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October 5, 2023  
File No.: 151510.1002

**By E-mail**  
**clerk@niagararegion.ca**

Planning and Economic Development Committee  
Regional Municipality of Niagara  
1815 Sir Isaac Brock Way  
Thorold, ON L2V 4T7

Attention: Office of the Regional Clerk

Dear Sirs/Mesdames:

**Re: Proposed Upper's Quarry**  
**File No. ROPA-21-0003**  
**Letter of Concern – Rudanco Hospitality Corporation**

We are counsel to Rudanco Hospitality Corporation ("**Rudanco**"), the owner of the properties comprising approximately 23 hectares of land at the northwest corner of Lundy's Lane and Thorold Townline Road in the City of Thorold, including the property municipally known as 13030 Lundy's Lane (the "**Rudanco Lands**"). Rudanco is in the process of finalizing its planning applications to develop the Rudanco Lands as a new mixed-use subdivision, which will introduce a significant number of new homes to the community.

## **BACKGROUND**

We are writing to express our client's serious concerns with respect to the proposed Upper's Quarry, which is being advanced by Walker Aggregates Inc. ("**Walker**"). The proposed quarry operation is located in the neighbouring City of Niagara Falls, approximately 71 metres to the north and east of the Rudanco Lands. In support of its proposal, Walker has submitted applications for a Regional Official Plan Amendment (the "**ROPA**") and local Official Plan and Zoning By-law Amendments, as well as a licence application under the *Aggregate Resources Act* (the "**ARA**").

The applications advanced by Walker fail to consider how the use and operation of the proposed quarry will adversely affect planned and proposed residential development on the Rudanco Lands and the surrounding area. Most notably, the proposal does not acknowledge any of Walker's obligations with respect to matters of land use compatibility and the incorporation of mitigation measures. Instead, Walker has taken the position that neighbouring development must bear the sole onus of demonstrating compatibility and incorporating all mitigation necessitated by Walker's proposal. This one-sided approach is inconsistent with and fails to conform with the planning policy framework established at the provincial, regional, and local levels.

In addition, the Walker applications fail to acknowledge that the Rudanco Lands presently contain and enjoy permissions for sensitive land uses (including an inn presently located on-site, as well as permissions for campgrounds, places of assembly, hotels, motels, art galleries, and museums). Until the Walker applications are revised to satisfactorily address our client's concerns, the proposed ROPA to re-designate the Walker lands from Agricultural to "Licensed Pits and Quarries" is premature and should be refused.

**REQUESTED RESOLUTIONS**

By this letter, we ask that:

1. the Committee direct Planning staff to require that Walker revise all materials in support of its applications to reflect the Rudanco Lands as a sensitive land use, to be done prior to this Committee's further consideration of the proposed ROPA; and
2. in conjunction with Planning staff's review of the materials to be revised as per paragraph 1 above, the Committee direct Planning staff to revise proposed Policy 13.D.1 of the draft ROPA as follows (collectively, the **"Proposed Modifications"**):

"Policy 13.D.1\_\_ "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 **(the "Quarry Lands")**, **subject to securing, at the expense of the applicant for the Quarry Lands, appropriate mitigation measures to ensure land use compatibility with existing and planned uses on lands within 500 metres of the Quarry Lands.**

**Potential mitigation measures may include, but are not limited to, establishing operational setbacks to lands planned for residential development, adopting alternative and more sensitive blasting and extraction methods (e.g., modifications to blasting design parameters, such as reducing the amount of explosive per delay), coordinating the phasing of quarry operations, establishing appropriate haul routes and site access that minimize adverse transportation impacts and divert truck traffic away from planned residential neighbourhoods, and implementing berms, noise walls, and other acoustic barriers and baffles, as well as other measures to mitigate noise, vibration, and air quality impacts on surrounding lands."**

The Proposed Modifications will bring the draft ROPA into consistency with key provincial policies, including those requiring extraction to be undertaken in a manner that minimizes social, economic, and environmental impacts, as well as requiring major facilities (including resource extraction activities) and sensitive uses to be planned and developed to avoid or minimize and mitigate potential adverse effects from odour, noise, and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards, and procedures.<sup>1</sup>

The Proposed Modifications will also bring the draft ROPA into conformity with the overarching objectives of the Niagara Region Official Plan (2014), including the objective of ensuring 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", together with the policy direction to establish compatibility with surrounding land uses and to have consideration for the proposed manner of operation of the quarry.<sup>2</sup>

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<sup>1</sup> See e.g., Provincial Policy Statement, 2020, Policies 1.2.6.1 and 2.5.2.2.

<sup>2</sup> Niagara Region Official Plan (2014), Objective 6.B.2; Policy 6.C.5



The current legislative and planning context recognizes the housing affordability crisis in Ontario, with statutory initiatives and strong policy direction to increase the supply of housing as a primary objective. Planning decisions are to be made in a manner that appropriately balance a range of objectives, including residential growth and development.

The Proposed Modifications to the ROPA carry forward this provincial direction by establishing a policy framework to guide consideration of the Upper's Quarry proposal. Through the Proposed Modifications, the revised draft ROPA will provide direction for the applicable approval authorities to consider measures that may be introduced to ensure land use compatibility, protecting both the overarching objective of residential growth and development and the directive for prudent and sustainable resource extraction. Far from precluding or hindering the proposed aggregate extraction, the potential mitigation measures outlined in the Proposed Modifications will help to minimize adverse impacts from the proposed quarry upon neighbouring lands and achieve greater land use compatibility, consistent with the requirements of provincial planning policy.

For the Committee's reference, we have enclosed all the materials submitted by Rudanco in the context of Walker's ARA licence application.

As well, we note that Rudanco did not receive notice of the March 23, 2022 open house held by Walker or of any of the related *Planning Act* applications, apart from this present Notice of Statutory Public Meeting to be held on October 11, 2023 for the proposed ROPA. We reiterate our expectation for the Region and other relevant authorities to provide all further correspondence and notices in respect of the Walker applications moving forward.

For the above reasons, as well as those articulated in the enclosed materials and any others that we reserve the right to bring forward, Rudanco urges the Committee to refuse or defer consideration of the Walker application until the requested resolutions outlined in page 2 of this letter have been implemented.

We appreciate your attention to this matter.

Yours truly,



For: Calvin Lantz

CL/jsc

Enclosures

cc. Jonathan S. Cheng, *Stikeman Elliott LLP*  
David Falletta, Caitlin Allan, and Celina Hevesi, *Bousfields Inc.*  
Andrew Bryce & Alexa Cooper, *City of Niagara Falls*  
Britney Fricke & Sean Norman, *Regional Municipality of Niagara*  
Client



## Instructions

### Instructions for Applicants under the *Aggregate Resources Act*

If there are any outstanding comments with respect to an application for an aggregate licence or an amendment to lower the depth of extraction from above to below the water table, after the applicant's attempt to address them, the applicant shall serve a summary of outstanding comment(s), a summary of the applicant's attempts to address the comment(s), and the applicant's recommendations to address the comment(s), on Part 1 of this form to any person who submitted a comment and has not withdrawn their comment. The applicant shall complete Part 1 of this form and send a copy to [ARAapprovals@ontario.ca](mailto:ARAapprovals@ontario.ca), or, if email is not available, Integrated Aggregate Operations Section, Ministry of Natural Resources and Forestry, 300 Water Street, Peterborough ON K9J 3C7.

The Objection Form shall be served on commenters by courier, registered mail, personal delivery, or, by email if consented to by the commenter. Applicants that provide their email address on Part 1 of this form consent to the commenter returning the completed form by email.

### Instructions for Commenters

You have received this form because you submitted a comment to the applicant for an aggregate licence or for an amendment to lower the depth of extraction from above to below the water table and the Ministry of Natural Resources and Forestry during the consultation period and you have not withdrawn your comment. If you wish to object to the application, you are required to complete Part 2 of this form and serve it on the applicant by courier, registered mail or personal delivery, or by email (if the applicant provided their email in Part 1), within 20 days of receiving the form. Send a copy of the completed form to the ministry. If there is not enough space provided, please attach a separate page with additional comments and recommendations. Any comment on an application for a licence or an amendment to lower the depth of extraction from above to below the water table for which an objection form is not completed and sent within the 20-day deadline is considered withdrawn.

Please review the information on Part 1 and complete Part 2.

Return this Form to **both the Applicant** (at the address listed on Part 1) and send a copy to:  
[ARAapprovals@ontario.ca](mailto:ARAapprovals@ontario.ca) or if email is not available, **Integrated Aggregate Operations Section, Ministry of Natural Resources and Forestry, 300 Water Street, Peterborough ON K9J 3C7.**

If you have questions, please contact:  
Ministry of Natural Resources and Forestry,  
Natural Resources Information and Support Centre (NRISC)  
300 Water Street  
Peterborough ON K9J 3C7  
Toll free: 1-800-667-1940

Fields marked with an asterisk (\*) are mandatory.

**Part 1: To be completed by the Applicant****Contact Information**

Last Name *	First Name *	Middle Initial
Kehl	Kevin	
Telephone Number *	Email	
905-680-3692 Extension	KKehl@walkerind.com	

**Mailing Address where this completed form is to be sent**

Unit Number	Street Number *	Street Name *	PO Box
N/A	2800	Thorold Townline Road	
City/Town *	Country *	Province/State *	Postal Code/Zip Code *
Niagara Falls	Canada	Ontario	L2E 6S4

**Proposed Aggregate Site / Existing Aggregate Site Location \***

(e.g., by lot and concession, local municipality, county or regional municipality, geographic township or territorial district)

Part Lots 119, 120, 136 and 137 in the former Township of Stamford, now in the City of Niagara, Region of Niagara

Application for a \*  pit  quarry  both  amendment (insert licence number): \_\_\_\_\_**20-Day Response Period**

Start Date (yyyy/mm/dd) *	End Date (yyyy/mm/dd) *
2023/08/28	2023/09/18

**Commenter Information**

Last Name *	First Name *	Middle Initial
Lantz Rudan	Calvin Jeremia	
Telephone Number *	Email c/o	
c/o 416-869-5669 Extension	CLantz@stikeman.com	

**Address c/o**

Unit Number	Street Number *	Street Name *	PO Box
5300	199	5300 Commerce Crt West, 199 Bay St	
City/Town *	Country *	Province/State *	Postal Code/Zip Code *
Toronto	Canada	Ontario	M5J 1B9

**Table 1:** In the table below, please document the outstanding comment(s), one per row, your attempts to address them, and your recommendations to resolve them.

	A Outstanding Comment(s) *	B Previous Attempt(s) to Address Comment(s) *	C Final Recommendation(s) to Address Comment(s) *
1.	Concerns with Land Use Compatibility (see attached Walker letter for a detailed description of each comment listed on this form)	2019 - Walker invited the community to attend 6 Public Information Sessions as general background to the proposal (before applications were submitted)  2022 - Walker launched a dedicated website (www.upperquarry.ca)	see attached Walker letter for a detailed response on how each comment has been addressed



	<b>A</b> <b>Outstanding Comment(s) *</b>	<b>B</b> <b>Previous Attempt(s) to Address Comment(s) *</b>	<b>C</b> <b>Final Recommendation(s) to Address Comment(s) *</b>
		<p>which provides public access to all technical documents submitted, summary information and fact sheets about the project, and a contact email and phone number. Walker continues to update this website with a "newsfeed" as information becomes available.</p> <p>March 23, 2022 - Public Open House hosted by Region and City (Walker presented and responded to questions)</p> <p>March 1, 2023 - Walker held a Public Information Session, presenting additional information and responded to questions. The presentation was posted on Walker's dedicated website for the proposed quarry.</p> <p>August 2023 - Walker has agreed to participate in Community Focus Group meetings scheduled for September 2023 and are being coordinated by the City of Niagara Falls</p>	
2.	Concerns that the Rudanco lands should be identified as a point of reception in technical studies.	See above	See above
3.	Concern that the technical studies also fail to recognize as sensitive receptors other lands within 500 metres of the proposed quarry, including draft-approved plans of residential subdivision.	See above	See above
4.	Concern with Unacceptable Transportation Impacts and Haul Routes	See above	See above
5.	Concerns with Notification and Consultation	See above	See above

**Part 2: To be completed by the Commenter**

**Table 2:** In the table below, document any outstanding comment(s) and your recommendations for resolving it. If there is not enough space provided, please attach a separate page with additional comments and recommendations.

<p style="text-align: center;"><b>A</b> Outstanding Comment(s)</p>	<p style="text-align: center;"><b>D</b> Recommendation for Addressing Comment</p>
<p>Please see attached.</p>	<p>Please see attached.</p>

**Commenters note:** If you choose to participate in the *Aggregate Resources Act* notification and consultation process, all personal information you provide may be subject to the *Freedom of Information and Protection of Privacy Act* (FIPPA), whether provided to the Applicant and/or the Ministry of Natural Resources and Forestry at any point during the consultation process. The ministry collects your personal information under the authority of the *Aggregate Resources Act* and maintains it for the purposes of ensuring consultation and other requirements under the Act are met. Under the authority of subsection 11(2) or 13.1(3) of the *Aggregate Resources Act*, your name and address will form part of the public record and will appear with your objection, unless you request in your submission that your name and address be kept **confidential**. If you have any questions about the collection and use of your personal information, please contact Ministry of Natural Resources and Forestry, Natural Resources Information and Support Centre (NRISC) 300 Water Street Peterborough ON K9J 3C7. Toll free: 1-800-667-1940.

I hereby request that my name and address be kept confidential.

By signing and returning this form to the applicant and the Ministry of Natural Resources and Forestry, you acknowledge the following.

I understand that, in submitting this form, I will be considered a formal objector to this application for a licence or to this amendment to lower the depth of extraction from above to below the water table and, as a formal objector, I may be asked to appear at a hearing by the Ontario Land Tribunal. (For any questions about the hearing process or Tribunal, please contact the Ontario Land Tribunal directly.)

I understand that, if this application is heard by the Ontario Land Tribunal, some of my personal information may become public under the *Tribunal Adjudicative Records Act* (TARA).

Signature of Objector 	Date (yyyy/mm/dd) 2023/09/15
Jeremia Rudan, for Rudanco Hospitality Corporation	

## Stikeman Elliott

Stikeman Elliott LLP  
Barristers & Solicitors  
5300 Commerce Court West  
199 Bay Street  
Toronto, ON Canada M5L 1B9

Main: 416 869 5500  
Fax: 416 947 0866  
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Calvin Lantz  
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CLantz@stikeman.com

September 15, 2023  
File No.: 151510.1002

By E-mail  
*DWalker@mhbcplan.com*  
*KKehl@walkerind.com*  
*ARAapprovals@ontario.ca*

Walker Aggregates Inc.  
2800 Thorold Townline Road  
Niagara Falls, ON  
L2E 6S4

Attention: Mr. Kevin Kehl

Ministry of Natural Resources and Forestry  
Integrated Aggregate Operations Section  
300 Water Street  
Peterborough, ON  
K9J 3C7

Dear Sirs/Mesdames:

Re: **Walker Aggregates Inc.**  
**Upper's Quarry – Application for Class A Licence**  
**ARA Licence Application No. 626562**  
**Part 2 of Objection Form**

We are counsel to Rudanco Hospitality Corporation ("**Rudanco**"), the owner of the properties comprising approximately 23 hectares of land at the northwest corner of Lundy's Lane and Thorold Townline Road in the City of Thorold, including the property municipally known as 13030 Lundy's Lane (the "**Rudanco Lands**"). Rudanco is in the process of finalizing its planning applications to develop the Rudanco Lands as a new mixed-use subdivision, which will introduce a significant number of new homes to the community.

On April 3, 2023, we provided letters and accompanying technical peer reviews (collectively, the "**Comment Letter**") on the applications submitted by Walker Aggregates Inc. ("**Walker**") under the *Planning Act* and the *Aggregate Resources Act* (the "**Quarry Applications**") for the proposed Upper's Quarry, which is to be located in the neighbouring City of Niagara Falls, approximately 71 metres to the north and east of the Rudanco Lands.

By letter dated August 28, 2023, Walker provided its response to the Comment Letter (the "**Walker Response**"). Upon review of the Walker Response, Rudanco maintains its serious concerns in respect of the Quarry Applications. We also note that Upper's Quarry has not yet received the requisite zoning approval, as required pursuant to subsection 12.1(1) of the *Aggregate Resources Act*. As a result, a licence cannot be issued at this time, and having regard to the factors outlined in subsection 12(1) of the *Aggregate Resources Act*—including the effect of the operation of the pit or quarry on nearby communities, relevant planning and land use considerations, and the main haulage routes and proposed truck traffic to and from the site—Rudanco maintains its objections to Walker's Quarry Applications and urges that the application for a licence under the *Aggregate Resources Act* be refused.

Notwithstanding the concerns raised in the Commenting Letter by Rudanco, Walker has failed to consider how its proposed quarry operation will adversely affect proposed residential development on the Rudanco Lands and the surrounding area. Most notably, the Walker Response refuses to acknowledge any of Walker's obligations with respect to matters of land use compatibility and the incorporation of mitigation



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measures. Instead, Walker simply asserts that Rudanco bears the sole onus of demonstrating land use compatibility and incorporating all mitigation necessitated by Walker's proposal. As articulated in Rudanco's Comment Letter and as summarized below, Walker's position overlooks the broader policy and regulatory framework within which the Quarry Applications must be evaluated, especially in view of the significant impact of Walker's proposal upon surrounding lands.

Rudanco maintains that, in their current form, the Quarry Applications do not adequately address Rudanco's concerns, which inform the relevant considerations under the *Aggregate Resources Act*, and that they do not constitute good land use planning and are inconsistent and fail to conform with the applicable planning policies. The Quarry Applications fail to give meaningful consideration to the proposal's impact on planned residential development, as well as the strong provincial, regional, and local policy direction for residential intensification and development, particularly in the face of a provincial housing crisis. Walker's insistence not to include the Rudanco Lands in the technical studies filed in support of the Quarry Applications, as well as various other outstanding deficiencies outlined in the peer reviews accompanying Rudanco's Comment Letter, further demonstrate Walker's failure to address the applicable policy and statutory requirements, especially as they relate to land use compatibility and appropriate mitigation.

For ease of reference, we have enclosed the Comment Letter with this present objection letter. Our expectation is for meaningful engagement and response on the part of Walker, and we fully intend to continue advancing our client's concerns, and any others that we may bring forward, in the context of the *Planning Act* and *Aggregate Resources Act* applications for the proposed Upper's Quarry, including any ensuing administrative or judicial process.

