

Presentation to Niagara
Regional Growth Strategy
& Economic Development

ROPA-21-003

October 11th, 2023

THE PAST
IS A
PREDICTOR
OF THE
FUTURE

Official plan and zoning by-law amendment applications

Planning & Development Department
The Regional Municipality of Niagara

- Aug. 28, 2003
 - Approx. 100.7 acres (*Fernwood Estates*)
- Currently designated Industrial, Special Policy Area 9 - Official Plan
 - City File: AM-23/2003
 - Reviewed by Regional Planning
 - Reviewed by Provincial Planning

Rezoning

Official plan and zoning by-law amendment applications

Planning & Development Dept.
The Regional Municipality of Niagara
August 28th, 2003

AGGREGATE RESOURCES

Development permitted if:

- Resource use not feasible
- Greater long term public interest
- Issues of public health, safety and environmental impact are addressed

Potential mineral aggregate area

Regional Planning concur:

- Resource extraction is unlikely
- Land use constraints (Garner neighbourhood & Blackhorse
- Expansion to Walker Bros. Quarry - North currently underway, along with other established extraction that may be expanded in Niagara will help to meet Regional needs.
- No further aggregate resource investigation (Regional Planning)
- Regional Planning would not be opposed to the approval

Mapping available (1985)

Official plan and zoning by-law amendment applications

Planning & Development Dept.
The Regional Municipality of Niagara
September 8th, 2003
PD-2003-80

It is recommended that:

- Council approve the Official Plan amendment
- The lands are within a potential mineral aggregate area.
- Aggregate Report indicated the feasibility of extraction is unlikely
- Reg. Planning discussed with Ministry & accept development without any further aggregate resource investigation.

Schedule 3

The *Region is not opposed* to the amendments.

It is unlikely the area would develop for Aggregate purposes.

ONTARIO MUNICIPAL BOARD

Dec. 4th, 2006

APPEAL AGAINST ZONING BY-LAW 2004-157

Decision/Order No. 3381

PL040922

The Board finds:

- That the development proposal represents good planning
- Is in the public interest
- Heard no evidence to the contrary

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Dec. 11th, 2012

REQUEST: To Permanently Close & Declare Surplus Upper's Lane

- ***Offered for sale to Walker Industries (L-2012-22)***
- ***Walker Ind. Own ALL except one of the parcels of land on Upper's Lane***

THIS MATTER DEFERRED BY COUNCIL

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October 22nd, 2019

SUBJECT:

- Permanently Close & Declare Surplus Upper's Lane L-2019-21

RATIONALE:

- The abutting landowner (Walker Industries) is seeking to connect the parcels they own on either side of Upper's Lane.

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2012-12 - A by-law to authorize the execution of an Agreement of Purchase and Sale with Walker Aggregates Inc. as Purchaser and The Corporation of the City of Niagara Falls as Vendor, for the sale of certain lands located in the City of Niagara Falls (... road allowance... Upper's Lane)

Execution By-Law (Walker) Agreement of Purchase & Sale

2020-13 - A by-law to adopt, ratify and confirm the actions of City Council at its meeting held on the 28th day of January 2020

01 28 20 Confirming By-law

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Subsequent to Approved By-laws: 2003-16 (2005-123), 2019-114, 2012-75
Reports : L- 2012-19, L-2012-21, L-2012-17

By-law 2020-12 (Sale of Certain lands...) ... *Upper's Lane; ± 7.51 acres*

**Agreement of Purchase & Sale with Walker Aggregates Inc.
(Purchaser) in the amount of \$300,400.00**

Closing Date: no later than April 27th, 2020

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QUESTIONS

Article 4 - **Conditions**

WHY haven't barriers been erected - "Private Road - No Trespassing", Upper's Lane & Beechwood, Upper's Lane & Thorold Townline, to prevent the public from entering... within 10 days of closing?

Article 7 - **Confidentiality**

The Purchaser shall keep in strict confidence all information obtained with respect to the Property, including the existence of this Agreement.

WHY ?

Article 7.15 - **No Registration of Agreement**

The Purchase SHALL NOT register this Agreement or any notice of this Agreement on title to the Property...

WHY ?

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Niagara Region Settlement Area Boundary Review (SABR)

Text extracted from Walker letters - consistently mentioned in ALL letters.

“ Our company is IN the process of establishing a new aggregate operation **located approximately 2.1 km south** of the existing Walker Aggregates Quarry on Thorold Townline’s Road ... “

” ... potential concerns ...”

