a Regional Official Plan Amendment
Application (Proposed Uppers Quarry, City of Niagara Falls)

Report to: Planning and Economic Development Committee

Report date: Wednesday, October 11, 2023

Recommendations

1. That this Report **BE RECEIVED** for information; and
2. That this Report **BE CIRCULATED** to the City of Niagara Falls and the Niagara Peninsula Conservation Authority.

Key Facts

- The purpose of this report is to provide information for a Regional Official Plan Amendment (ROPA) application Statutory Public Meeting, which is being held in accordance with the prescribed requirements of Section 17 of the Planning Act.
- The purpose of the statutory meeting is to receive comments from the public with respect to the ROPA application submitted by Walkers Aggregate Inc. for a proposed quarry (Uppers Quarry) in the City of Niagara Falls. Staff are not making a recommendation, and no decision or approvals are sought from Council at this time.
- In addition to the ROPA, applications have also been submitted to amend the City of Niagara Falls Official Plan and Zoning By-Law. These applications are being reviewed concurrently.
- This Statutory Public Meeting was advertised by posting notices on the subject lands, mailing notice to residents within 240 metres of the subject lands, e-mailing notice to agencies and utilities and to those who had submitted comments or expressed an interest in being notified. In addition, notice was placed in local newspapers, and posted on the Region's website and social media pages.
- The City of Niagara Falls will hold a separate Statutory Public Meeting for the Local Official Plan and Zoning By-Law Amendment applications.

Financial Considerations

There are no financial considerations arising from this report as the cost of work associated with application processing and review is recovered through planning fees in accordance with the Council-approved Schedule of Rates and Fees. Costs of advertising for open houses and public meetings are 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., aggregate advisor and peer reviews).

Analysis

Background

An application for a Regional Official Plan Amendment (ROPA) to permit the Uppers Quarry operation was received on November 22, 2021. The application was deemed complete on December 21, 2021. A virtual public open house for the application was held jointly with the City of Niagara Falls on March 23, 2022.

Regional Official Plan Policies

The Niagara Official Plan (NOP) was approved, with modifications, by the Minister of Municipal Affairs and Housing and came into effect on November 4, 2022. Policy 7.12.2.5 of the NOP states that development applications deemed complete prior to the date of the NOP approval shall be permitted to be processed and a decision made under the 2014 Regional Official Plan (ROP) policies. As noted above the ROPA application was deemed complete on December 21, 2021, and is therefore being processed under the 2014 ROP. A Draft Regional Official Plan amendment is included as Appendix 2.

Site Location

The proposed ROPA is for lands legally described as Part of Lots 119, 120, 136 and 137, City of Niagara Falls, and located along the western boundary of the City of Niagara Falls, between Thorold Townline Road and Beechwood Road, north of a Hydro One corridor and generally north of Lundy's Lane. A Location Map is included as Appendix 1.

JART Process

To coordinate the technical review of the applications, a Joint Agency Review Team (JART) was formed. The JART consists of planning staff from the Region, the City, and the Niagara Peninsula Conservation Authority (NPCA). The purpose of JART is to share information, resources, and expertise so that the application and the associated studies are reviewed in a streamlined and coordinated manner. Staff from applicable provincial ministries are being engaged through the JART process as well.

The JART does not make a recommendation on the application, rather the JART works to:

- ensure that the required range of studies and work is completed by the applicant;
- ensure that the studies are sufficient in terms of their technical content;
- coordinate the review of the studies and work of the applicant either by technical staff or by peer reviewers;
- ensure a coordinated public and stakeholder consultation and engagement process; and
- prepare a technical JART report on the application once all reviews are complete.

The JART report will be used independently by planning staff at the Region and the City as the technical basis to develop their respective recommendation reports.

Material Submitted in Support of the Applications

In support of the ROPA application the following technical studies have been submitted:

- Planning Justification Report and ARA Summary Statement
- Alternative Site Analysis
- Agricultural Impact Assessment
- Archaeological Assessments
- Acoustic (Noise) Assessment Report
- Blasting (Vibration) Impact Assessment
- Air Quality Impact Assessment
- Economic Benefits Analysis
- Level 1 & 2 Water Resources Study
- Natural Environment Level 1 & 2 Report
- Visual Impact Assessment

- **Traffic Impact Study**

The Region, on behalf of the Joint Agency Review Team (JART) has retained an Aggregate Advisor and consulting teams to assist with the review and peer review of many of the individual technical studies.

In addition, the Aggregate Resources Act (ARA) Site Plan drawings are being reviewed as part of the ROPA process. The ARA Site Plans outline the proposed operating conditions of the quarry and are the primary tool used by the Province for enforcement. All of the proposed mitigation measures for each of the individual technical studies are noted and included as part of the Site Plans.

An index of all technical material that have been submitted to date is included as Appendix 3, and can be accessed on the [Region's website](https://www.niagararegion.ca/official-plan/amendments.aspx):
(<https://www.niagararegion.ca/official-plan/amendments.aspx>) [under ROPA 22]

Associated Applications

A separate Statutory Public Meeting regarding the Local Official Plan Amendment and Zoning By-law Amendment will be held by the City of Niagara Falls at a later date. Separate notice of this meeting will be distributed by the City of Niagara Falls.

In addition, the applicant has also filed an application to the Ministry of Natural Resources and Forestry for a licence under the Aggregate Resources Act. The Aggregate Resources Act application process includes a separate public consultation and notification process. Any comments submitted to Niagara Region or City of Niagara Falls regarding the Planning Act applications should also be submitted in response to the Aggregate Resources Act notices.

Next Steps

The review of the application and supporting technical information is ongoing. Regional staff, supported by other members of the JART, the Aggregate Advisor, and Peer Reviewers are analyzing the applications and supporting studies relative to Regional and Provincial planning documents. All comments submitted on this application, including those received through this Statutory Public Meeting will be responded to by staff through a future recommendations report.

Alternatives Reviewed

The Planning Act (R.S.O. 1990) requires that all complete applications be processed and that public consultation be conducted as part of all proposed amendments to municipal official plans. Notice has been provided for this Statutory Public Meeting as required by the legislation.

As this report is for information, and the Public Meeting is a statutory requirement, there are no alternatives to review.

Relationship to Council Strategic Priorities

The information in this report relates to the following Regional Council's Strategic Priority: "Effective Region: Remaining an employer of choice by transforming service delivery in a way that is innovative, collaborative and fiscally responsible."

By utilizing the JART process to coordinate the review of the application the Region is working with the City of Niagara Falls Planning Department in an innovative and collaborative way. The JART process allows for an improvement in service delivery and a sharing of resources and expertise.

Other Pertinent Reports

CWCD 465-2019	Proposed Uppers Quarry (Niagara Falls)
PDS 35-2021	Uppers Quarry Regional Official Plan Amendment 22
CWCD 2023-10	Update – Proposed Uppers Quarry (Niagara Falls)
CWCD 2023-24	Proposed Uppers Quarry (Niagara Falls) – Aggregate Resources Act Public Information Centre

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Appendices

Appendix 1	Site Location Map
Appendix 2	Draft Regional Official Plan Amendment
Appendix 3	List of Technical Materials Submitted in Support of the Application