- **Land Use Compatibility**

- As articulated in the letter dated March 31, 2023 prepared by Bousfields Inc., Walker's proposed quarry, which is to be located in the City of Niagara Falls, is subject to provincial, regional and local policies, including:
  - The Provincial Policy Statement, 2020 (the "**PPS**"), including:
    - Policy 1.2.6.1, which requires that major facilities (including resource extraction activities) and sensitive uses (including residences) be planned and developed to avoid or minimize and mitigate potential adverse effects from odour, noise, and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures;
    - Policy 2.5.2.2, which directs extraction to be undertaken in a manner that minimizes social, economic, and environmental impacts;
  - The Niagara Region Official Plan, approved on November 4, 2022 (the "**NROP**"), including:
    - Policy 4.3, which states that the extraction, processing, and transportation of mineral aggregate resources must take place in a manner that minimizes social, economic, and environmental impacts—and includes the objectives of minimizing negative impacts of mineral aggregate operations, defining haul routes and managing aggregate truck traffic, and providing an efficient, comprehensive planning review;



- Policy 4.3.4.2, which requires a site specific amendment to the NROP for applications to permit a mineral aggregate operation;
- Policy 4.3.4.4, which states that applications to permit a mineral aggregate operation shall consider the potential for negative impacts on existing and future adjacent and surrounding land uses; and
- The City of Niagara Falls Official Plan, including:
  - Part 2, Section 9, which states that proposals for new extractive industrial uses require approval from the Ministry of Nature Resources under the *Aggregate Resources Act* and an Official Plan Amendment, which will be considered on the basis of various plans and submissions, including the location and use of all lands and buildings within 500 metres of the boundaries of the proposed quarry; and
  - Policy 9.4, which states that to encourage land use compatibility between aggregate operations and adjacent properties, Council may request additional setbacks or separation distances be established by the Ministry of Natural Resources.
- The Walker Response placed significant emphasis on Policy B.1.8.12.3 of the Rolling Meadows Secondary Plan (the “**RMSP**”), which is applicable to the Rudanco Lands in the neighbouring City of Thorold, to argue that Rudanco bears the sole onus for demonstrating land use compatibility. This is a narrow interpretation that not only ignores the planning and regulatory framework applicable to the Quarry Applications in the City of Niagara Falls, but also overlooks the following:
  - An inn is currently located on the Rudanco Lands at 13030 Lundy’s Lane, which is a sensitive land use within the meaning of the PPS, the *Aggregate Resources Act*, and the Ministry of Environment’s Environmental Noise Guideline - Stationary and Transportation Sources - Approval and Planning (NPC-300) (“**NPC-300**”);
  - Under the City of Thorold Zoning By-law No. 60-2019, a portion of the Rudanco Lands is subject to the C5 Zone, permitting campgrounds and places of assembly, which are sensitive land uses;
  - Under the City of Thorold Zoning By-law No. 2140 (97), a portion of the Rudanco Lands is subject to the HC-4 Zone, permitting hotels, motels, assembly halls, art galleries, and museums, which are sensitive land uses;
  - Rudanco’s proposed residential use is already permitted under the City of Thorold Official Plan, which designates a portion of the Rudanco Lands as *Residential*; and
  - Policy B.1.8.12.3 of the RMSP expressly states that: “Once the proponent has prepared the appropriate studies and the necessary mitigation is incorporated into the proposed development, if necessary, the utilization of such mitigation measures does not relieve the new mineral aggregate operation from providing appropriate setbacks and mitigation measures in order to achieve land use compatibility” [underline added].

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Walker adopts an incomplete interpretation of the City of Thorold's RMSP to place the entire onus of achieving land use compatibility on Rudanco. In doing so, Walker ignores the policies applicable to the Quarry Applications in the City of Niagara Falls and fails to acknowledge the broader policy framework applicable to both Walker and Rudanco in their respective contexts, as neighbouring lands in adjacent municipalities. While the policies establish an approach that seeks a balance in considering matters of compatibility and mitigation, the Walker Response is entirely dismissive of Walker's reciprocal role in the process.

- Overall, the planning policy framework requires that new aggregate resource operations be reviewed comprehensively and established through an official plan amendment (both regional and locally) in order to ensure conformity with provincial, regional, and local policy objectives. The current legislative and planning context recognizes the housing affordability crisis in Ontario, with statutory initiatives and strong policy direction to increase the supply of housing as a primary objective. Although there are policies acknowledging the need to protect and capitalize on aggregate resources, when read together, the policy instruments establish a robust framework that ensures planning decisions appropriately balance a range of objectives, including residential growth and development.
- To this end, to achieve land use compatibility, Rudanco has made several recommendations to Walker through the Comment Letter, including establishing operational setbacks to the Rudanco Lands, adopting alternative and more sensitive blasting and extraction methods (e.g., modifications to blasting design parameters, such as reducing the amount of explosive per delay, as has been adopted for certain other sensitive receptors), coordinating the phasing of quarry operations, establishing appropriate haul routes and site access that minimize adverse transportation impacts and divert truck traffic away from the residential neighbourhood planned for the Rudanco Lands, as well as other measures to mitigate noise, vibration, and air quality impacts on the Rudanco Lands. These recommendations would maintain the limits of extraction for the proposed quarry. Far from precluding or hindering the proposed aggregate extraction, Rudanco's recommendations will help to minimize adverse impacts from the quarry upon neighbouring lands and achieve greater land use compatibility, consistent with the requirements of the planning policy framework. The Walker Response provides no acknowledgment of any of these recommendations.
- **Identification of Rudanco Lands as a Point of Reception**
  - A portion of the Rudanco Lands is: (1) already zoned for sensitive land uses; and (2) presently contains an inn, which is a sensitive land use under the PPS and NPC-300, as well as a sensitive receptor under O. Reg. 244/97 of the *Aggregates Resources Act*. Similarly, the proposed residential use of the Rudanco Lands will constitute a sensitive land use under the PPS and NPC-300, as well as a sensitive receptor under O. Reg. 244/97. Nevertheless, the technical studies prepared in support of the Quarry Applications do not include any portion of the Rudanco Lands in their analysis.
  - The Walker Response refuses to address this deficiency, and instead, Walker simply reiterates its position that, based on Policy B.1.8.12.3 of the RMSP, Rudanco bears the onus for compatibility and mitigation. As discussed above, this position ignores Walker's own obligations to establish compatibility and introduce adequate mitigation, including the NROP, which specifically mandates consideration of future adjacent and surrounding land uses.



- The analyses contained within Walker's technical studies should be updated to recognize the Rudanco Lands as a sensitive point of reception relative to these studied impacts, and further review of the updated analysis will be required.
- **Unacceptable Transportation Impacts and Haul Routes**
  - Haul Route Option 2, as identified in the Traffic Impact Study, prepared by The Municipal Infrastructure Group, Ltd., dated October 2021, is unacceptable to Rudanco given the significant adverse impacts it will have on the Rudanco Lands and other existing and planned residential communities. Rudanco's Comment Letter also enclosed a Technical Review of the Traffic Impact Study, prepared by Paradigm Transportation Solutions Limited, dated April 3, 2023 that provided certain recommendations for further studies on both of the routes considered by Walker.
  - The Walker Response expresses a preference for Haul Route Option 1 over Option 2 (both as described in the studies), but subject to its approval. The Walker Response does not address the recommendations in the Technical Review prepared by Paradigm Transportation Solutions Limited.
  - Rudanco recommends that Haul Route Option 1 remain the preferred route for the proposed Upper's Quarry and that certain other studies are to be done in connection with its assessment.
- **Technical Peer Reviews**
  - In order to engage in meaningful dialogue with Walker and its technical advisors, Rudanco has commissioned the following expert reviews that formed part of the Comment Letter:
    - Comments on Upper's Quarry Applications, prepared by Bousfields Inc., dated March 31, 2023;
    - Peer Review Comments – Acoustic Assessment Report, prepared by Thornton Tomasetti, dated March 30, 2023;
    - Peer Review Comments – Blast Impact Assessment Report, prepared by Thornton Tomasetti, dated April 3, 2023;
    - Peer Review Comments – Air Quality Assessment Report, prepared by Thornton Tomasetti, dated March 30, 2023; and
    - Technical Review – Traffic Impact Study, prepared by Paradigm Transportation Solutions Limited, dated April 3, 2023.

The Walker Response largely ignored the specific Thornton Tomasetti comments, which included, among other issues, concerns about contradictory information in respect of the proposed extraction scenarios, contradictory and apparently incomplete information about assumed emissions from the quarry operations, incomplete information with respect to the noise impact assessment, and lack of reference to other approvals that are and will be required for the quarry, such as an Environmental Compliance Approval.

Without complete and accurate information from Walker, it is not possible to have a full consideration of the appropriate measures to mitigate impacts and emissions from the proposed quarry.

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- **Lack of Notification**
  - Rudanco did not receive notice of the March 23, 2022 open house held by Walker or of any of the related *Planning Act* applications. Rudanco appreciates receiving an overview of the notices given in connection with the *Aggregate Resources Act* application in the Walker Response, and we reiterate our expectation for Walker and the applicable authorities to provide all further correspondence and notices in respect of the Quarry Applications moving forward.

For the above reasons, as well as those articulated in the Comment Letter and any others that we reserve the right to bring forward, Rudanco recommends that Walker's application for a licence pursuant to the *Aggregate Resources Act* be refused.

We appreciate your attention to this matter.

Yours truly,



For: Calvin Lantz

CL/jsc/as

Enclosures

cc. Jonathan S. Cheng, *Stikeman Elliott LLP*  
Alexa Cooper, *City of Niagara Falls*  
Britney Fricke, *Regional Municipality of Niagara*  
Client

## **Stikeman Elliott**

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Calvin Lantz  
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April 3, 2023  
File No.: 151510.1002

**By E-mail**  
***dwalker@mhbcplan.com***  
***ARAapprovals@ontario.ca***

Walker Aggregates Inc.  
c/o MHBC Planning  
7050 Weston Road, Suite 230  
Woodbridge, ON  
L4L 8G7

Ministry of Natural Resources and Forestry  
Aggregates Section  
4<sup>th</sup> Floor, 300 Water Street  
Peterborough, ON  
K9J 3C7

Attention: Ms. Debra Walker

Dear Sirs/Mesdames:

**Re: Walker Aggregates Inc.**  
**Upper's Quarry – Application for Class A Licence**  
**ARA Licence Application No. 626562**  
**Commenting Letter – Rudanco Hospitality Corporation – 13030 Lundy's Lane,**  
**Thorold**

We are counsel to Rudanco Hospitality Corporation, the owner of the properties comprising approximately 23 hectares of land at the northwest corner of Lundy's Lane and Thorold Townline Road in the City of Thorold (the "**Rudanco Lands**"). The Rudanco Lands include the property municipally known as 13030 Lundy's Lane, Thorold, as well as certain other non-addressed parcels, as described and illustrated in the letter enclosed herein by our client's land use planners, Bousfields Inc.

Our client is in the process of finalizing its planning applications to develop the Rudanco Lands as a new mixed-use subdivision, which will introduce a significant number of residential uses in a range of built forms, including single-detached dwellings, townhouse dwellings, as well as mid-rise and high-rise buildings. This development proposal represents the culmination of almost two years of active engagement on the part of our client with the City of Thorold, Niagara Region, and other commenting agencies and governmental authorities. Over these past several years, our client has attended two pre-application consultation meetings with staff from the City of Thorold and Niagara Region and has made multiple revisions to its proposal, including a significant increase in the proposed residential density in response to staff's requests.

Our client was surprised to learn of the applications submitted by Walker Aggregates Inc. ("**Walker**") under the *Planning Act* and the *Aggregate Resources Act* (the "**Quarry Applications**") for the proposed Upper's Quarry, which is located approximately 71 metres to the north and east of the Rudanco Lands. We understand that a public open house was held on March 23, 2022 for the Quarry Applications—however, our client did not receive notice of this open house or any of the related *Planning Act* applications.

Given the close proximity between the Rudanco Lands and the proposed Upper's Quarry, it is critical that our client be included in all notifications, consultations, and public meetings in respect of the Quarry Applications. While our client did receive notice of the public information session held pursuant to the



# Stikeman Elliott

*Aggregate Resources Act* by Walker on March 1, 2023, it is imperative that we and our client are circulated with all notices related to the Quarry Applications, including those involving the *Planning Act* processes.

Our client and its consultant team have reviewed the site plan and reports submitted by Walker in support of the Quarry Applications, and we are hereby writing to express our client's serious concerns regarding Walker's proposal.

These concerns are articulated in greater detail through the preliminary peer reviews prepared by our client's consultants, which, for reference, are enclosed with this commenting letter:

1. Commenting Letter, prepared by Bousfields Inc., dated March 31, 2023;
2. Peer Review Comments – Acoustic Assessment Report, prepared by Thornton Tomasetti, dated March 30, 2023;
3. Peer Review Comments – Blast Impact Assessment Report, prepared by Thornton Tomasetti, dated April 3, 2023;
4. Peer Review Comments – Air Quality Assessment Report, prepared by Thornton Tomasetti, dated March 30, 2023; and
5. Technical Review – Traffic Impact Study, prepared by Paradigm Transportation Solutions Limited, dated April 3, 2023.

In summary, these concerns include, among other things:

- **Land Use Compatibility**
  - The Rudanco Lands are designated *Residential, Highway Commercial, and Employment – Prestige Industrial* under the City of Thorold's Official Plan. The portion of the Rudanco Lands nearest to the proposed quarry are designated as *Residential*.
  - As summarily described in the Commenting Letter prepared by Bousfields Inc., the proposed quarry raises serious issues of conformity with the policy framework at the Provincial, Regional, and Local level, particularly in view of the potential adverse impacts on future adjacent and surrounding land uses.
  - Careful consideration must be given to the interface between the proposed quarry and the Rudanco Lands, particularly as the portion of the Rudanco Lands designated as *Residential* is nearest to the proposed quarry, with only ~71 metres separating the two landholdings.
  - If Walker intends to proceed with seeking approval for the proposed quarry, the Quarry Applications should be modified to incorporate appropriate mitigation measures to minimize adverse impacts on planned sensitive land uses. These measures include establishing operational setbacks to the Rudanco Lands, alternative and more sensitive blasting and extraction methods, coordinating the phasing of the quarry operations, establishing appropriate haul routes and site access that minimize adverse transportation impacts and divert truck traffic away from the residential neighbourhood planned for the Rudanco Lands, and other measures to mitigate noise, vibration, and air quality impacts on the Rudanco Lands.

- **The Rudanco Lands Should Be Identified as a Point of Reception**
  - It is deeply concerning that the technical studies supporting the Quarry Applications fail to recognize the Rudanco Lands as a point of reception to be studied relative to various impacts. The studies also fail to recognize as sensitive receptors other lands within 500 metres of the proposed quarry, including draft-approved plans of residential subdivision. This deficiency exists across various studies, including the Blast Impact Analysis, prepared by Explotech Engineering Ltd., dated October 2021, the Acoustic Assessment Report, prepared by RWDI AIR Inc., dated October 28, 2021, and the Air Quality Assessment, prepared by RWDI AIR Inc., dated October 26, 2021. The analyses contained within Walker's technical studies should be updated to recognize the Rudanco Lands as a sensitive point of reception relative to these studied impacts, and further review of the updated analysis will be required.
  
- **Unacceptable Transportation Impacts and Haul Routes**
  - Our client is strongly opposed to any quarry operations that introduce adverse transportation impacts to existing and planned residential areas, including the Rudanco Lands. In particular, we note that the Traffic Impact Study, prepared by The Municipal Infrastructure Group, Ltd., dated October 2021, has identified Haul Route Option 2 as a potential route for truck and other quarry-related traffic; this option involves a circuitous route that directs truck traffic onto Lundy's Lane and within close proximity to the Rudanco Lands. Such a routing is unacceptable given the adverse transportation-related impacts upon the Rudanco Lands and other existing and planned residential communities.

The preliminary peer reviews enclosed with this commenting letter outline the numerous concerns to be addressed by Walker in the course of the Quarry Applications. These concerns engage fundamental policy and technical issues that ultimately involve land use compatibility between the proposed quarry and the Rudanco Lands, which have been planned for significant urbanization and residential growth. Our expectation is for meaningful engagement and response on the part of Walker, and we fully intend to continue advancing these concerns, and any others that we discover and bring forward, in the context of the Quarry Applications and any ensuing adjudicative process.

Thank you for your consideration. If you have any questions or concerns, please do not hesitate to contact me.

Yours truly,



For: Calvin Lantz

CL/jsc

Enclosures

cc. Jonathan S. Cheng, *Stikeman Elliott LLP*  
Alexa Cooper, *City of Niagara Falls*  
Britney Fricke, *Regional Municipality of Niagara*  
Client





Project No. 2097

March 31, 2023

Peter Horn  
Rudanco Hospitality Corporation

[REDACTED]  
[REDACTED]

Via email: [REDACTED]

Dear Peter,

**Re: *Comments on Upper's Quarry Applications as it Relates to Rudanco Lands at 13030 Lundy's Lane, and PINs 640570070, 640570049, and 640570058 (Regional File # ROPA 22 and City File # AM-2021-025; ARA Licence Application No. 626562)***

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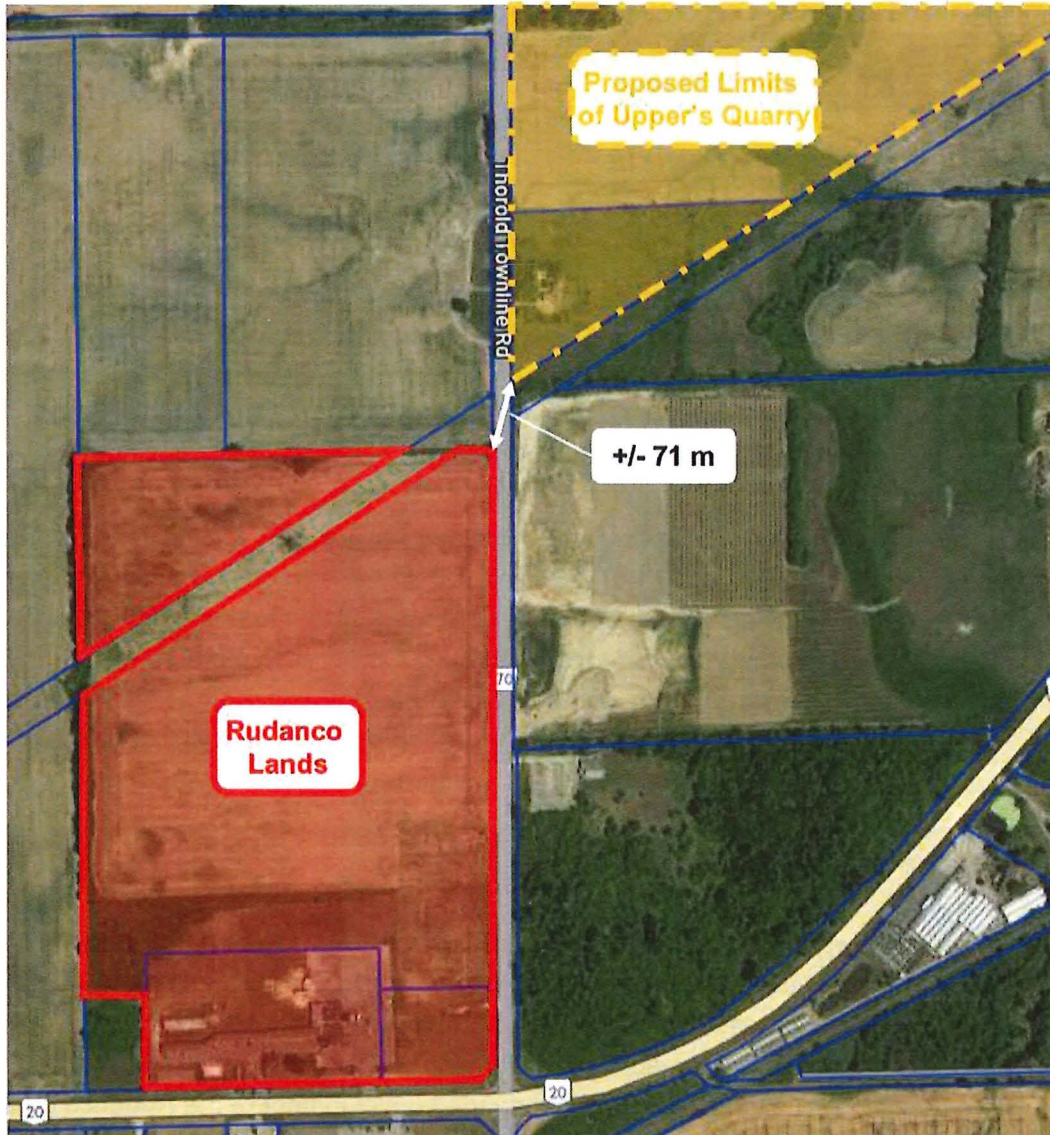
As requested we have reviewed the proposed applications for the Upper's Quarry located on Part of Lots 119, 120, 136 and 137 in the former Township of Stamford, now in the City of Niagara Falls, Region of Niagara (the "**Quarry Application**") as it relates to lands owned by Rudanco Hospitality Corporation ("the owner") at 13030 Lundy's Lane, and three other non-addressed parcels, which are PINs 640570070, 640570049, and 640570058, in the City of Thorold (the "**Rudanco Lands**"). The Rudanco Lands are approximately 23 hectares in size and represent a major development opportunity at the northwest corner of Lundy's Lane and Thorold Townline Road, in the City of Thorold.

