

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2023-XX

A BY-LAW TO PROVIDE FOR THE ADOPTION OF AMENDMENT XX

TO THE OFFICIAL PLAN FOR THE REGIONAL MUNICIPALITY OF NIAGARA

to permit the establishment of the Upper's Quarry (City of Niagara Falls)

WHEREAS the subject lands are currently designated "Prime Agricultural Area" in the Official Plan for the Regional Municipality of Niagara,

WHEREAS the Official Plan for the Regional Municipality of Niagara provides consideration for the establishment of new or expanded mineral aggregate extraction operations on lands designated "Prime Agricultural Area", subject to an assessment of the potential impacts of such a land use in accordance with the policies of the Plan,

WHEREAS the approval of any new or expanded mineral aggregate operations require an amendment to the Official Plan for the Regional Municipality of Niagara and, through that amendment, are to be identified on Schedule H – "Known Deposits of Mineral Aggregate Resources and Mineral Aggregate Operations" as "Licensed Aggregate Operations".

WHEREAS subsection 22 of the Planning Act, 1990 states when the requirements of subsections (15) to (21), as appropriate, have been met and Council is satisfied that the plan as prepared is suitable for adoption,

AND WHEREAS it is deemed appropriate to further amend the Official Plan as adopted by Niagara Region for the Regional Municipality of Niagara,

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

1. That the text attached hereto as Part "B" is hereby approved as Amendment No. ____ to the Official Plan for the Regional Municipality of Niagara.
2. That the Regional Clerk is hereby authorized and directed to give notice of Council's adoption in accordance with Section 17(23) of the Planning Act, 1990.
3. That this By-Law shall come into force and take effect on the day after the last day of appeal provided no appeals have been received.

THE REGIONAL MUNICIPALITY OF NIAGARA

James Bradley, Regional Chair

Ann-Marie Norio, Regional Clerk

Passed: [DATE]

DRAFT

Amendment No. XX

To the Official Plan for the Regional Municipality of Niagara

PART “A” – THE PREAMBLE

The preamble provides an explanation of the Amendment including the purpose, location, background, and basis of the policies and implementation, but does not form part of this Amendment.

- Title and Components
- Purpose of the Amendment
- Location of the Amendment
- Background
- Basis for the Amendment
- Implementation

PART “B” – THE AMENDMENT

The Amendment describes the additions and/or modifications to the Official Plan for the Regional Municipality of Niagara, which constitute Official Plan Amendment No. XX.

- Text Changes
- Schedule Changes

PART “C” – THE APPENDICES

The Appendices provide information regarding public comments relevant to the Amendment, but do not form part of this Amendment.

PART “A” – THE PREAMBLE

TITLE AND COMPONENTS:

This document, when approved in accordance with Section 17 of the Planning Act, 1990, shall be known as Amendment XX to the Official Plan of the Regional Municipality of Niagara.

- Part “A” – The Preamble, contains background information and does not constitute part of this Amendment.
- Part “B” – The Amendment, consisting of text, schedule, and appendix changes, constitutes Amendment XX to the Official Plan of the Regional Municipality of Niagara.
- Part “C” – Does not constitute part of the Amendment. This appendix is a list of all public comments received.

PURPOSE OF THE AMENDMENT:

The purpose of this Amendment is to:

- add to Section 8.5 (Niagara Falls site specific policies), a new policy to permit the proposed Uppers Quarry.
- add the subject lands on Schedule H – “Known Deposits of Mineral Aggregate Resources and Mineral Aggregate Operations” as “Licensed Aggregate Operations”.

LOCATION OF THE AMENDMENT:

The amendment area is within the City of Niagara Falls and on lands described as Part Lots 119, 120, 136 and 137, including Upper’s Lane between Thorold Townline Road and Beechwood Road, and Part of Road Allowance between Lots 120 and 136, in the former Township of Stamford, now in the City of Niagara Falls, in the Regional Municipality of Niagara.