“ **Since 2002**, Walker has invested heavily in the area ... “

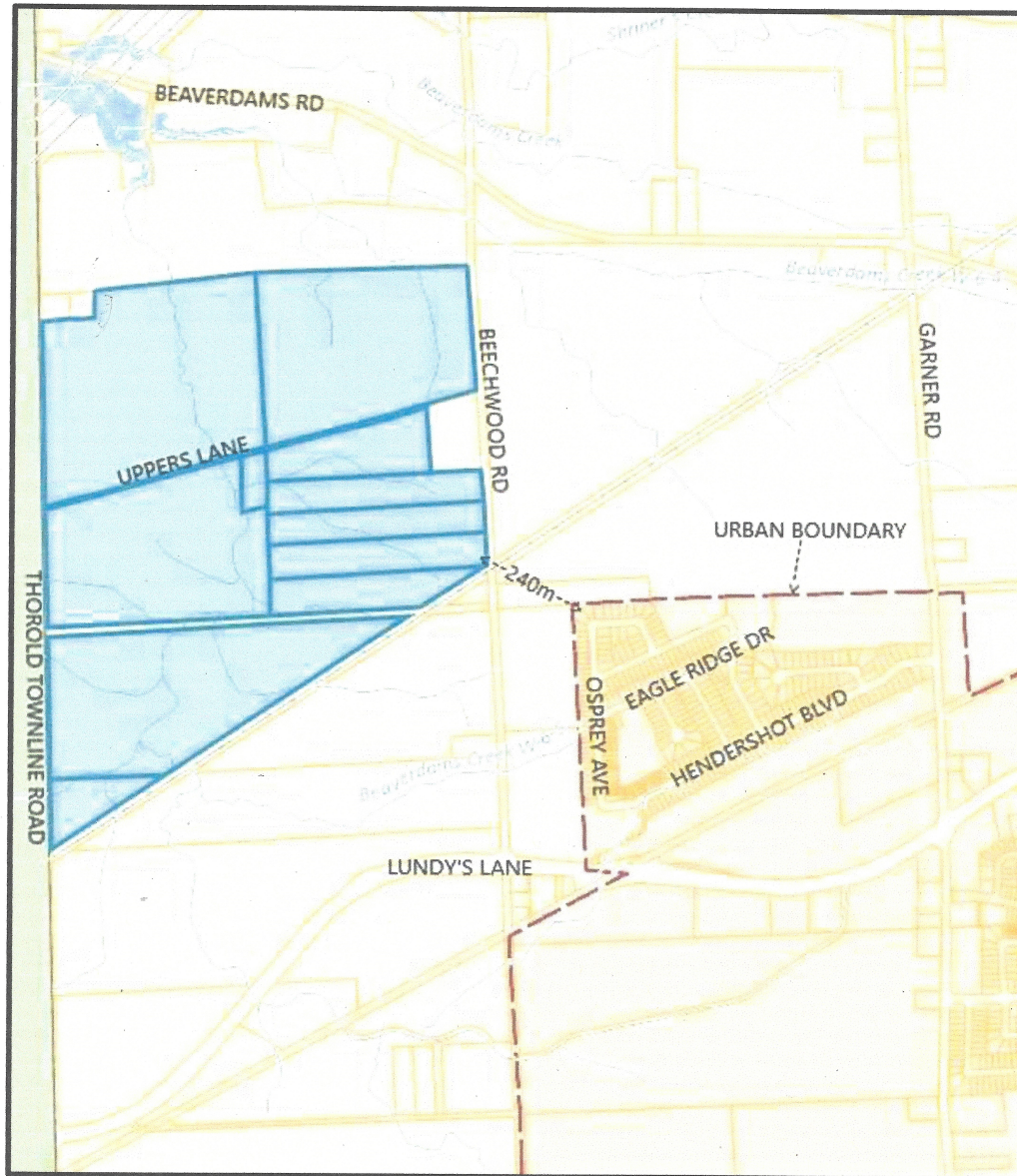
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WALKER
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ESTATES

W H Y ?

2002	' Walker invested heavily « '	Acknowledged in multiple WALKER SABR documents.
2003-08-28	Rezoning Request from Industrial to Residential for Fernwood Estates	
2003-09-08	<u>Rezoning Approval</u> by City of Niagara Falls	
2004	Land acquisitions on Upper's Lane	Purchased lands under different names : e.g. Walker Community Development Corp.
2006-12-04	ONTARIO MUNICIPAL BOARD (omb) Decision 3381 – Fernwood Estates APPROVED! ' The Board finds that the development proposal represents good planning and is in the public interest... '	
	NOTE : OMB WAS the predecessor to OLT	
2008 (ARO)	Walker opens Quarry (Taylor Road – St. David's)	Through the years, Walker has requested ERO Approvals for releasing toxins into the air.
2012-12-11	L-2012-22 DEFERRED by Council	Walker to purchase Upper's Lane
2012	Fernwood Estates construction had started	
2019-10-22	Upper's Lane declared SURPLUS by the City	
2020	Purchase by WALKER of Upper's Lane for \$300,400	
BY-LAW 2020-12	7.1 CONFIDENTIALITY : (1) The Purchaser shall keep in strict confidence all information obtained with respect to the Property including the existence of this Agreement. 7.15 No Registration of Agreement (1) The Purchaser shall not register this Agreement or any notice of this Agreement on title to the Proper	

Schedule 1
(Location Map)



Garner Rd.



**THE OFFICIAL PLAN
SHOULD NOT BE USED
AGAINST
THE WILL OF THE PEOPLE**