As you are aware, we have initiated work for the development of the Rudanco Lands for a new mixed-use subdivision, which will include a large proportion of residential uses (i.e., new homes). The objective of our review of the Quarry Application is to review it in the context of the applicable planning policy framework to ensure it provides for a development compatible with the planned development of the Rudanco Lands.

A map of the Rudanco Lands (shown in red) in relation to the nearest limits of the proposed Quarry Application is provided below in **Figure 1**. As illustrated, the Rudanco Lands are located approximately 71 metres to the southwest of the Quarry Application limits, which is also the area proposed for the first phase of extraction under a new

licence under the Aggregate Resources Act, R.S.O. 1990, c. A.8, as amended (the "ARA").

**Figure 1 - Rudanco Lands and Distance to Proposed Upper's Quarry**



## 1.0 BACKGROUND

A formal pre-application consultation ("PAC") meeting occurred on June 3, 2021, to discuss the development of the Rudanco Lands for a new mixed-use residential and commercial subdivision, the concept for which is attached as **Attachment 1**. During the June 3, 2021, PAC meeting, there was no mention of the Quarry Application to the





northeast. In this regard, we have attached a record of the PAC minutes from that meeting as **Attachment 2**, which the Region of Niagara attended.

In reviewing the comments received from the City of Thorold to date and in reviewing the comments received from the circulation agencies and other departments, including the Region of Niagara and Ministry of Transportation (“MTO”), our team worked to create a new plan that reflected the theme of those comments. The two main comments were from the City of Thorold staff who requested significantly more density overall on the Rudanco Lands and specifically in the southeast corner, as well as comments from the MTO who had an issue with entrances along Highway 20.

An updated concept was filed to the City of Thorold on November 17, 2022, and a second PAC meeting was held with City staff and agencies. The revised plan, which we have attached for your reference as **Attachment 3**, included increased density both overall and along Highway 20, as requested by City staff. To create this plan, our team worked with MTO staff to address site constraints regarding vehicular access to the Rudanco Lands off Highway 20, which was determined to be non-permissible. A record of the second PAC meeting is attached as **Attachment 4**. During the second PAC meeting, there was some reference to a nearby Quarry Application, which location we tried to clarify in the meeting using visuals. It was generally understood that the quarry being referenced by City and Regional staff was the existing Walker Aggregates Quarry (Licence No. 11175) located more than 4-kilometres to the north of the Rudanco Lands. During the second PAC meeting, the Region also provided information about the potential for a different quarry application near to the Rudanco Lands that should be considered in the context of any future applications made under the Planning Act. However, at that time, City and Regional staff were not able to confirm the location of this potential other quarry application.

Since the second PAC meeting, we have now become aware of the Quarry Application, including the materials submitted in support of the applications. Accordingly, it is our understanding that Walker Aggregates Inc. (“Walker”) is requesting amendments to the Region of Niagara Official, the City of Niagara Falls Official Plan, and the City of Niagara Falls Zoning By-law No. 79-200, to permit a quarry with associated processing and recycling of aggregate material, including an asphalt and concrete mixing plant. As well, Walker has filed an application under the ARA for a new Category 2 (Below Water Quarry) – Class A License to the Ministry of Natural Resources and Forestry (the “MNRF”).



### **1.1 Proposed Development of the Rudanco Lands**

The proposed development (see *Attachment 3*) will result in the provision of a range and mix of residential built forms, including single-detached dwellings, townhouse dwellings, mixed-use mid-rise dwelling units, and high-rise dwelling units potentially in a mixed-use format. The proposed building heights range from 1 storey to 16 storeys, with the highest density in the southeast corner.

Applications to amend the City's Official Plan and Zoning By-law are required to implement the proposed development. The Official Plan Amendment is required to increase height and density for a portion of the Rudanco Lands, and to provide for mixed-use permissions on other portions.

### **2.0 COMMENTS ON QUARRY APPLICATION & SUPPORTING MATERIALS**

We have reviewed the Quarry Application and supporting materials and provide the following comments:

#### **2.1 Consultation**

We attended the applicant led community meeting for the Quarry Application on March 1, 2023, under the ARA process. It was informative. However, the owners of the Rudanco Lands should have been notified of the Planning Act aspects of the Quarry Application, including any public meetings held in respect of the proposed quarry. Any future public correspondence related to the Quarry Application should be circulated to the owners of the Rudanco Lands.

#### **2.2 Land Use & Compatibility**

The Rudanco Lands are designated *Highway Commercial, Residential, and Employment - Prestige Industrial* on Schedule A-3 of the City of Thorold Official Plan (the "**TOP**"). The predominant use of the lands designated as *Residential* on Schedule A-3 is for residential dwellings, and a variety of secondary uses, including stormwater management facilities. At the nearest interface with the proposed Upper's Quarry, the Rudanco Lands are designated *Residential*, and therefore, the proposed uses are permitted at the Official Plan level, as of right.

Section 2.5 of the 2020 Provincial Policy Statement ("**PPS**") provides policy direction with respect to Mineral Aggregate Resources. In this regard, Policy 2.5.2.2 states that





extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts.

In addition, Policies in Section 4.3 of the Niagara Region Official Plan (the "NROP") state that new mineral aggregate operations are not permitted within *settlement areas* (Policy 4.3.4.1). Applications to permit a mineral aggregate operation shall consider the potential for negative impacts on existing and **future adjacent and surrounding land uses** (emphasis added), potential for negative impacts on views, vistas, air quality, noise vibration, social, and health impacts, proposed haul routes, and the potential impacts on roads and other users of the infrastructure, as well as other potential impacts (4.3.4.4).

At the local level, Section 9 of the City of Niagara Falls Official Plan ("NFOP") establishes land use policies pertaining to the extraction of mineral aggregate resources. Accordingly, proposals for new or expanded extractive industrial uses need approval from the Ministry of Natural Resources under the Aggregate Resources Act. They also require an Official Plan Amendment and detailed plans and submissions prepared to the satisfaction of the City. Proposals for new or expanded aggregate operations must include, among other things, the location and use of all lands and buildings within 500 metres from the boundaries of a proposed quarry.

In considering any application to establish a new extractive aggregate operation, Niagara Falls City Council must have regard to a variety of matters, including the effect of the proposed extractive operation on the roads and traffic patterns in the area, and the amounts of noise, vibration, dust, traffic and related factors which may affect properties and their occupants in the surrounding area, among others.

Accordingly, Policy 9.4 provides that, to encourage land use compatibility between aggregate operations and adjacent properties and their occupants, Council may request additional setbacks or separation distances, established by the Ministry of Natural Resources through the licensing process.

Similarly, residential uses must be suitably separated from and shall not be permitted to encroach on lands used for extractive aggregate operations.

Generally, when establishing new or expanding existing aggregate operations, land use compatibility is paramount to good land use planning.



In our opinion, the Quarry Application has not fully assessed the proposal against the land use compatibility policies in the NROP or NFOP and specifically those policies that call for the new applications to consider negative impacts on planned residential land uses in adjacent areas. In this regard, it is our opinion that the Quarry Application and supporting studies should be updated to recognize the Rudanco Lands and any other lands designated for residential or mixed-use in the NFOP, including lands similarly designated through the neighbouring City of Thorold Official Plan. Accordingly, at the nearest interface with the proposed Quarry Application, the Rudanco Lands are designated *Residential*.

In our opinion, this will require modifications to the Quarry Application that will mitigate impacts on planned sensitive land uses. This includes an appropriate setback of the area of extraction to surrounding sensitive land uses, alternative and more sensitive blasting and extraction methods, the most appropriate truck route that directs truck traffic away from planned residential neighbourhoods, and other revisions that will mitigate any noise, vibration and air quality impacts on the surrounding planned residential and mixed-use land uses.

### **2.3 Noise, Vibration, and Air Quality**

We have reviewed the Blast Impact Analysis (“**BIA**”) dated October 2021 prepared by Explotech. The BIA characterizes the lands surrounding the proposed quarry as agricultural areas with a limited number of residential structures within 500m. Furthermore, the closest sensitive receptors identified are set out in Table 1 of the BIA entitled “Closest Sensitive and Non-Sensitive Receptors”.

The Rudanco Lands are not identified in Table 1 of the BIA as a sensitive receptor, nor are they identified in the table at all. The properties identified in Table 1 of the BIA include only existing uses, and do not account for planned or draft-approved residential or mixed uses within 500 metres of the proposed quarry, including the Rudanco Lands. This, in our opinion, does not conform to the NROP or NFOP, which specifically requires new aggregate operations applications to study impacts on planned residential and mixed-use land uses in adjacent areas.

Sensitive Receptors are defined in O. Reg 244/97 under the ARA, and include a school or childcare centre, or any residence or facility at which at least one person sleeps, including a long-term care home, hospital, trailer park or campground. Accordingly, O.



Reg 244/97 also provides conditions of a licence and permit under the ARA, which generally include providing dust control measures and noise mitigation measures.

It is our opinion, that the Rudanco Lands should be treated as a sensitive receptor, so that appropriate noise, vibration, and air quality measures can be identified prior to any staff recommendation, and to ensure that both proposed uses can function without hinderance. Accordingly, the BIA and other studies should be updated to provide this analysis relative to the Rudanco Lands.

### **3.0 CONCLUSIONS & NEXT STEPS**

For the reasons outlined herein, it is our opinion that the Quarry Application has not adequately addressed the policies for establishing a new aggregate operation in the NROP or NFOP. Furthermore, in our opinion, the Quarry Application should be revised to address compatibility matters with existing and planned residential and mixed-use land uses in adjacent areas. In our opinion, this will result in changes to the Quarry Application that should increase the setback of the proposed extraction area relative to planned residential and mixed use areas (including the Rudanco Lands), change the extraction methods to utilize a more appropriate and less impactful blasting technique, reduce noise, vibration and air quality issues on the surrounding planned residential and mixed use areas (including the Rudanco Lands), and confirm a truck haul route that is the most appropriate in mitigating potential impacts to planned residential and mixed use areas (including the Rudanco Lands).

We suggest a meeting with the applicant and their consultant team to discuss our concerns and potential modifications to the Quarry Application proposal. We also suggest that you request to be notified of all future correspondence and meetings related to the Quarry Application.

Yours very truly,  
**Bousfields Inc.**

A handwritten signature in black ink, appearing to read "DF", written over a circular scribble.

**David Falletta MCIP, RPP**  
Partner

es/DF:jobs



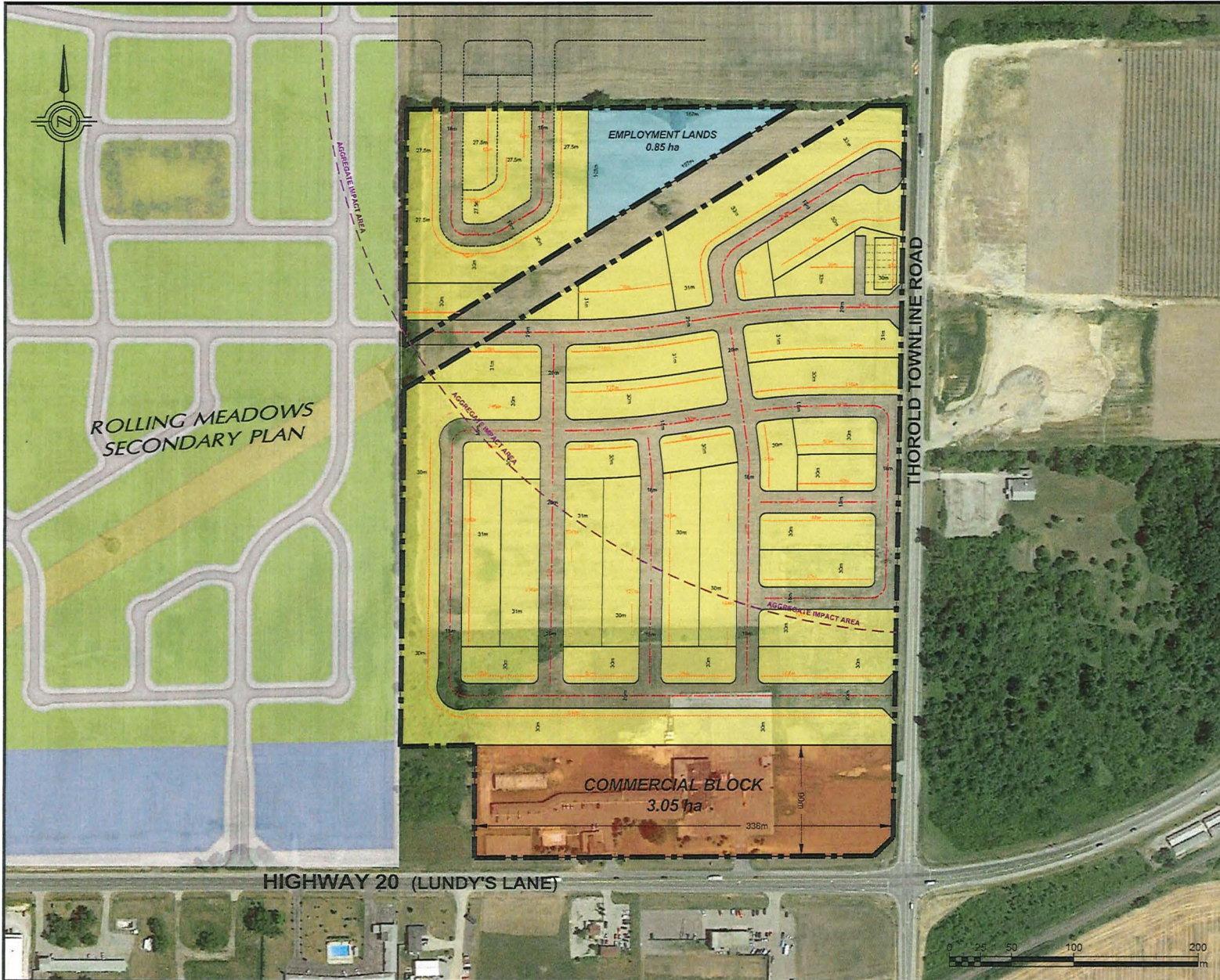


**ATTACHMENT 1:** *First Concept Plan*

# Highway 20

City of Thorold

## PRELIMINARY CONCEPT



--- Subject Lands = 22.47 ha

Residential

Commercial

Employment

Frontage = 3,958m

Road Length = 2,830m

-- PRELIMINARY --  
-- FOR DISCUSSION PURPOSES ONLY --



**ATTACHMENT 2:** *First Pre-Application Consultation Comments*





## Pre-Application Consultation Planning Meeting Form

Persons intending to submit a planning application for a proposed development are required to consult with city staff and agencies prior to submitting the application by attending a scheduled pre-consultation meeting (schedule available on the website). A planning application may be deemed incomplete if a required pre-consultation meeting has not taken place. A pre-consultation meeting will identify what is required to be submitted for a complete application and will provide the opportunity to discuss:

- the nature of the application;
- the planning approval process;
- development and planning issues
- the need for information and/or reports to be submitted with the planning application;
- application fees and other matters, as determined.

**Please submit completed pre-application form (Question 1 thru 9 only, legal size) and concept plan to the Planning Department or email to [Angela.Nesbitt@thorold.ca](mailto:Angela.Nesbitt@thorold.ca). Staff will notify you of your meeting date and time.**

MEETING VENUE CHOICE:     ZOOM MEETING     TELEPHONE CONFERENCE

1. **Site Address:** 13030 Lundys Lane (Hwy 20)

**Approximate Land Area (metric):** ~22.5 ha

**Site Legal Description:** Part of Lot 89

**Owner/Agent Contact Information:**

Name of Owner: Rudanco Hospitality Co. c/o Jeremia Rudan

Phone Number: [REDACTED]                      Email: [REDACTED]

Agent Contact: Peter Horn – Horn Design & Consulting Inc.

Phone Number: [REDACTED]                      Email: [REDACTED]

**Application Type:**

<input type="checkbox"/> Regional Official Plan Amendment	<input type="checkbox"/> Draft Plan of Condominium	<input checked="" type="checkbox"/> Zoning By-law Amendment	
<input checked="" type="checkbox"/> Local Official Plan Amendment	<input type="checkbox"/> -Vacant Land/Common Element/Conversion	<input type="checkbox"/> Other	
<input checked="" type="checkbox"/> Draft Plan of Subdivision	<input type="checkbox"/> Site Plan Approval	<input type="checkbox"/> Minor Variance	
<input type="checkbox"/> Consent (Land Severance)	<input type="checkbox"/> NEC Amendment/Dev't Permit	<input type="checkbox"/>	

2. Brief description of proposed development:

Based on the preliminary development concept, the proposed draft plan of subdivision will be comprised of new residential lots as well as blocks for highway commercial and prestige employment. The subdivision will be serviced by new road network with municipal servicing and utilities.