BACKGROUND:

The subject lands are identified by the Niagara Official Plan as being within a Stone Resource Area.

The applicant (Walkers Aggregate Inc.) participated in pre-submission consultation and subsequently submitted an application to amend the Regional Official Plan, which was received November 22, 2021. The requested and prescribed material,

including planning justification and technical reports to satisfy numerous planning instruments including the Provincial Policy Statement (2020), Growth Plan for the Greater Golden Horseshoe (2020), Regional Official Plan, and the City of Niagara Falls Official Plan were submitted and the application was deemed complete by Niagara Region on December 21, 2021.

A new Niagara Official Plan 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 new plan states that development applications deemed complete prior to the date of the approval shall be permitted to be processed and a decision made under the 2014 Regional Official Plan (ROP) policies. The application was deemed complete on December 21, 2021, and is therefore being processed under the policies of the 2014 ROP.

The site-specific policy to permit the proposed Uppers Quarry and all required updates to the schedules and appendices will be reflected in the new Niagara Official Plan.

BASIS FOR THE AMENDMENT:

- a) Policy 6.C.13 of the 2014 Regional Official Plan requires an amendment to the plan for expansions of existing mineral aggregate operations outside of a “possible aggregate area”. The proposed Uppers Quarry is not within a “possible aggregate area”, and therefore a Regional Official Plan amendment is required.
- b) The Amendment was the subject of a Public Open House held on March 23, 2022 and was the subject of a Statutory Public Meeting held under the Planning Act, 1990 on October 11, 2023. Public and agency comments were addressed as part of the preparation of this Amendment.
- c) The Amendment will allow for the proper conservation and management of source of high quality aggregate resource.
- d) The Amendment will support provincial policy that aims to protect a long term supply of mineral aggregate resources by making available as much mineral aggregate resource as is realistically possible as close to markets as possible.
- e) The Regional Official Plan Amendment will allow the Council of the City of Niagara Falls to make a decision on a Local Official Plan Amendment and on the proposed rezoning of the subject lands. The rezoning of the lands will allow the Minister of Natural Resources and Forestry to make a decision to issue a quarry licence under the Aggregate Resources Act.

- f) Based on the Region's review of the Planning Act, 1990, the Provincial Policy Statement (2020), the Growth Plan for the Greater Golden Horseshoe (2020), the Regional Official Plan, and public and agency consultation, Regional staff is of the opinion that the Amendment has appropriate regard for matters of Provincial Interest as set out in S. 2 of the Planning Act; is consistent with the Provincial Policy Statement; conforms, or does not conflict, with Provincial Plans; conforms to the intent of the Regional Official Plan; represents good planning; and, is in the public interest.

IMPLEMENTATION:

Section 7, Implementation, of the Official Plan for the Regional Municipality of Niagara, shall apply where applicable.

PART “B” – THE AMENDMENT

Amendment XX

To the Official Plan for the Regional Municipality of Niagara

The Official Plan for the Regional Municipality of Niagara is amended as follows:

Text Changes:

1. Add a new Policy 8.5.11 to the Niagara Falls site specific policies in Chapter 8 to permit the proposed Uppers Quarry:

Notwithstanding any other policy to the contrary in this Plan, a mineral aggregate operation (quarry) and ancillary uses and facilities are permitted in accordance with approval under the Aggregate Resource Act on lands described as Part Lots 119, 120, 136 and 137, including Upper's Lane between Thorold Townline Road and Beechwood Road, and Part of Road Allowance between Lots 120 and 136 between Thorold Townline Road and Beechwood Road, in the former Township of Stamford, now in the City of Niagara Falls, in the Regional Municipality of Niagara.

2. A site-specific location map will be added to Chapter 8 following the new Policy 8.5.11 showing the subject lands as follows:



Schedule Changes:

1. Schedule H – “Known Deposits of Mineral Aggregate Resources and Mineral Aggregate Operations” is amended to add the subject lands as “Licensed Aggregate Operations” as per the corresponding legend.

DRAFT