3. Existing Regional Policy Plan Designation: Designated Greenfield Area

Conformity with Regional Policy Plan land use designations and policies?     Yes     No     Unknown

If 'No', what is the nature of the amendment needed?

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4. Check All Applicable:  Brownfield  Greenfield  Built-up  
 NEP  Greenbelt  Local CIP Area

5. Development Charges  Region  Local

6. Existing Local Official Plan Designation: Residential, Highway Commercial – Employment – Prestige Industrial, Aggregate Impact Area

Conformity with Official Plan land use designations and policies?  Yes  No  Unknown

If 'No', what is the nature of the amendment needed?

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7. Existing Zoning: FD Conformity with Existing Zoning?  Yes  No  Unknown

8. If 'No', what is the proposed zoning:

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9. Is Site Plan approval required?  Yes  No  Unknown

10. Fees Required at time of Submission of the Application:

Application	Local Planning Department	Region of Niagara	Niagara Peninsula Conservation Authority	Other Fees
Regional Policy Plan Amendment				
Local Official Plan Amendment	\$5,760	\$9,815		
Draft Local Zoning By-law Amendment				
Zoning By-law Amendment	\$7,060	\$1,315		
Plan of subdivision	\$8,830 + \$55 per lot/block (max \$13,050)	\$5,235 + \$1,160 per hectare(max \$22,840)		
Plan of Condominium				
Consent				
Site Plan Control or Amendment				
Other		Major Urban Design Review - \$625 Stormwater Management Review Fee - \$1,870		
<b>TOTAL</b>				

Notes:

- Notwithstanding the fees noted above, all fees are payable based upon the rate in the fee schedule by-law in effect on the date the application is received.
- Further fees may be required at a later date as per the fee schedule by-law.
- Separate cheques shall be made payable to the appropriate agency.

**11. Additional Agencies to be contacted:**

- Hydro     Pipelines     NEC     Other: \_\_\_\_\_

**12. Required Information and Studies to be submitted with the Application(s).** All studies, plans, drawings **MUST** be in compliance with AODA. Planning applications **WILL NOT** be deemed complete unless all application material is AODA compliant. Studies identified may require a peer review at the cost of the developer.

Reports, Studies, Plans (See Notes for additional details)	No. of Copies		Notes
	Digital	Paper	
Planning Justification Report (incl Draft OPA & ZBA Bylaws & Urban Design Review))	1	2	
Draft Plan of Subdivision	1	2	
Building Elevations (for building visible from Hwy 20)	1	2	
Land Use/Market Needs			
Landscape Plans (for buildings visible from Hwy 20)	1	2	
Archaeology Assessment	1	2	
Phase 1 & 2 Environmental Site Assessment (for RSC purposes)	1	2	
Environmental Impact Study			
Environmental Planning Study/ Sub-Watershed Study			
Tree Inventory Preservation Plan			
Floodplain and Hazard Lands Boundary Plan			
Geotechnical			
Environmental Site Assessment			
Air Quality/Noise & Vibration Study			
Agricultural Impact Assessment			
Functional Servicing Report	1	2	
Minimum Distance Separation I & II			
Mineral Aggregate Resources			
Noise & Vibration Study (incl D6 review)	1	2	
Stormwater Management Report	1	2	
Photometric / Illumination Plan	1	2	
Parking Study			
Slope Stability Report			
Traffic Impact Study	1	2	
Hydrogeological Study and Private Servicing Plans			
Soil report			
Financial Impact Assessment			
Servicing Plan			
Grading Plan			
Risk Management Study			
Gas Well Study/Gas Migration Study			
Wind Study			
Site Servicing Plan			



**13. Additional Comments:**

Refer to comments at end of document. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**14. Incentive Programs:**

\_\_\_\_\_

\_\_\_\_\_

**15. Site Visit:**

\_\_\_\_\_

\_\_\_\_\_

**Notes:**

1. The purpose of this document is to identify the information required to commence processing and evaluating an application as set out in the Planning Act. This pre-consultation process is designed to proceed based on the mutual agreement of the parties as shown by the signatures below.
2. Pre-consultation does not imply or suggest any decision whatsoever on behalf of staff or the municipality to either support or refuse the application.
3. The applicant should be aware that the information provided is accurate as of the date of the pre-consultation meeting. Should an application not be submitted in the near future, and should other policies, by-laws or procedures be approved by the Province, Municipality, Region or other agencies prior to the submission of a formal application, the applicant will be subject to any new policies, by-laws or procedures that are in effect at the time of the submission of a formal application.
4. Any application submitted without the information identified in this Pre-consultation Document will be deemed incomplete and not processed. Alternately, staff may recommend refusal of the application based upon insufficient information to properly evaluate the application.
5. The applicant acknowledges that the Municipality and Region considers the application forms and all supporting materials including studies and drawings, filed with any application to be public information and to form part of the public record. With the filing of an application, the applicant consents and hereby confirms that the consent of the authors of all supporting reports have been obtained, to permit the Municipality and Region to release the application and any supporting materials either for its own use in processing the application, or at the request of a third party, without further notification to, or permission from, the applicant.
6. It is hereby understood that during the review of the application additional studies or information may be required as a result of issues arising during the processing of the application or the review of the submitted studies.
7. The Municipality or Region may require a peer review. The Terms of Reference for a peer review is determined by the Municipality or Region and paid for by the applicant.
8. Some studies may require NPCA review and clearance/approval. In this instance the NPCA review fee shall be paid by the applicant.
9. All plans and statistics must be submitted in **metric**.
10. This Form will be valid for one year from the date of the meeting. Any applications that are required should be submitted prior to the one year expiration or a new meeting will be required. If an application is not submitted within 1 year, it is advisable that the applicant confirm with the municipality the directives of the original pre-consultation meeting.



**NOTES:****Planning:**

- Applications include Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision
- The Official Plan Amendment is required as a portion of residential is proposed where lands are designated commercial (lands fronting on to Highway 20). The OPA is required to redesignate these lands residential
  - If the proposed plan is redesigned to remove the residential from the commercial lands, no OPA is required.
- Zoning By-law Amendment is required to rezone the lands from Future Development Zone to appropriate zone categories.
- The Planning Justification Report shall contain a review of the Rolling Meadows Urban Design Guidelines, and how the proposal is consistent with these guidelines.
- An Employment Area is located adjacent to the site. Due to this, a review of D<sup>A</sup> guidelines must be submitted with the application
- A large portion of the site is within the Aggregate Impact Area. Operational noise, blasting and traffic from the aggregate use must be analyzed through a Noise & Vibration Study and Traffic Study.
- The 'U' shaped road at the north end of the proposal shows connections to the land to the north. There is no draft approval on these lands, and therefore nothing for this to connect to. The Draft Plan should be redesigned to ensure there are existing and draft approved connections, OR this "U" shaped road will need to be approved through a separate application once there is a clear connection.
- Parkland should be considered in design.
- Submission shall include:
  - Planning Justification Report
  - Traffic Study
  - Draft Plan of Subdivision
  - Noise & Vibration Study
    - Must address the D6 guidelines for residential in proximity to industrially designated lands

**Engineering:**

- The Developer needs to enter into a Subdivision agreement with the City of Thorold
- Functional Servicing Report needs to be submitted for review
- Storm water management plan / report needs to be submitted for review
- Noise / Vibration study needs to be submitted for review
- Traffic Impact Study needs to be submitted for review
- In order to provide water service to the proposed subdivision, Watermain needs to be extended along Hwy 20 from intersection of Hwy 20 & Hwy 58
- Park land allocation should be considered in the subdivision design in the area adjacent to the Hydro corridor
- Subdivision Roads design should consider the City of Thorold Transportation Master plan recommendations for road ROW and pavement widths

**NPCA:**

- No comments

**MTO:**

The following are the Ministry's (MTO) pre-consultation/preliminary comments:

- In principle, we have no objection with the proposed applications.
- Subject lands are located within the ministry's permit control limits; hence, MTO permits will be required (e.g. grading/servicing, building and land use, etc.). Please make the applicant aware that MTO permits will need to be secured prior to the commencement of any on-site works.
- At this time, setbacks will be a minimum of 14.0m from all ministry lands. No features which are essential to the overall viability of the site are permitted within the MTO 14.0m setback area. Essential features include, but are not limited to, buildings/structures (above or below grade), required parking spaces (required per the municipal zoning by-law), retaining walls, utilities (includes parking lot lighting), stormwater management features, snow storage, loading spaces, fire routes, essential landscaping, etc. Please note that non-essential parking may be



located within the MTO 14.0m setback area and must be set back a minimum of 3m from the MTO property line.

- All access from the subject lands will need to adhere to the ministry's Highway Access Management Guidelines. As a result, no access to Highway 20 will be permitted and all road connections to Thorold Town Road will need to be spaced accordingly (min 400m).
- Information regarding the ministry's application process, permits, forms and policies can be found at the following link:

<http://www.mto.gov.on.ca/english/engineering/management/corridor/building.shtml>

- As part of the future formal subdivision application, MTO will most likely impose draft plans conditions for (i) Engineering/internal road construction plans, (ii) Lighting, (iii) Drainage and, (iv) Traffic. Please make the applicant aware that any required highway improvements, as a result of the subject development, will require the proponent to enter into a legal agreement with MTO. Proponent will be 100% responsible for all associated costs (design/construction, etc.).
- The following materials will most likely need to be submitted by the proponent to support MTO's draft plan conditions:
  - One (1) digital copy of the subdivision;
  - One (1) digital copy of the civil engineering plans, stamped and signed by a Professional Engineer of Ontario;
  - One (1) digital copy of a Stormwater Management Report, stamped and signed by a Professional Engineer of Ontario;
  - One (1) digital copy of the Traffic Impact Study, prepared by a RAQS qualified consultant, stamped and signed by a Professional Engineer of Ontario.
  - One (1) digital copy of the Landscape Plans.
  - One (1) digital copy of the Illumination Plan and associated materials. The Illumination Plan is to include:
    - To-scale plan showing the site location and the highway
    - Lighting layout showing pole/luminaire locations and orientation
    - Luminaire installation info such as mounting height, orientation angle, shielding info, etc.
    - Luminaire material info including catalog info and photometric data file
    - Lighting calculation plan showing horizontal illuminance levels at and beyond the MTO right-of-way in metric units of lux to 1 decimal place minimum

Regarding light trespass onto MTO right-of-way, the ministry requires zero light trespass onto our right-of-way.

Please ensure that the MTO 14.0 m setback line is clearly and accurately illustrated on all plans. Also, non-essential parking within the 14.0 m setback must be clearly identified with a note on all plans.

All plans/materials and/or technical submissions must adhere to MTO standards.

## **Niagara Region – Development Services Division**

### ***Pre-Consultation Notes***

13030 Lundy's Lane (Highway 20), Thorold

June 3, 2021

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#### **Attendees**

Alex Morrison (Region); Matteo Ramundo (Region); Brynne O'Neill (City); Sarah Burjaw (City); Ashley Lee (City); Sean Dunsmore (City); Jeremia Rudan (Owner – Rudanco Hospitality); Peter Horn (Agent - Horn Design & Consulting Inc.); David Falleta (Agent – Bousfields Inc.); Michael Gojsic (Agent); Evan Sugden (Agent – Bousfields Inc.); Rob Melick (Agent – MTE); Milana Caponcini (Assistant to Land Owner).

#### **Type of Application: Zoning By-law Amendment / Draft Plan of Subdivision.**

#### **Application Description**

Applicant is proposing a Draft Plan of Subdivision consisting of development blocks for residential and highway commercial / prestige employment uses. The subdivision will be serviced by a new road network with municipal servicing and utilities.

Applicant has received additional information since the concept was initially submitted and is continuing to evolve. Applicant is aware of Aggregate Impact Area Influence and would like to better understand the City's requirements within the Official Plan.

#### **Regional Official Plan Designation**

- Urban Area (Designated Greenfield Area).

#### **Planning Comments**

Regional staff do not object to the proposal in principle, as the proposed uses will help to support a complete community concept by incorporating a mix of land uses.

The Regional Official Plan directs for development on Designated Greenfield Areas to support a minimum density target of 50 people and jobs hectare, as well as help the achievement of complete communities by planning for a variety of amenities and housing types.

Staff notes that the property is located in a high visibility area and should feature a mix of housing types / densities (including medium and high densities, perhaps 3-5 storeys), as well as parkland and open space.

Regional staff notes that the site is flanked by two Regional Roads (Regional Road 20 and Regional Road 70), as well as is influenced by an Aggregate Extraction Area. As such, a Noise and Vibration Study is required to examine transportation-related noise associated to these roads and recommend appropriate mitigation measures for site / building designs (if any).

Further, a Planning Justification Report with D-6 Land Use Compatibility justification is required to demonstrate that proposed uses are can be appropriately accommodated on site with limited to no adverse impacts from the nearby aggregate operations.

Regional staff request that employment uses envisioned for the employment block be mindful and designed in a manner that respects nearby sensitive land uses.

Staff notes that if the employment is needed to meet greenfield area calculations, then it should be located in area that can be readily developed. Currently, the northerly lands will be difficult to develop, as it is separated from the majority of the site from a Utility Corridor, and the proposed accesses are to lands that are not yet developed. As such, future development of these blocks is dependent on the timing of the northern subdivision and other land owners.

The applicant may want to consider moving forward with a Draft Plan of Subdivision for only the lands south of the Utility Corridor, as the lands to the north can be developed at a future time once adjacent development phasing / timing is more clear.

## Niagara Region – Development Services Division

### *Pre-Consultation Notes*

13030 Lundy's Lane (Highway 20), Thorold

June 3, 2021

#### Employment Land Redevelopment Calculation

Through precon discussion, the applicant requested additional information with respect to how changing the proposed employment block to non-employment uses would be managed.

These lands are designated employment lands within the City's Official Plan. As such, any redevelopment of these lands to non-employment uses shall adhere to applicable Provincial and Region policies. Specifically, Policy 2.2.5.14 of *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan") must be satisfied, which states:

*"Outside of employment areas, development criteria should be established to ensure that the redevelopment of any employment lands will retain space for a similar number of jobs to remain accommodated on site."*

Accordingly, any proposal that introduces non-employment uses to these employment lands shall demonstrate and protect for space to be retained for a similar number of jobs to remain accommodated on site. The amount of space to be retained for employment should be determined and justified using the following methodology.

#### Calculation Steps

Regional staff offer the following steps to determine the amount of employment space for the property:

1. Based on the City's Zoning By-law, use the maximum lot coverage (in %) to calculate the full potential build out (building envelope) of the site to determine its maximum potential employment square footage.

Once maximum potential square footage established, then calculate how many job this results in based on the City's [Development Charges \("DC"\) Background Study](#). The DC Background Study uses the following employee density assumptions for non-residential square foot estimates:

- a. 1,200 ft<sup>2</sup> per employee for industrial;
- b. 500 ft<sup>2</sup> per employee for commercial/population-related; and
- c. 700 ft<sup>2</sup> per employee for institutional employment.

2. Next, by referencing the City's Zoning By-law provisions applicable to the site (i.e., setbacks, parking, etc.), determine a feasible development coverage (in %) of the site and calculate its employment square footage.

Once the feasible square footage is known, its job yield can be calculated by using the same DC Background Study considerations as provided in Step 1.

3. Next, if the proposed new land use includes residential units, calculate the number of "Work from Home" jobs that can be accommodated on the site. "Work from Home" jobs can be calculated by multiplying the total proposed residential units for the site by the work from home 6% specified in the City's DC Background Study.

These "Work from Home" jobs can be added to the feasible coverage job total calculated in Step 2 to help justify a similar number of jobs based on the full potential build out of the site calculated in Step 1.

Please note that temporary jobs created through construction or brownfield remediation should not be included in the calculation / justification, as they will not remain accommodated on site as per Growth Plan Policy 2.2.5.14.

4. Lastly, please provide a short breakdown / summary of the total number of proposed jobs accommodated on the site as calculated through Steps 1-3.



**Niagara Region – Development Services Division****Pre-Consultation Notes**

13030 Lundy's Lane (Highway 20), Thorold

June 3, 2021

Should the applicant propose non-employment uses for the employment block, Regional staff requires that the above Employment Land Redevelopment calculation and justification be included within the submitted Planning Justification Report.

**Site Condition**

- Regional staff requires that a Phase One and Phase Two Environmental Site Assessment (ESA) with Record of Site Condition be obtained for the proposed change of land use from commercial lands to residential lands.
- Regional staff recommends that the Phase One ESA may be necessary for entirety of site based on historical agricultural land uses of the site.

**Archaeological Resources**

- Based on a review of the Province's Criteria for Evaluating Archaeological Potential, the site exhibits a high potential for the discovery of archaeological resources, as it's within 300 m of a registered archaeological site (AgGt-132) and natural watercourse features.
- As such, Stage 1-2 Archaeological Assessments are required for this application (and any subsequent studies required as a result of the Stage 1-2 along with Ministry Acknowledgement).

**Urban Design Comments**Urban Design Materials:

- At the Draft Plan of Subdivision stage, please submit a Major Urban Design Review fee (\$625).
- Please submit the following drawings: Site Plan, Landscape Plan (with streetscape info) and Building elevations for any facades that will be visible from the Regional Road.
  - Applicant requested clarification as to whether the Landscape Plan could be included as a Condition of Draft Plan of Subdivision.
    - Regional Urban Design staff re-affirmed that the Landscape Plan be included as part of the Draft Plan of Subdivision submission to support the team's review efforts.

Streetscape along Regional Road (Lundy's Lane / Highway 20):

- The Landscape plan should include the following streetscape information:
  - Deciduous street trees in a sodded boulevard.
  - Trees should be 50mm caliper and spaced according to their size. Refer to the attached Master Tree Planting List for species.
- The Landscape plan should include an overlay of survey information and site servicing information, to ensure that proposed street trees will not conflict with services, utilities and drainage structures within the boulevard. Please note that if street trees cannot be accommodated due to existing or proposed utilities, services and drainage features, then an enhanced landscape treatment will be requested on private lands. This includes deciduous trees plus planting beds consisting of shrubs and perennials.
- In the future, staff will review the location of proposed vehicular entrances and the pedestrian network along the Regional Road. If a municipal sidewalk is proposed in the future, then pedestrian connections will be requested from the sidewalk to the front entrances of the commercial units.

Interface with Regional Roads:

- Since this is a corner site, it is recommended that the architectural treatment is enhanced at the intersection. This may include a height element to anchor the corner.

## Niagara Region – Development Services Division

### *Pre-Consultation Notes*

13030 Lundy's Lane (Highway 20), Thorold

June 3, 2021

- It is recommended that the commercial buildings front onto the Regional Road, with parking, garbage and loading areas located to the rear of the site. The commercial units should have active front entrances (i.e. not back of house operations).
- Regional Planning staff notes that along Thorold Townline Road, development fronts the road with rear lane accesses should be considered.

#### **Environmental Comments**

- The subject parcel is outside the Region's Core Natural Heritage System and as such Environmental Planning offers no requirements.

#### **Transportation / Roads**

- Lundy's Lane (Provincial / Regional Road 20).
- Thorold Townline Road (Regional Road 70).
  - Regional transportation staff requires a Traffic Impact Study (TIS) to assess the volume of traffic coming onto Thorold Townline Road.

#### Road Widening

- Regional staff notes that the existing Regional Road Allowance of Thorold Townline Road is 20.1m wide. This is deficient of the width of 26.2m required by the Regional Official Plan. Therefore, a widening of 3.05m is required for the frontage along Thorold Townline Road (see attached Survey Drawing).
- No widening is required along the frontage of Lundy's Lane / Highway 20.

#### Regional Permit Requirements

- The Region requires Regional Construction Encroachment and Entrance Permits prior to any construction within a Regional Road Allowance.
- The Region requires Regional Sign Permit(s) for any signs within 20m of the centreline on Lundy's Lane (Highway 20) and Thorold Townline Road.

#### **Servicing**

- Regional staff requires a Functional Servicing Report (FSR) for the application to understand servicing flows, needs, and capacities for the site. The FSR will need to demonstrate how the site will be serviced and its connections to the neighbouring Rolling Meadows Subdivision.

#### Water:

- No municipal water servicing exists along this portion of Lundy's Lane / Highway 20 or Thorold Townline Road at this time.

#### Sanitary:

- 200 D PVC (Local) – Lundy's Lane / Highway 20.
- For any extension of municipal sewers a Ministry of Environment, Environmental Compliance Approval (ECA) will need to be obtained.

#### **Stormwater Management Comments**

- At the time of future Planning Act Application (i.e. Draft Plan of Subdivision and/or Site Plan), the Region requires a Stormwater Management Report.

**Niagara Region – Development Services Division****Pre-Consultation Notes**

13030 Lundy's Lane (Highway 20), Thorold  
June 3, 2021

- The following comments are provided by information purposes to assist the applicant with the preparation of more detailed site plans:
  - The Region requires that stormwater runoff from the development be collected and treated to a Normal standard as the minimum acceptable standard prior to discharge from the site.
  - The Region requires that Thorold Townline Road (Regional Road 77) will not be negatively impacted as a result of the development.
  - The Region requires stormwater peak flow control to satisfy the allowed discharge rate, i.e. the pre-development flow for all storms (2-year up to and including the 100-year storm) and the existing culvert capacity, whichever is the least.
  - The Region requires an erosion threshold assessment to ensure the development stormwater discharge will not impose erosion impacts on Beaverdams Creek. The minimum criterion is stormwater runoff from 25mm design storm event be captured and released over a period of 24 hours.
  - Consideration should be given to Low Impact Development /Green Infrastructure to retain stormwater on-site.
  - The Region requires that a Stormwater Management Report be submitted to this office indicating in details how the stormwater management requirements will be achieved.
  - Prior to construction, the Region requires that detailed grading, storm servicing, stormwater management, and construction sediment control drawings be submitted to this office for review and approval.

**Waste Collection (Low Density Residential)**

- Curbside collection only.
- Recycling blue / grey bins or containers – no limit (weekly collection).
- Organic green bins – no limit (weekly collection).
- Garbage / waste bags or cans – 2 maximum per property (bi-weekly collection).
- Detailed road designs will need to be submitted in order to ensure Regional waste collection is possible throughout the whole residential part of the development (see attached sketches for Regional waste collection truck turning templates).
- Any dead-end road, regardless of permanent or temporary, must end in a cul-de-sac that is capable of accommodating waste collection vehicle manoeuvres.

**Waste Collection (Commercial)**

- Curbside collection only.
- Recycling blue / grey bins or containers – no limit (weekly collection).
- Organic green bins – no limit (weekly collection).
- Garbage / waste bags or cans – 2 maximum per property (bi-weekly collection).
- If commercial buildings have garbage pickup locations at the rear of buildings, private waste collection is needed to service the site.

**Required Studies**

- Planning Justification Report that includes D-6 Guideline Land Use Compatibility justification and Employment Land Redevelopment calculation / justification (if applicable).
- Noise and Vibration Study.



## Niagara Region – Development Services Division

### *Pre-Consultation Notes*

13030 Lundy's Lane (Highway 20), Thorold  
June 3, 2021

- 
- Phase One and Two Environmental Site Assessments (with Record of Site Condition).
  - Stage 1-2 Archaeological Assessment (and any subsequent study with Ministry Acknowledgement).
  - Traffic Impact Study.
  - Functional Servicing Report.
  - Stormwater Management Report.

#### **Regional Review Fees**

Regional staff recognize that the conversations that occurred during the pre-consultation meeting were high-level with many potential scenarios and revisions discussed. Staff are happy to meet with the applicant and City again for an additional pre-consultation to review revised concepts prior to formal application submission.

The Region's 2021 Fee Schedule is available at: [https://www.niagararegion.ca/business/fpr/forms\\_fees.aspx](https://www.niagararegion.ca/business/fpr/forms_fees.aspx)

- Zoning By-law Review (\$1,315).
- Draft Plan of Subdivision Review (\$5,235 base fee + \$1,160 per hectare to a maximum of \$22,840).
- Local Official Plan Amendment (\$9,815) – if applicable.
- Major Urban Design Review (\$625) – required at Draft Plan of Subdivision stage.
- Stormwater Management Review (\$1,870 as the development is > 5 ha) – required at Draft Plan of Subdivision stage.

#### **City Comments**

- City staff requires a Draft Plan of Subdivision and Zoning By-law Amendment applications for the proposal. Staff further noted that the commercial block as proposed will require a Local Official Plan Amendment.
  - If the applicant revises the land uses to match existing Official Plan designations, then no amendment is needed.
  - Applicant indicated that they would like to avoid an Official Plan Amendment – is amenable to changing the commercial extent.
- City staff requests clarification on the phasing of northern portion of lands (north of Utility Corridor).
  - Applicant indicated that this would be a future phase of development and is undecided on how to proceed. Applicant also indicated that the employment block may be changed to a different land use.
- City staff noted that employment lands are designated as such based on the nearby aggregate operation lands and are intended to buffer aggregate impacts from nearby sensitive uses.
- City staff requires the submission of a Planning Justification Report that includes D-6 Land Use Compatibility section.
- City staff requires a Noise and Vibration Study, as well as Traffic Impact Study due to nearby aggregate operations.
- City engineering staff noted that the development of the site may be dependent on the timing of servicing for the Rolling Meadows Subdivision to the west, but could be self-contained if the Utility Corridor and the lands to the north were omitted from the current proposal.
  - Staff noted that the proposed road through the hydro corridor doesn't have another road to connect to within the adjacent Rolling Meadows Subdivision.
- City staff noted that servicing could be provided along Highway 20 and would have to connect to Highway 58.

Page 6 of 9

## Niagara Region – Development Services Division

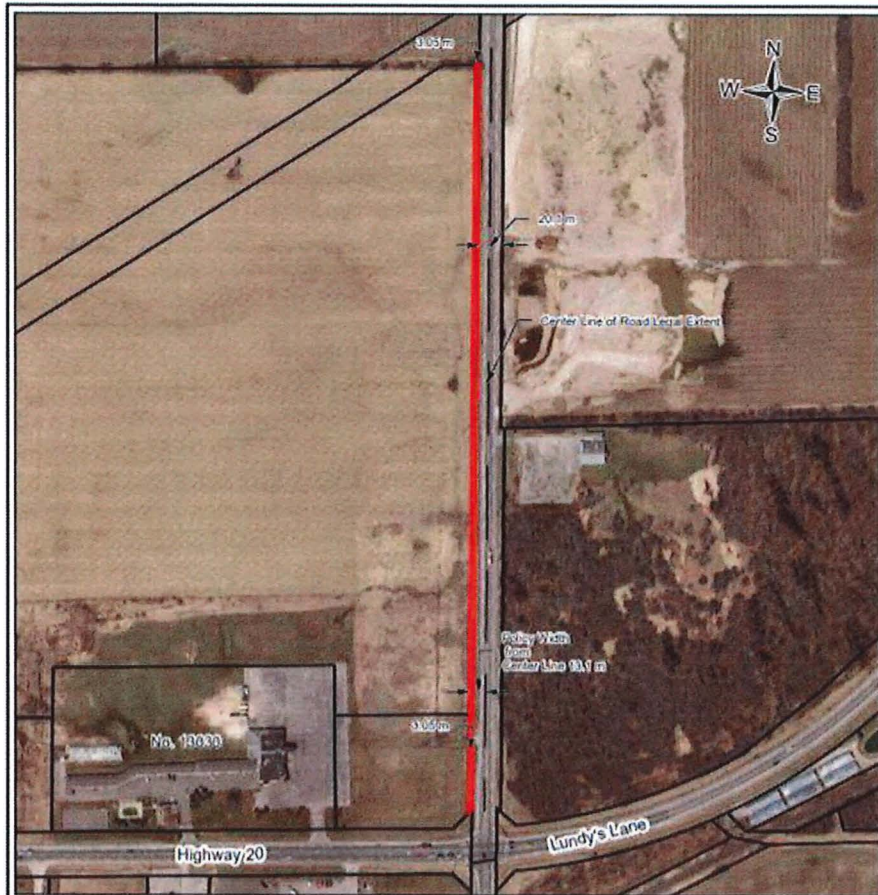
### *Pre-Consultation Notes*

13030 Lundy's Lane (Highway 20), Thorold  
June 3, 2021

- 
- Applicant intends to use Lundy's Lane for water and sanitary. Noted that this portion of Lundy's Lane is MTO Corridor.

#### **MTO Comments**

- City to circulate MTO comments with the completed pre-consultation package.
- MTO will require MTO permits for development along Lundy's Lane / Highway 20.
- Applicant to contact the MTO to discuss possibility of additional accesses along Highway 20.



**ILLUSTRATION SHOWING APPROXIMATE LOCATION OF PROPOSED WIDENING  
ALONG THOROLD TOWNLINER ROAD NORTH OF HWY 20  
CITY OF THOROLD**



SCALE = 1:3,500

- LEGEND:**
- DENOTES TERRENET MAPPING
  - DENOTES PROPOSED WIDENING

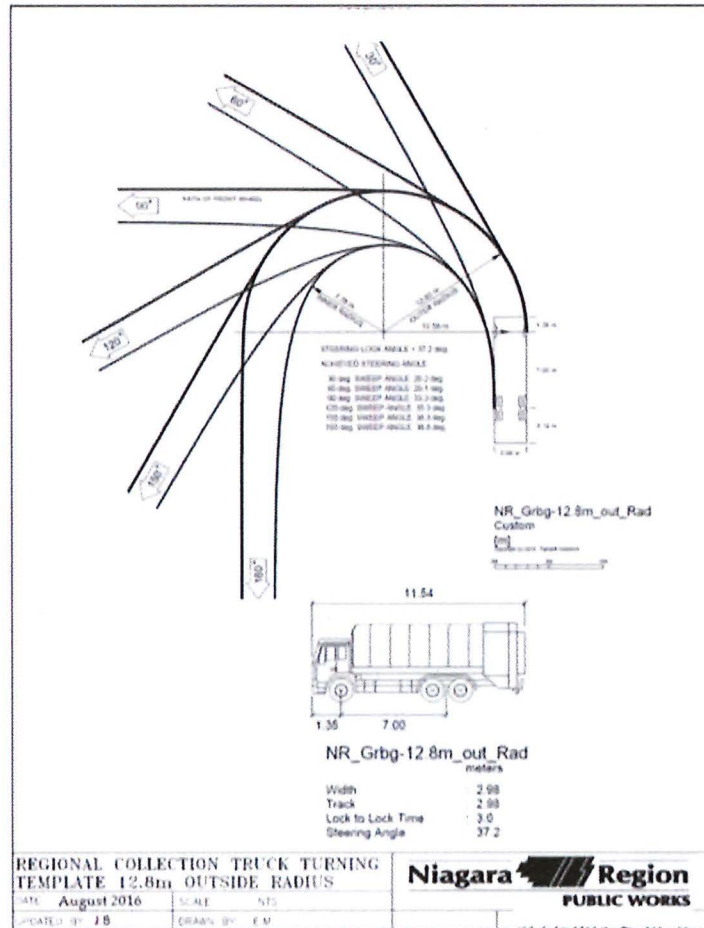
- CAUTION:**
- This is not a Plan of Survey
  - The proposed widened limits have been compiled from office records and the shown measurements are approximate
  - The final extent of the widening will be established through field survey by an Ontario Land Surveyor

**Internal Use Only**

**DISCLAIMER**  
This map was compiled from various sources and is current as of 2020.  
The Region of Niagara makes no representations or warranties whatsoever, either expressed or implied, as to the accuracy, completeness, reliability, and currency or otherwise of the information shown on this map.  
© 2019 Niagara Region and its suppliers. Projection is UTM NAD 83, Zone 17. Aerials (Spring 2018).

Transportation Services  
Surveys & Property Information  
IR-21-198 Date: 01/06/22

**Diagram 1 – Collection Truck Turning Radius**







***ATTACHMENT 3: Second Concept Plan***



Site Plan

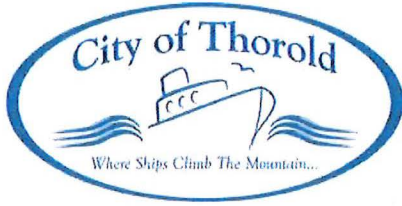






**ATTACHMENT 4:** *Second Pre-Application Consultation Comments*





# Pre-consultation Meeting Form

**City of Thorold**  
 Region of Niagara  
 Niagara Peninsula Conservation Authority

Persons intending to submit a planning application for a proposed development are required to consult with city staff and agencies prior to submitting the application by attending a scheduled pre-consultation meeting. A planning application may be deemed incomplete if a required pre-consultation meeting has not taken place. A pre-consultation meeting will identify what is required to be submitted for a complete application and will provide the opportunity to discuss:

- the nature of the application;
- the planning approval process;
- development and planning issues;
- the need for information and/or reports to be submitted with the application; and
- application fees and other matters, as determined.

**Pre-Consultation Meeting Date:** December 1, 2022 held over Zoom

**PRE-CONSULTATION NOTES CIRCULATED:** February 10, 2023

**Site Information:**

Site Address: 13030 Lundys Lane

Approximate Land Area (metric): 22.968 ha

Legal Description: Part of Lot 89, Comprises all of PIN 64266-0070(LT), PIN 64266-0050(LT), PIN 64266-049(LT), PIN 64266-0058(LT), PIN 64266-0041(LT)

**Pre-Con Application Contact Information:**

Name of Owner: Rudanco Hospitality Corporation c/o Jeremia Rudan

Phone Number: [REDACTED]

Email: [REDACTED]

Agent: Bousfields Inc. c/o: Evan Sugden

Phone Number: (416) 947-9744 x 259

Email: esugden@bousfields.ca

**Application Type:**

<input type="checkbox"/> Regional Official Plan Amendment	<input type="checkbox"/> Draft Plan of Condominium	<input checked="" type="checkbox"/> Zoning By-law
<input checked="" type="checkbox"/> Local Official Plan Amendment	<input type="checkbox"/> Vacant Land & Common Element	<input type="checkbox"/> Other
<input type="checkbox"/> Draft Plan of Subdivision	<input type="checkbox"/> Conversion	
<input type="checkbox"/> Consent (Land Severance)	<input type="checkbox"/> Redline Revisions	
<input type="checkbox"/> Site Plan Approval	<input type="checkbox"/> Minor Variance	

**Local Municipal Contact:** Meghan Birbeck Phone: 905-227-6613 x 251 Email: Meghan.birbeck@thorold.ca

1. Brief description of proposed development:

The proposal envisions the redevelopment of the subject site with a master planned community that includes low, mid rise and high rise residential uses, commercial uses, public parkland, servicing uses, and a public road network.

2. Check All Applicable:

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Brownfield                | <input type="checkbox"/> Regenerative   | <input checked="" type="checkbox"/> Greenfield            |
| <input type="checkbox"/> NEP                       | <input type="checkbox"/> Greenbelt      | <input checked="" type="checkbox"/> Aggregate Impact Area |
| <input type="checkbox"/> Centre CIP                | <input type="checkbox"/> Downtown CIP   | <input type="checkbox"/> Intensification Corridor         |
| <input checked="" type="checkbox"/> Built Boundary | <input type="checkbox"/> Special Policy | <input type="checkbox"/> Future Subwatershed Study        |

3. Existing Regional Policy Plan Designation: Urban (Designated Greenfield) Area

Conformity with Regional Policy Plan land use designations and policies? yes  no  unknown

## 4. Existing Local Official Plan Designation:

Prestige Industrial, RM - Residential, and Highway Commercial

Conformity with Official Plan land use designations and policies?      yes  no  unknown

If 'No', what is the nature of the amendment needed?

The proposed development requires some lands to be redesignated, it appears that the following redesignations are required:

- Blocks 1-28, 29-35, 36-40, & 41-45: No redesignation required
- Blocks 46-68: No redesignation required
- Block 69-70: No redesignation required
- Block 71: The Highway Commercial designation will need to be rezoned to either:
  - o If just residential use is proposed then the development will need to be redesignated to residential
  - o If mixed use is proposed then the development will need to be redesignated to Village Square Commercial
- Block 72: Depending on the use the following would be done:
  - o If just residential use is proposed then no redesignation required
  - o If mixed use is proposed then the development will need to be redesignated to Village Square Commercial
- Block 73: Residential to be redesignated to Village Square Commercial due to the mixed use nature
- Block 74-75: No redesignation required
- Block 76: Prestige Industrial to be redesignated to Open Space & Park
- Block 77: Residential to Open Space & Park

Specific provisions may be required.

## 5. Existing Zoning:

Future Development 'FD' and Highway Commercial 'C5' in the City of Thorold's Zoning By-law No. 60-2019, as amended

Conformity with existing zoning?    yes  no  unknown

If 'No', what is the proposed zoning?

The proposed development requires all lands to be rezoned.

With respects to Zoning By-law No. 60-2019 the following rezonings appear to be required:

- Blocks 1-28, 29-35, 36-40, & 41-45: Future Development to R1A, R1D, R1B, or R1C depending on density
- Blocks 46-68: Future Development to R3A or R3B depending on density
- Blocks 69-70: Future Development to R3A, R3B, or R3D depending on structure and density
- Block 71: Highway Commercial to R3C, R4A, R4B, or C6 depending on density / use
- Block 72: Future Development to R3C, R4A, R4B, or C6 depending on density / use
- Block 73 Future Development to C6
- Blocks 74-75: Future Development to Utility
- Block 76-77: Future Development to be rezoned to Open Space – Parks and Recreation

Specific provisions may be required.

With respect to Zoning By-law No. 2140(97) the following residential zones appear to require:

- Blocks 1-28, 29-35, 36-40, & 41-45: FD to RM-R1B, RM-R1C, or RM-R2 depending on density
- Blocks 46-70: Future Development to RM-R3
- Block 71: \*\*If rezoned from Highway Commercial to C6 in the ZBL 60-2019 then ignore here\*\*
  - o If they are not rezoned to commercial then:
    - Highway Commercial to either RM-R3, R4A, or R4B
- Block 72: : \*\*If rezoned from Future Development to C6 in the ZBL 60-2019 then ignore here\*\*
  - o If they are not rezoned to commercial then:
    - Future Development to either RM-R3, R4A, or R4B
- Block 73-77

6. Is Site Plan approval required?    yes  no  unknown

7. Additional Agencies to be contacted:  
 Hydro       Pipelines       NEC       Other

8. Fees Required at time of Submission of the Application

Application	Local Planning Department	Region of Niagara	NPCA
Regional Policy Plan Amendment			
Local Official Plan Amendment	Combined major: \$13,295	\$10,015	
Zoning By-law Amendment		\$1,345	
Plan of subdivision	Plan of Subdivision/ Condominium Application: Base Fee \$10,620 plus \$65 per lot/block to a max of \$15,705 For clarity max fee is: \$10,620 + \$15,705	\$5,340 (base)	
Plan of Condominium		+\$1,850 / ha	
Site Plan Control or Amendment	\$5,565	\$550*	
Stormwater Management Review Fee		\$1,930	
Environmental Impact Study Review			
EIS Terms of Reference Review			
Grading & Drainage Review			
NPCA Work Permit			
Other		Urban Design Review: \$640	
<b>TOTAL</b>	\$29,480 + 65 per lot/ block	\$19,820* + \$1,850/ ha	



Regional fees can be found at the following link: [https://www.niagararegion.ca/business/fpr/forms\\_fees.aspx](https://www.niagararegion.ca/business/fpr/forms_fees.aspx)

Notes on Fees:

- Notwithstanding the fees noted above, all fees are payable based upon the rate in the fee schedule by-law in effect on the date the application is received.
- Further fees may be required at a later date as per the fee schedule by-law.
- Separate cheques shall be made payable to the appropriate agency.

9. **Additional Comments:**

**Planning**

- Applications include Major Combined Official Plan Amendment and Zoning By-law Amendment, Draft Plan of Subdivision/ Condominium, and possible Site Plan Approval Application
  - Justification letter
    - A large portion of the site is within the Aggregate Impact Area therefore justification is required to indicate how Official Plan Policy B1.8.12.3 is addressed.
    - Shall have a review of the Rolling Meadows Urban Design Guidelines, and how the proposal is consistent with these guidelines.
    - An Employment Area is located adjacent to the site. Due to this, a review of D6 guidelines must be submitted with the application – which is requested by the Region also
  - Conceptual Site Plan
  - Draft OPA and ZBA (60-2019 and 2140(97)) + schedules

**Engineering**

Pre-con Meeting December 1<sup>st</sup>, 2022 Engineering Comments

1. **13030 Lundy's Lane (Official Plan Amendment/Draft Plan of Subdivision/Zoning Bylaw Amendment)**
  - FSR
  - SWM brief
  - Completed EIS

**Fire**

- Have noted that they have no concerns or comments at this time.

**MTO**

**From:** Lagakos, Ted (MTO) <Ted.Lagakos@ontario.ca>  
**Sent:** Sunday, November 27, 2022 2:43 PM  
**To:** Angela Nesbitt  
**Cc:** Lagakos, Ted (MTO)  
**Subject:** Declined: City of Thorold Pre-consultation Zoom Meeting

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hello Angela,

Unfortunately I will be unable to attend this meeting. Please refer to the Ministry's pre-consultation comments dated June 2, 2021 as our position/comments for this file.

Take care,  
 Ted Lagakos  
 Senior Project Manager (Niagara/Hamilton)  
 Highway Corridor Management Section - Central Operations

**Angela Nesbitt**

---

**From:** Lagakos, Ted (MTO) <Ted.Lagakos@ontario.ca>  
**Sent:** Wednesday, June 2, 2021 2:56 PM  
**To:** Angela Nesbitt  
**Cc:** Nunes, Paul (MTO); Deluca, Peter (MTO)  
**Subject:** RE: City of Thorold Pre-consultation meeting (13030 Lundy's Lane, Highway 20 – Zoning Bylaw Amendment/Draft Plan of Subdivision)

Afternoon Angela,

Thank you for bringing this application/site to our attention. I will be unable to attend the meeting tomorrow so I am providing you with these preliminary comments in advance.

Moving forward, I will be the ministry contact for this file. Please circulate all future correspondence directly to my attention.

The following are the Ministry's (MTO) pre-consultation/preliminary comments:

- In principle, we have no objection with the proposed applications.
- Subject lands are located within the ministry's permit control limits; hence, MTO permits will be required (e.g. grading/servicing, building and land use, etc.). Please make the applicant aware that MTO permits will need to be secured prior to the commencement of any on-site works.
- At this time, setbacks will be a minimum of 14.0m from all ministry lands. No features which are essential to the overall viability of the site are permitted within the MTO 14.0m setback area. Essential features include, but are not limited to, buildings/structures (above or below grade), required parking spaces (required per the municipal zoning by-law), retaining walls, utilities (includes parking lot lighting), stormwater management features, snow storage, loading spaces, fire routes, essential landscaping, etc. Please note that non-essential parking may be located within the MTO 14.0m setback area and must be set back a minimum of 3m from the MTO property line.
- All access from the subject lands will need to adhere to the ministry's Highway Access Management Guidelines. As a result, no access to Highway 20 will be permitted and all road connections to Thorold Town Road will need to be spaced accordingly (min 400m).
- Information regarding the ministry's application process, permits, forms and policies can be found at the following link:  
<http://www.mto.gov.on.ca/english/engineering/management/corridor/building.shtml>
- As part of the future formal subdivision application, MTO will most likely impose draft plans conditions for (i) Engineering/internal road construction plans, (ii) Lighting, (iii) Drainage and, (iv) Traffic. Please make the applicant aware that any required highway improvements, as a result of the subject development, will require the proponent to enter into



a legal agreement with MTO. Proponent will be 100% responsible for all associated costs (design/construction, etc..).

- The following materials will most likely need to be submitted by the proponent to support MTO's draft plan conditions:
  - One (1) digital copy of the subdivision;
  - One (1) digital copy of the civil engineering plans, stamped and signed by a Professional Engineer of Ontario;
  - One (1) digital copy of a Stormwater Management Report, stamped and signed by a Professional Engineer of Ontario;
  - One (1) digital copy of the Traffic Impact Study, prepared by a RAQS qualified consultant, stamped and signed by a Professional Engineer of Ontario.
  - One (1) digital copy of the Landscape Plans.
  - One (1) digital copy of the Illumination Plan and associated materials. The Illumination Plan is to include:
    - To-scale plan showing the site location and the highway
    - Lighting layout showing pole/luminaire locations and orientation
    - Luminaire installation info such as mounting height, orientation angle, shielding info, etc.
    - Luminaire material info including catalog info and photometric data file
    - Lighting calculation plan showing horizontal illuminance levels at and beyond the MTO right-of-way in metric units of lux to 1 decimal place minimum

Regarding light trespass onto MTO right-of-way, the ministry requires zero light trespass onto our right-of-way.

Please ensure that the MTO 14.0 m setback line is clearly and accurately illustrated on all plans. Also, non-essential parking within the 14.0 m setback must be clearly identified with a note on all plans.

All plans/materials and/or technical submissions must adhere to MTO standards.

I trust that this is satisfactory at this time. The ministry will provide more detailed comments once the applicant is ready to submit an official subdivision application via the municipality.

Please do not hesitate to contact me if you have any questions.

Take care,  
 Ted Lagakos  
 Senior Project Manager (Niagara/Hamilton)  
 Highway Corridor Management Section - Central Operations

Ministry of Transportation  
 159 Sir William Hearst Avenue, 7<sup>th</sup> Floor  
 Toronto, ON M3M 0B7

Phone: 416-268-3932

E-Mail: [ted.lagakos@ontario.ca](mailto:ted.lagakos@ontario.ca)

Web: [www.mto.gov.on.ca/english/engineering/management/corridor](http://www.mto.gov.on.ca/english/engineering/management/corridor)



Niagara Region on the next page

## Niagara Region – Development Services Division

### *Pre-Consultation Notes*

13030 Lundy's Lane (Highway 20), Thorold

December 1, 2022

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#### Attendees

Johnpaul Loiacono (Region); Nicolette Van Oyen (MHBC for the City); Meghan Birbeck, Chris Viccica (City); Jeremia Rudan (Owner); Peter Horn (Agent - Horn Design & Consulting Inc.); David Falleta and Evan Sugden (Agent – Bousfields Inc.); Scott Catton (Paradigm); Rob Melick (MTE)

**Type of Application:** Local Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision

#### Application Description

- Applicant is proposing a Draft Plan of Subdivision consisting of development blocks for residential, stormwater pond, park and retail/commercial uses. The subdivision will be serviced by a new public road network with municipal servicing and utilities and private roads for a townhouse blocks in the northwest corner.
- The redevelopment will result in the provision of a range and mix of residential built forms, including single-detached dwellings, townhouse dwellings, mixed-use mid-rise dwelling units, and high-rise dwelling units in a mixed-use format. The proposed building heights range from 1 storey to 16 storeys, with the highest density in the southeast corner.

#### Regional Official Plan Designation

- Urban Area (Designated Greenfield Area).

#### Planning Comments

- Regional staff do not object to the proposal in principle (subject to the comments below) as the proposed uses will help to support a complete community concept by incorporating a mix of land uses.
- The Niagara Official Plan directs for development on Designated Greenfield Areas to support a minimum density target of 50 people and jobs hectare, as well as help the achievement of complete communities by planning for a variety of amenities and housing types.
- Staff notes that the property is located in a high visibility area (see further Urban Design comments below) and should feature a mix of housing types / densities (including medium and high densities), as well as parkland and open space.
- Regional staff notes that the site is flanked by Regional Road 20 and Regional Road 70, as well as is influenced by an Aggregate Extraction Area. As such, a Noise and Vibration Study is required to examine transportation-related noise associated to these roads and recommend appropriate mitigation measures for site / building designs (if any).
  - Further, a Planning Justification Report with D-6 Land Use Compatibility justification is required to demonstrate that proposed uses are can be appropriately accommodated on site with limited to no adverse impacts from the nearby aggregate operations.
  - Note that these reports may be subject to Peer Review at the applicant's cost
- Staff notes that if the employment is needed to meet greenfield area calculations, then it should be located in area that can be readily developed.

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- Regional staff note that there are employment lands on the site and provide the following calculation discussion below.

#### Employment Land Redevelopment Calculation

There are lands designated employment lands within the City's Official Plan. As such, any redevelopment of these lands to non-employment uses shall adhere to applicable Provincial and Region policies. Specifically, Policy 2.2.5.14 of *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan") must be satisfied, which states:

*"Outside of employment areas, development criteria should be established to ensure that the redevelopment of any employment lands will retain space for a similar number of jobs to remain accommodated on site."*

Accordingly, any proposal that introduces non-employment uses to these employment lands shall demonstrate and protect for space to be retained for a similar number of jobs to remain accommodated on site. The amount of space to be retained for employment should be determined and justified using the following methodology.

#### Calculation Steps

Regional staff offer the following steps to determine the amount of employment space for the property:

1. Based on the City's Zoning By-law, use the maximum lot coverage (in %) to calculate the full potential build out (building envelope) of the site to determine its maximum potential employment square footage.

Once maximum potential square footage established, then calculate how many jobs this results in based on the City's [Development Charges \("DC"\) Background Study](#). The DC Background Study uses the following employee density assumptions for non-residential square foot estimates:

- a. 1,200 ft<sup>2</sup> per employee for industrial;
  - b. 500 ft<sup>2</sup> per employee for commercial/population-related; and
  - c. 700 ft<sup>2</sup> per employee for institutional employment.
2. Next, by referencing the City's Zoning By-law provisions applicable to the site (i.e., setbacks, parking, etc.), determine a feasible development coverage (in %) of the site and calculate its employment square footage.  
Once the feasible square footage is known, its job yield can be calculated by using the same DC Background Study considerations as provided in Step 1.
  3. Next, if the proposed new land use includes residential units, calculate the number of "Work from Home" jobs that can be accommodated on the site. "Work from Home" jobs can be calculated by multiplying the total proposed residential units for the site by the work from home 6% specified in the City's DC Background Study.



## Niagara Region – Development Services Division

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These "Work from Home" jobs can be added to the feasible coverage job total calculated in Step 2 to help justify a similar number of jobs based on the full potential build out of the site calculated in Step 1.

Please note that temporary jobs created through construction or brownfield remediation should not be included in the calculation / justification, as they will not remain accommodated on site as per Growth Plan Policy 2.2.5.14.

4. Lastly, please provide a short breakdown / summary of the total number of proposed jobs accommodated on the site as calculated through Steps 1-3.

Should the applicant propose non-employment uses for the employment block, Regional staff requires that the above Employment Land Redevelopment calculation and justification be included within the submitted Planning Justification Report.

#### Site Condition

- Regional staff requires that a Phase One and Phase Two Environmental Site Assessment (ESA) with Record of Site Condition be obtained for the proposed change of land use from commercial lands to residential lands.
- Regional staff recommends that the Phase One ESA may be necessary for entirety of site based on historical agricultural land uses of the site.

#### Archaeological Resources

- Based on a review of the Province's Criteria for Evaluating Archaeological Potential, the site exhibits a high potential for the discovery of archaeological resources, as it's within 300 m of registered archaeological sites and natural watercourse features.
- As such, Stage 1-2 Archaeological Assessments are required for this application (and any subsequent studies required as a result of the Stage 1-2 along with Ministry Acknowledgement).

#### Urban Design Comments

At the OPA ZBA and Draft Plan of Subdivision please submit a Major Urban Design Review fee (\$640).

Please submit the following drawings and studies in support of the OPA & ZBA:

- Concept Site Plan, Concept Landscape Plan (with streetscape info) and Concept Building elevations for any facades that will be visible from the Regional Road.
- A development phasing plan.
- Staff request a **Pedestrian Level Wind Impact Analysis – in particular - if this section is urbanized and if sidewalks are to be planned along RR20.** The applicant should analyze and confirm that there will be no adverse impacts to the Regional right-of-way (or within adjacent Regional properties/facilities) with respect to pedestrian comfort and safety to support walking, cycling, transit use, seating, etc. Using qualitative and potentially quantitative methods as needed, identify areas at risk of being too windy for their intended purposes.



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Design of the built form and site should prevent and mitigate these risks, while protecting the comfort and safety of people using outdoor walkways, patios, amenity areas and recreational spaces. The wind analysis should be a qualitative study, using Computational Fluid Dynamics (CFD) and be prepared by a qualified person. It should analyze wind conditions in the summer and winter seasons, plus overall annual wind conditions. Please contact the Region for further information.

Please submit the following drawings, at the Site Plan Stage, for portions or phases of the site or the development with frontage to the regional road.

- Site Plan drawing, Landscape Plan (with streetscape info), and architectural building elevations for any facades that will be visible from the Regional Road.

#### Additional Urban Design suggestions:

##### Interface with Regional Roads:

- Since this is a large site with extensive exposure to the Regional Road, a high quality of architectural design with good degree of architectural composition materials, colours, setbacks is appropriate. It is recommended that the building treatment for the building at the intersection to be enhanced. This may include a height element to anchor the corner. The design of buildings facing the regional road should include units that directly face the regional road. Parking facilities should be located internally or below grade.
- If commercial uses are not contemplated for the ground floors of buildings facing the regional road, then buildings should provide at grade units with appropriate means of gaining privacy through landscaping, building setback, and terraces, and other means to separate grade from the ground floor elevation.
- Where buildings face the regional road, commercial units should front onto the Regional Road, with parking, garbage and loading areas located to the side or rear of the site. The commercial units should have active front entrances even if sidewalks are not contemplated (i.e. not back of house operations).
- Regional Planning staff notes that along Thorold Townline Road, development fronts the road with rear lane accesses should be considered.

##### Streetscape along Regional Road (Highway 20):

- The landscape plan should include the following streetscape information:
  - Deciduous street trees in a sodded boulevard.
- At the Site Plan Stage, the landscape plan should include an overlay of survey information and site servicing information, to ensure that proposed street trees will not conflict with services, utilities and drainage structures within the boulevard. Please note that if street trees cannot be accommodated due to existing or proposed utilities, services and drainage features, then an enhanced landscape treatment will be requested on private lands. This includes deciduous trees plus planting beds consisting of shrubs and perennials. Trees should be 50mm caliper and spaced according to their size. Refer to the attached Master Tree Planting List for species.

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#### **Environmental Comments**

- The subject parcel is outside the Region's Core Natural Heritage System

#### **Transportation / Roads**

- Lundy's Lane (Provincial / Regional Road 20).
- Thorold Townline Road (Regional Road 70).
  - Regional transportation staff requires a Traffic Impact Study (TIS) to assess the volume of traffic coming onto Thorold Townline Road.

#### Road Widening

- Regional staff notes that the existing Regional Road Allowance of Thorold Townline Road is 20.1m wide. This is deficient of the width of 26.2m required by the Regional Official Plan. Therefore, a widening of 3.05m is required for the frontage along Thorold Townline Road
- No widening is required along the frontage of Lundy's Lane / Highway 20.

#### Regional Permit Requirements

- The Region requires Regional Construction Encroachment and Entrance Permits prior to any construction within a Regional Road Allowance.
- The Region requires Regional Sign Permit(s) for any signs within 20m of the centreline on Lundy's Lane (Highway 20) and Thorold Townline Road.

#### **Servicing**

- Regional staff requires a Functional Servicing Report (FSR) for the application to understand servicing flows, needs, and capacities for the site. The FSR will need to demonstrate how the site will be serviced and its connections to the neighbouring Rolling Meadows Subdivision.

#### Water:

- No municipal water servicing exists along this portion of Lundy's Lane / Highway 20 or Thorold Townline Road at this time.

#### Sanitary:

- 200 D PVC (Local) – Lundy's Lane / Highway 20.
- For any extension of municipal sewers a Ministry of Environment, Environmental Compliance Approval (ECA) will need to be obtained.

#### **Stormwater Management Comments**

- A baseline study is required to investigate the existing stormwater drainage conditions and constrains (e.g. hydraulic capacity, flood, erosion, etc.) in the outlet watersheds, assess future development impacts and identify the stormwater management requirements.
- At the time of future Planning Act Application (i.e. Draft Plan and/or Site Plan), the Niagara Region will require a stormwater management report (and the associated \$1930 fee, development > 5ha) indicate in details how the development stormwater will be accommodated to address the requirements of baseline study in order to mitigate impacts



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on the receiving creeks. The following preliminary comments are provided by information purposes:

- a) The Niagara Region will require that stormwater runoff from the development be collected and treated to an Enhanced protection (i.e. 80% long-term suspended solids removal) prior to discharge from the site.
- b) The Region normally requires post-development flows be controlled to pre-development level for all storms (2-year up to and including the 100-year storm) prior to discharge from the site. Note the development must also satisfy the baseline study requirements. Thorold Townline Road (Regional Road 70) and Lundy's Lane (Highway 20) shall not be negatively affected as a result of development. Please note the Region normally does not approve piped outlet into a Regional Road ditch due to backwater effect and operation/maintenance requirement, and overland outlet(s) within the road allowance will be required.
- c) The Region will require the development provide erosion control in order to mitigate impact on the downstream creeks. The most stringent criteria of the MECP Design Manual and the baseline study requirement shall apply.
- d) Identify the feasible Low Impact Development/Green Infrastructure practices in order to mitigate impact on downstream receiving creeks.
- e) Prior to construction, the Niagara Region will require that detailed grading, servicing and construction erosion/sediment control plans be submitted to this office for review and approval.

#### **Waste Collection (Low Density Residential)**

- Curbside collection only
- Recycling blue / grey bins or containers – no limit (weekly collection)
- Organic green bins – no limit (weekly collection)
- Garbage / waste bags or cans – 2 maximum per property (bi-weekly collection)
- Detailed road designs will need to be submitted in order to ensure Regional waste collection is possible throughout the whole residential part of the development (see attached sketches for Regional waste collection truck turning templates)
- Any dead-end road, regardless of permanent or temporary, must end in a cul-de-sac that is capable of accommodating waste collection vehicle manoeuvres

#### **Waste Collection (Multi Residential)**

- Curbside collection only
- Garbage: 2 bags/cans to a max of 24 per building collected every-other-week
- Recycling: weekly blue/grey boxes or carts (unlimited)
- Organics: weekly green bins or carts (unlimited)

#### **Waste Collection (Commercial)**

- Curbside collection only
- Garbage: 8 bags/cans collected every-other-week



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- Recycling: weekly blue/grey boxes or carts (8 carts max)
- Organics: weekly green bins or carts (8 carts max)
- If commercial buildings have garbage pickup locations at the rear of buildings, private waste collection is needed to service the site.

#### **Required Studies**

- Planning Justification Report that includes D-6 Guideline Land Use Compatibility justification and Employment Land Redevelopment calculation / justification
- Dust, Noise and Vibration studies
- Phase One and Two Environmental Site Assessments (with Record of Site Condition)
- Stage 1-2 Archaeological Assessment (and any subsequent study with Ministry Acknowledgement)
- Pedestrian Level Wind Impact Analysis
- Traffic Impact Study
- Functional Servicing Report
- Stormwater Management Report

#### **Regional Review Fees**

The Region's 2022 Fee Schedule is available at:

[https://www.niaqararegion.ca/business/fpr/forms\\_fees.aspx](https://www.niaqararegion.ca/business/fpr/forms_fees.aspx).

- Zoning By-law review fee - \$1,345
- Draft Plan of Subdivision review fee - \$5,340 (base fee) + \$1,850 per hectare
- Local Official Plan Amendment review fee - \$10,015
- Major Urban Design review fee - \$640 (at Draft Plan of Subdivision stage)
- Stormwater Management review fee (> 5 ha) - \$1,930 (at Draft Plan of Subdivision stage)
- Potential Peer Review, at applicant's cost, for the above noted studies

\*Note that fees are reviewed yearly and subject to change in 2023

10. Required Information and Studies to be submitted with the Application(s). Studies identified with an asterisk\* will likely require a peer review at the cost of the developer. **Please ensure all digital copies are provided as an Accessible Document.**

	Reports, Studies, Plans (See Notes for additional details)	No. of Copies		Notes
		Elect Digital	Paper	
x	Planning Justification Report	1	1	
x	Conceptual Site Plan	1	1	
	Draft Regional Policy Plan Amendment			
x	Draft Local Official Plan Amendment	1	1	
x	Draft Zoning By-law Plan Amendment	1	1	
	Land Use/Market Needs*			
x	Urban Design/Landscape Plans	1	1	
x	Archaeology Assessment	1	1	Stage 1 & 2
	Cultural Heritage Impact Assessment*			
x	Environmental Impact Study	1	1	Address with Engineering
	Environmental Planning Study/ Sub-Watershed Study			
	Tree Inventory Preservation Plan			
	Floodplain and Hazard Lands Boundary Plan			
	Geotechnical			
x	Environmental Site Assessment (Stage 1-2)	1	1	Phase 1 & 2 ESA, RSC
x	Air Quality/Noise & Vibration Study*	1	1	Dust, Noise and Vibration studies
	Agricultural Impact Assessment			
	Farm Operation and Ownership			
	Minimum Distance Separation I & II			
	Mineral Aggregate Resources			
	Municipal Servicing Study			
	Grading and Servicing Plans			
	Sensitive Land Use Report			
	Slope Stability Report			
x	Stormwater Management Plan and Report	1	1	
x	Transportation Impact Study/Parking Impact Analysis	1	1	Traffic Impact Analysis
x	Functional Servicing Report	1	1	
	Soil report			
	Financial Impact Assessment			
	Gas Well Study/Gas Migration Study			
	Other:			
X	Pedestrian Level Wind Impact Analysis	1	1	
x	Illumination Plan	1	1	

**Notes:**

1. The purpose of this document is to identify the information required to commence processing and evaluating an application as set out in the Planning Act. This pre-consultation process is designed to proceed based on the mutual agreement of the parties as shown by the signatures below.
2. Pre-consultation does not imply or suggest any decision whatsoever on behalf of staff or the City to either support or refuse the application.
3. The applicant should be aware that the information provided is accurate as of the date of the preconsultation meeting. Should an application not be submitted in the near future, and should other policies, by-laws or procedures be approved by the Province, City, Region or other agencies prior to the submission of a formal application, the applicant will be subject to any new policies, by-laws or procedures that are in effect at the time of the submission of a formal application. If an application is not submitted within 1 year, the applicant shall confirm with the City the directives of the original preconsultation meeting.
4. Any application submitted without the information identified in this Pre-consultation Document will be deemed incomplete and not processed. Alternately, staff may recommend refusal of the application based upon insufficient information to properly evaluate the application.
5. The applicant acknowledges that the City and Region considers the application forms and all supporting materials including studies and drawings, filed with any application to be public information and to form part of the public record. With the filing of an application, the applicant consents and hereby confirms that the consent of the authors of all supporting reports have been obtained, to permit the City and Region to release the application and any supporting materials either for its own use in processing the application, or at the request of a third party, without further notification to, or permission from, the applicant.
6. It is hereby understood that during the review of the application additional studies or information may be required as a result of issues arising during the processing of the application or the review of the submitted studies.
7. If the City or Region does not have sufficient expertise to review and determine that a study is acceptable, the City may require a peer review. The cost of the peer review shall be paid for by the applicant. The Terms of Reference for a peer review is determined by the City or Region.
8. Some studies may require NPCA review and clearance/approval. In this instance, the NPCA review fee shall be paid by the applicant.
9. All plans and statistics must be submitted in metric.



March 30, 2023

Peter Horn  
Rudanco Hospitality Corporation

### **Re: Peer Review Comments – Uppers Quarry Acoustic Assessment Report**

Thornton Tomasetti (TT) was retained by Rudanco Hospitality Corporation (Client) to review and provide comments on the Acoustic Assessment Report prepared in support of the proposed Uppers Quarry in the City of Niagara Falls, Regional Municipality of Niagara, located to the north and east of the Client's property located at 13030 Lundy's Lane which comprises of future development lands totalling 23ha at the northwest corner of Lundy's Lane and Thorold Townline Road in the City of Thorold (the "Rudanco Property") which is proposed to be developed as a residential community.

TT has reviewed the report *Walker Aggregates Inc. Niagara Falls, Ontario Upper's Quarry: Acoustic Assessment Report* dated October 28, 2021, prepared by RWDI AIR Inc. (AAR).

TT's review is limited to such concerns as may be relevant to the Client's proposed development and does not address items related to the proposed quarry's impact on any other surrounding properties.

For ease of understanding, this review is structured similarly to the AAR, and excerpts from the AAR report are provided below with TT's comments.

### **1. Introduction**

The AAR states that: *This assessment is completed in respect of an application under the Aggregate Resources Act. Based on the Ministry of Natural Resources Policy #A.R. 2.01.09 (MNR, 2006), a detailed noise assessment is required since there are noise-sensitive lands within 150 m of the Quarry. The Aggregate Resources Act recommends referencing the Ontario Ministry of the Environment and Climate Change (MOECC) guidelines for stationary sources of sound. This AAR is completed using the applicable Ontario Ministry of the Environment, Conservation and Parks (MECP), previously known as the Ministry of the Environment and Climate Change (MOECC), guidance documents (MOECC, 2012 and 1995). Documents in this report still reference the MOECC.*

- The AAR should clearly indicate if the quarry will be operating under an Environmental Compliance Approval from the Ministry of the Environment, and if the AAR will be used in support of that approval.

The AAR states that: *Quarry operations will not include large sources of vibration. Therefore, an assessment of vibration impact is not required. Blasting is outside of the scope of this assessment and is addressed separately in the blast impact analysis by Explotech.*

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Rock crushing and use of heavy equipment are significant sources of vibration. Based on the proximity of the proposed quarry these vibration sources could have impacts to the future residential development on the Rudanco Property, particularly when extraction activities are occurring in the southwest corner of the proposed quarry.

TT's comments regarding the Blast Impact Assessment report prepared by Explotech are included under separate cover.

## 2. Facility Description

The AAR states that: *The proposed Upper's Quarry is located on Part of Lots 119, 120, 136 and 137, and Part of the Road Allowance between Lots 120 and 136 (geographic township of Stamford) in the City of Niagara Falls, Regional Municipality of Niagara. Sensitive land uses adjacent to Upper's is shown on zoning maps in Appendix A.*

The AAR report includes excerpts from the old City of Thorold zoning regulation (Comprehensive Zoning By-Law 2140 (1997)) but does not mention that the City of Thorold has recently enacted a new zoning regulation (Zoning Bylaw 60-2019). The new zoning bylaw took effect (excluding some changes to residential zones) on March 16, 2021, prior to the issuance of the AAR report.

- The AAR report should be updated to reflect this new zoning bylaw.

### 2.1. Proposed Extraction Scenario

The AAR states that: *At the start of extraction operations, four sinking cuts will be required to allow extraction to begin. Two sinking cuts are required in Phase 1A (one in the Mid Extraction Area, one in the South Extraction Area), one sinking cut is required in 2A.*

- The AAR report should clarify if/where the fourth required sinking cut will occur.

The AAR states that: *During the sinking cuts and early phases of operation, the primary crusher is integrated into a single processing plant located near the working face. In later phases, the primary crusher will split from the single integrated plant and start to follow the working face. The processing plant, which contains the secondary and tertiary crushers, will remain close to the quarry entrance. The processing plant will be located at varying elevations, beginning at the top of rock during the sinking cut portion of operations, and moving to the first bench and then the final quarry floor as space becomes available.*

- The AAR should clarify which location(s) for the processing plant have been modeled, and which represent predictable worst-case scenarios.

The AAR states that: *Phases 1A, 2A, and 3 will be extracted in two benches down to the Quarry floor, which is at elevations of 141 to 149 metres above sea level (masl). The quarry floor has a gradual downward slope from the northeast corner (149 masl) to the southwest corner (141 masl). The first bench is between 175 to 178 masl and the second bench is between 160 to 162 masl. Phases 1B and*



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2B will be extracted to an elevation of 155 masl. They will then be backfilled with clay material up to approximately 176 to 177 masl for the watercourse realignment.

- The AAR should indicate the applicable elevations for Phases 3A, 3B, 4, and 5.
- The AAR should confirm that phases will be extracted sequentially, so that only one phase is being worked at a time and should clarify when backfilling will occur in the sequence of extraction. (i.e., will backfilling of Phase 1B and 2B occur before or after backfilling of Phase 1A and 2A, and/or Phase 3A, 3B, 4, or 5?)

The AAR states that: *In addition to aggregate extraction and processing, the site will also include an asphalt plant (AP), to be located in mid-extraction area Phase 1A, capable of producing 4,900 tonnes per day of hot-mix asphalt (HMA). Operations include the receipt and drying of washed aggregate, receipt and storage of asphalt cement, mixing and storage of HMA, and loading highway trucks for shipment to the job site. The asphalt plant will become operational once Phases 1A and 1B have been fully extracted. This will allow room for the asphalt plant to be put in place.*

Table 1: Noise Source Summary – Proposed Extraction Scenario of the AAR indicates that 6 trucks per hour will be used for "HMA Product Shipping, Full". At full production (4,900 tonnes per day of HMA) 6 trucks per hour, at 24 hour/day operation would require that each truck carry 34 tonnes of HMA, which appears to be on the high end of what would normally be carried by a single vehicle. Additionally, the traffic study considers over 30 trucks per hour departing the quarry.

- The AAR should confirm that the estimated on-site vehicle traffic is representative of predictable worst case noise impacts from the quarry operations.
- The AAR should clarify if the asphalt plant will be located below grade, and if Phase 1A and/or Phase 1B will be backfilled prior to the installation of the asphalt plant.

## 2.2. Modelled Phases

The AAR states that: *The receptors surrounding the Quarry will experience the most impact from the Quarry during different phases. Therefore, the modelled scenarios are selected based on the worst-case extraction location for the different receptors.*

The modelled phases for the Proposed Extraction Scenario are:

- Phase 1A Sinking Cut (P1A\_Sinkcut\*): Sinking cut in Mid Extraction Area
- Phase 1A South Sinking Cut (P1AS\_Sinkcut\*): Sinking cut in South Extraction Area
- Phase 2A Sinking Cut (P2A\_Sinkcut\*): Sinking cut in North Extraction Area
- Phase 3A (P3A\*): Extraction in northern portion of Phase 3A, with AP operational
- Phase 3B Northeast (P3B\_NE\*): Extraction in the northeastern corner of North Extraction Area, with AP operational
- Phase 4 Southeast (P4\_SE\*): Extraction in southeastern corner of Mid Extraction Area, with AP operational
- Phase 5 East (P5\_E\*): Extraction in eastern corner of South Extraction Area, with AP operational



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As illustrated in the AAR figures, operations such as the working face, and primary crusher (located adjacent to the working face) were modelled as single points.

- The AAR should clarify if these point sources may move within a given phase (i.e., if the working face could move backwards, and if the primary crusher may move across the working face and/or follow the working face backwards). If so, the AAR should confirm that the modeled locations of each source represent the predictable worst-case impact for that specific phase at all applicable receptors.

The AAR states that: *Sinking cut in Phase 3A was also assessed but was deemed to be less impactful than Phase 2A sinking cut. Phase 3B sinking cut is expected to have similar impacts. Therefore, sinking cuts in Phases 3A/3B were not evaluated further. The operation overviews of the modelled scenarios are shown in Figures 2a through 2g.*

This mention of sinking cuts in Phase 3A and 3B combined with the previous mention of sinking cuts in Phases 1A Middle, 1A South and 2A appear to contradict the previous statement that four sinking cuts would be required.

- The AAR should clearly indicate the full sequence of operations in each phase (sinking cut, extraction, backfill, etc.) and in the overall project.
- The AAR should clearly indicate the predictable worst case noise impacts around the proposed quarry for each stage of operations in each phase of the project.

### 3. Noise Source Summary

The AAR states that: *A summary of significant sound sources is provided in Table 1, including sound power levels, location, sound characteristics, operating duration, and vehicle route assumptions. Sound power levels for the proposed sources are based on historical measurement data on file at RWDI. The overview of the locations of the modelled sources are shown in Figures 2a through 2g. Detailed examples of the significant source locations are shown in Figures 2h and 2i.*

While historical sound measurement data can be a valid source of information, it is impossible to verify in the context of a peer review and may not be optimally representative of the actual conditions on a new project. Where possible, manufacturer's specifications would be preferred, but these may not be available for all sources.

- The AAR should include a recommendation that verification testing be performed on the equipment and operations prior to the start of quarry operations, to confirm that the sound levels modelled in the AAR report are accurate. If the actual equipment or operations are louder than assumed in the AAR report, the quarry should be required to replace equipment or mitigate the noise emissions to the level specified in the AAR report.

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### 3.1. Continuous Sources

The AAR states that: *All continuous sources are assumed to be operating constantly in their respective operating periods. During the sinking cut, only one (1) secondary and one (1) tertiary crusher will be deployed. As the Quarry progresses to later phases, two (2) sets of secondary and tertiary crushers will be deployed at the processing plant. Asphalt plant noise sources were based on the existing asphalt plant at Walker Brothers Quarry and Asphalt Plant in Niagara Falls.*

TT has no comments on this section.

### 3.2. Impulsive Sources

The AAR states that: *The only impulsive source considered in this study is the impulses associated with the asphalt plant silos (ASPH\_imp\_silo), which could operate up to 24 hours a day. As per NPC-300, the sound limits are based on the number of impulses per hour. Nine (9) or more impulses are anticipated to occur at a worst-case hour during daytime, evening, and nighttime.*

TT has no comments on this section.

### 3.3. Construction Sources

The AAR states that: *Temporary construction noise from the Quarry is anticipated for short periods throughout its lifespan. Activities considered to be construction noise include overburden removal and berm creation. Details on construction noise assessment are provided in Section 5.*

Due to the transient nature of operations at the quarry, all activities will be temporary to a certain extent.

- The AAR should clarify the expected duration of each activity at the quarry site (overburden removal, berm creation, sinking cut, extraction, and backfilling) for each phase. The criteria for considering an activity to be "temporary construction noise" should be explicitly stated, and each activity which meets that criteria should be identified.
- Certain additional noise sources, such as erecting equipment, building roads, etc. may also plausibly fall under the category of construction noise.

### 3.4. Identifiable Source Characteristics

The AAR states that: *Continuous sources that warrant adjustment due to tonal, cyclically varying, quasi-steady impulsive or beating sound characteristics receive additional consideration in accordance with MOECC NPC-104 guidelines (MOECC, 1978). These guidelines specify that a penalty is applicable for tonal, cyclically varying, or quasi-steady impulsive sound characteristics. No sources were identified to exhibit tonal, cyclically varying, quasi-steady impulsive or beating sound characteristics per NPC-103.*

TT has no comments on this section.



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#### 4. Points of Reception

The AAR states that: *Sound levels from sources at the Quarry were determined at points of reception (PORs) located on noise sensitive land uses. Noise sensitive land uses are defined in the MOECC's environmental guideline, Publication NPC-300 (MOECC, 2013), as the property of a person that accommodates a dwelling, a noise sensitive commercial building or a noise sensitive institutional building. In some cases, a vacant lot may be considered noise sensitive provided it is zoned to allow a sensitive use.*

Although the Client's property is not currently zoned to permit a residential land use, the Town of Thorold Official Plan designates the Client's property as "Residential", as illustrated on *The Neighbourhoods of Rolling Meadows Secondary Plan*.

- The Client is in the process of preparing planning applications to develop the Rudanco Property as a residential community, implementing the planned vision for the site. This proposed development represents a noise sensitive land use relevant to the proposed quarry operations.
- It would be prudent for the proposed residential development included as a point of reception in the AAR.

##### 4.1. Surrounding Noise Sensitive Land Uses

The AAR states that: *There is a residential-zoned vacant lot for the Rolling Meadows development approximately 420 m west of the Quarry. The vacant lot was not considered as a receptor for this assessment since the land developer will be required to mitigating any noise within 500m of the bed rock resource area according to policy B.8.12.3. of the Rolling Meadows Secondary Plan. The policy is included in Appendix B.*

Section B1.8.12.3 Aggregate Resource Protection Policies of the City of Thorold Official Plan identifies that development applications within 500m of the potential bedrock resource area (as illustrated in the Rolling Meadows Secondary Plan) should be reviewed and incorporate mitigation to demonstrate that future aggregate extraction will not be precluded or hindered and to achieve land use compatibility. However, the policy goes on to state that *"Once the proponent has prepared the appropriate studies and necessary mitigation is incorporated into the proposed development, if necessary, the utilization of such mitigation measures does not relieve the new mineral aggregate operation from providing appropriate setbacks and mitigation measures in order to achieve land use compatibility."*

- Due to the reciprocal requirements for the proposed quarry and proposed residential developments, it would be advantageous to coordinate the assessment and modelling of stationary noise source impacts to the proposed residential development.

##### 4.2. Modeled Points of Reception

The AAR states that: *Two PORs were used to assess the sound level at residential receptors (R1 through R6): the façade POR and the outdoor POR. The façade PORs are placed at the closest window facing the*



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*Quarry. For two-storey residences, the façade POR is modelled 4.5 m above ground. For one-storey residence, the POR is modelled 1.5 m above ground. All outdoor PORs are modelled at a height of 1.5 m. The locations of the modelled PORs are shown in Figure 1. The location of the PORs are also shown on the zoning map Figure A.1 in Appendix A.*

The modeled receptor heights are consistent with the guidance in NPC-300. The illustrated noise contours provided in the AAR figures are noted to be at a height of 4.5m, consistent with second story receptors.

## **5. Assessment Criteria**

The AAR states that: *The assessment criteria for sound levels at the receptors is the higher of either the exclusion limit per NPC-300 or the minimum background sound level that occurs or is likely to occur. The exclusion limit is the highest sound level limit that may be used for a receptor when the background sound level is lower than the exclusion limit.*

TT understands that the AAR has considered the exclusionary, rather than existing background sound level limits.

### **5.1. Exclusion Limits for Continuous Sources**

The AAR states that: *The exclusion limits are determined from the level of urbanization, or 'Class', at the noise-sensitive land use. The acoustic environment surround the Quarry is characterized primarily by CN rail to the south and road traffic surrounding the site. Noise sensitive land uses for the receptors are therefore in a Class 2 acoustical environment, which is typical of a suburban area that is dominated by sounds of human activity and road traffic. As such, the MOECC Publication NPC-300 Class 2 exclusion limits apply to PORs in this study. The exclusion limits for each POR are shown in Tables 3a through 3g.*

TT agrees that the Class 2 sound level limits are appropriate for this area.

### **5.2. Exclusion Limits for Impulsive Sources**

The AAR states that: *Since there is only one impulsive source on site (ASPH\_imp\_silo), it is evaluated against the limit associated with the number of impulses per hour for this individual source. There is expected to be nine or more impulses per hour. Therefore, the strictest Class 2 impulsive limits apply. The worst-case impulsive sound level impacts and associated limits for each POR are summarized in Tables 3h.*

TT has no comments on this section.

### **5.3. Construction Limits**

The AAR states that: *Overburden-clearing and berm construction are considered short-term construction activities and are not examined explicitly in this assessment. Construction activities is generally*

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*temporary in nature and is not part of the day-to-day operation of the site. The sound level due to temporary construction events are not generally assessed at the surrounding receptors.*

As noted above, the criteria for a "short-term" construction activity should be clarified in the context of the overall transient nature of activities at the quarry.

- The AAR report should recommend that the identified construction activities be completed in a succinct and timely manner, rather than piecemeal over the course of quarry operations, so that the duration of noise impacts from construction activities can be minimized.

## 6. Noise Control Recommendations

The AAR states that: *The following recommendations are provided in order to meet the applicable compliance criteria:*

1. *Minimum 3 m tall perimeter berms shall be constructed around the Quarry as shown in Figure 1. The perimeter berms shall be constructed as soon as possible during site preparation prior to extraction.*
2. *The primary crusher shall stay within 30 m of the working face to maximize shielding effect of the Quarry terrain.*
3. *Material extracted from the South Extraction Area shall be processed in the Mid Extraction Area.*
4. *While processing in Phase 4, the licensee shall maintain an 8 m tall barrier at a radius of 40 m to the southeast of the processing plant secondary crushers as shown in Figures 2f and 2g. The barrier can be material stockpiles, noise walls, or a combination of both. The barrier shall extend long enough to shield R4 and R5 from the secondary crushers.*

The identified noise control recommendations are designed to mitigate impacts to receivers located to the north, east and south of the quarry. Because the Client's property is located to the southwest of the quarry, these recommendations are not directly intended to mitigate noise in the direction of the Client's property, although some of them would contribute to that effect (recommendations 1, 2, and 3).

Additional source mitigation measures, similar to measure 4 would potentially be helpful in mitigating noise impacts to the Client's property, particularly during the sinking cut operations in the south extraction area.

## 7. Impact Assessment

The AAR states that: *The Quarry sound emissions were modelled based on the operating scenarios as described in Section 2. The sound levels at surrounding PORs are calculated by modelling the sound propagation from the significant sources at the Quarry. The modelled sound levels at the PORs were assessed against the applicable limits. Modelling of sound level propagation to the PORs was completed using Cadna/A, a commercially available implementation of the ISO 9613 (ISO, 1994b and ISO, 1996) algorithms. Cadna/A is produced by Datakustik GmbH.*

As noted above, the assessment should consider the worst predictable impact based on each stage of each phase of the quarry and should account for different possible source locations.



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It is unclear if the scenarios modeled in the AAR represent the worst-case predictable impacts to the Rudanco Property.

- Given that the AAR indicates that it assumes any development to the west will include mitigation measures to address potential noise impacts from the quarry operations, modelling of the predictable worst-case impacts from those operations on properties to the west of the quarry should be provided, in order to inform the design of mitigation strategies.

## 8. Alternative Extraction Scenario

The AAR states that: *In the event that Walker obtains permission from the City of Niagara Falls, extraction will include the two road allowances bisecting the proposed quarry site:*

- i. *Upper's Lane, between the North Extraction Area and the Mid Extraction Area; and*
- ii. *the unopened road allowance between Lots 120 and 136, between the Mid Extraction Area and the South Extraction Area.*

*The assessment results and recommendations for the alternate extraction scenario are included in Appendix D.*

None of the modelled conditions for the alternative extraction scenario predict sound levels at or above 50 dBA on the Rudanco Property. As with the proposed quarry scenario, if this were to occur the AAR report should include modelling of each stage of each phase of operation.

## 9. Impacts to the Rudanco Property

Based on the modelling documented in the AAR report, noise impacts from the proposed operations have been predicted to be <50 dBA during the daytime and <45 dBA during the evening / night at a height of 4.5m based on stationary noise impacts from the proposed quarry except in the Phase 1A South Sinking Cut, Daytime scenario, where noise impacts are predicted to be between 50 and 55 dBA, which would exceed the applicable exclusionary sound level limit at the Rudanco Property.

It should be noted that noise impacts from the unmodeled scenarios, particularly activities in Phase 1B of the south extraction area could also exceed the applicable exclusionary sound level limits.

Although the current zoning of the Client's proposed development does not identify residential land use, the City of Thorold Official Plan Schedule A-3 indicates that residential uses are planned for the area.

In addition to implementing noise mitigation measures on the Rudanco Property, there are opportunities for additional source noise mitigation to be implemented within the proposed quarry. Such at-source mitigation measures could including the use of additional noise barriers on the quarry property and/or specifying minimum separation distances between operating equipment in the proposed quarry and the Rudanco Property.



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**10. Concluding Remarks**

We trust that these general recommendations meet the needs of the current phase of the design.

Please do not hesitate to contact us if there are any questions.

Yours Truly,  
Thornton Tomasetti

A handwritten signature in black ink that reads "Robert Fuller". The signature is written in a cursive, slightly slanted style.

Robert Fuller, P.Eng.  
Project Engineer

April 3, 2023

Peter Horn  
Rudanco Hospitality Corporation

**Re: Peer Review Comments – Upper Quarry Blast Impact Assessment Report**

**1. Introduction**

Thornton Tomasetti, Inc. (TT) was retained by Rudanco Hospitality Corporation (the Client) to conduct peer review of the Blast Impact Assessment Report prepared in support of the proposed Upper Quarry in the City of Niagara Falls, Regional Municipality of Niagara, located north and east of the Client's property located at 13030 Lundy's Lane which comprises of future development lands totalling 23 hectares at the northwest corner of Lundy's Lane and Thorold Townline Road in the City of Thorold (the "Rudanco Property") which is proposed to be developed as a residential community.

TT has reviewed the Walker Aggregates Inc. Niagara Falls, Ontario Upper's Quarry: Blast Impact Analysis Report (the Report) dated October 2021, prepared by Explotech Engineers Ltd.

TT's review is limited to such concerns as may be relevant to the Client's proposed development and does not address items related to the proposed quarry's impact on any other surrounding properties.

**2. Peer Review Comments**

Based on our review of the Report, the following comments are provided.

- Points of Reception – Noise sensitive land uses are identified in the environmental noise guideline, NPC-300 of the Ministry of Environment and Climate Change (MOECC). Noise sensitive land uses are defined as the property of a person that accommodates a dwelling, a noise sensitive commercial building or a noise sensitive institutional building. A vacant lot may also be considered noise sensitive provided that it is zoned to allow a noise sensitive use.

Although the Client's property is not currently zoned to permit a residential land use, the City of Thorold Official Plan designates the Client's property as "Residential", as illustrated on the Neighbourhoods of the Rolling Meadows Secondary Plan.

*The Client is in the process of preparing planning applications to develop the Rudanco Property as a residential community, implementing the planned vision for the site. The proposed development represents a sensitive land use relevant to the quarry operations. It would be prudent for the Rudanco Property to be included as a point of reception in the Report.*

- Applicable Guideline Limit – MOECC's NPC-119 guideline provides limit for blast induced vibration and overpressure. The guideline limit set by MOECC are as follows.

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- Ground borne vibration – 12.5 mm/sec.
- Overpressure limit – 128 dB
- Predicted Vibration Levels – Based on the worst-case blasting parameters (118 kg/delay explosive etc.) and using Bureau of Mines prediction formulae, the blast vibration zone of influence is predicted to be 319 m from the extraction boundary. During material extraction at Phase 1, the Rudanco Property will be located within the zone of influence and thus, blast induced vibration is expected to be a concern.

*Blasting design modification such as reducing the amount of explosives per delay would be required to be in compliance with NPC-119 guideline limit. This would require coordination with the applicant for the proposed quarry.*

- Predicted Overpressure Levels – Similarly, using the worst-case blasting load (118 kg/delay of explosive), the overpressure zone of influence is predicted to be 580 m. The Rudanco Property will be within the zone of influence during material extraction at least for Phase 1A, Phase 1B, and Phase 5.

*It is understood that overpressure prediction formula inherently has high degree of variability. In order to address this variability, onsite sound monitoring at the closest point of the proposed development is recommended. This would more accurately capture the overpressure intensities and provide guidance for any design changes such as reducing the amount of explosives per delay. This should be coordinated with the applicant of the proposed quarry.*

- Flyrock – Flyrock is defined as rock propelled from the blast area. The regulation in Ontario strictly prohibits ejection of flyrock outside the quarry boundary.

*Considering the close proximity of the proposed quarry to the Rudanco Property, care should be taken in designing the blast parameters so that the Rudanco Property falls outside of the exclusion zone of the flyrock.*

- Material Extraction – As per the current extraction plan, blasting during Phase 1 would move towards the direction of the Rudanco Property. Consequently, the blasting impact is anticipated to increase as mining progresses towards the Rudanco Property.

*Given the sensitive residential use planned for the Rudanco Property, the extraction direction should be coordinated between the applicant for the proposed quarry and the Client so that the impact at the proposed development is minimized.*

### 3. Recommendations

- Although the current zoning of the Client's proposed development does not identify residential land use, the City of Thorold Official Plan does indicate that that residential and other sensitive land uses are planned for the area. In view of the Town's planned vision and the Client's



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forthcoming development applications to implement this vision, it would be prudent to include the Rudanco Property as a noise and vibration sensitive point of reception in the Report.

- There are opportunities to coordinate the blasting design parameters such as setback distance, explosives per delay, etc. between the applicant for the proposed quarry and the Client so that an appropriate Site Plan for the Rudanco Property and other operation details including conditions of approval can be established for the proposed quarry.

#### 4. Concluding Remarks

We trust that these general recommendations meet the needs of the current phase of the project.

Please do not hesitate to contact us if there are any questions.

Yours Truly,  
Thornton Tomasetti



Sami Rahman, M.A.Sc., P.Eng.  
Senior Project Engineer

March 30, 2023

Peter Horn  
Rudanco Hospitality Corporation

### Re: Peer Review Comments – Uppers Quarry Air Quality Assessment Report

Thornton Tomasetti (TT) was retained by Rudanco Hospitality Corporation (Client) to review and provide comments on the Air Quality Assessment Report prepared in support of the proposed Uppers Quarry in the City of Niagara Falls, Regional Municipality of Niagara, located to the north and east of the Client's property located at 13030 Lundy's Lane which comprises of future development lands totalling 23ha at the northwest corner of Lundy's Lane and Thorold Townline Road in the City of Thorold (the "Rudanco Property") which is proposed to be developed as a residential community.

TT has reviewed the report *Walker Aggregates Inc. Niagara Falls, Air Quality Assessment for the Proposed Upper's Quarry* dated October 26, 2021, prepared by RWDI AIR Inc. (AQA).

TT's review is limited to such concerns as may be relevant to the Client's proposed development, and does not address items related to the proposed quarry's impact on any other surrounding properties.

For ease of understanding, this review is structured similarly to the AQA, and excerpts from the AQA report are provided below with TT's comments.

#### 1. Introduction

The AQA states that: *RWDI was retained by Walker Aggregates Inc. (WAI) to conduct an air quality assessment for the proposed Upper's Quarry (Upper's Quarry) in Niagara Falls, Ontario. The air quality assessment includes a dispersion modelling analysis of estimated emissions of key contaminants from proposed on-site operations. The results of this analysis are combined with an appropriate background air quality concentration to provide a cumulative estimate of impacts on surrounding receptors. If predicted impacts are above the relevant criteria at nearby sensitive impact locations, mitigation measures are recommended, and the assessment is repeated. This process continues until predicted impacts are below the criteria. Mitigation measures are incorporated into the Best Management Practices Plan (BMPP) for dust.*

The MECP's Emission Summary and Dispersion Modelling report guidance document supports the use of BMPPs to address certain non-hazardous fugitive particulate emissions, but a BMPP would not be sufficient for all emissions from the quarry, and may not apply to all sources of particulate emissions from the quarry.

- The AQA should clearly indicate if the quarry will be operating under an Environmental Compliance Approval from the Ministry of the Environment, if the AQA will be used in support of that approval, and if additional air emissions studies or documents will be prepared.

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## 2. Site Description and Operations

The AQA states that: *Clearing of overburden and berm construction will take place prior to drilling and blasting in each phase. At the start of extraction operations, four sinking cuts will be required to allow extraction to begin. One sinking cut is required in each of Phases 1A, 2A, 3B, and 5. ... Progressive rehabilitation operations will take place throughout the life of the quarry.*

This appears to contradict the related AAR prepared by RWDI, which indicates that *"Two sinking cuts are required in Phase 1A (one in the Mid Extraction Area, one in the South Extraction Area)"* This also does not align with the illustrated Phasing in Figure 1 of the AQA, which identifies Phases 1, 2, 3, 4, and 5, but does not identify a "Phase 1A, 2A, or 3B".

- The AQA report should align with the associated AAR.
- The AQA should include a full timeline of the proposed lifecycle of the quarry, including the sequence of events (clearing and berm construction, sinking cuts, extraction and rehabilitation) in every phase, and should identify what stages will occur sequentially and/or in parallel.

The AQA states that: *Shot rock will be loaded by front-end loaders into a primary crusher. In the early phases of operation, the primary crusher is integrated into a single portable plant located near the working face. Once sufficient area has been established, two plants will be established, fed by a primary crusher and conveyor which follow the working face. The processing plant will be located at varying elevations, beginning at the top of rock during the sinking cut portion of operations, and moving to the first bench and then the final quarry floor as space becomes available.*

- The AQA should clarify which location(s) and/or heights for the processing plant have been modeled, and which represent predictable worst case scenarios.

## 3. Hours of Operation

TT has no comments on this section.

## 4. Operating Scenario

The AQA states that: *The maximum operating scenario examined in the assessment reflects the maximum production and shipping operations at the site during multiple phases in both the Proposed Operating Scenario. This scenario is meant to provide a conservative estimate of potential emissions, as well as the location of operations. In all cases, it is expected that operations would realistically occur at levels below these levels over most of the life of the quarry.*

Due to the transient nature of operations in the quarry, it is possible that air quality impacts could be highest in situations other than the maximum operating scenario (for example when operations are located closest to the property boundaries, even if the operations are not at maximum capacity at that time).



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- The AQA should clearly indicate each distinct stage of operations in each phase (clearing, berm construction, sinking cut, extraction, restoration, etc), and should identify if each stage of operations has or has not been modelled. For stages that have not been modeled, justification should be provided for why the emissions from those stages do not represent the predictable worst-case impacts.
- The AQA should clarify if these point sources may move within a given phase (i.e. if the working face could move backwards, and if the primary crusher may move across the working face and/or follow the working face backwards). If so, the AQA should confirm that the modeled locations of each source represent the predictable worst-case impact for that specific phase.

The AQA states that: *Overburden stripping and berm construction are not examined explicitly in the assessment. These are considered short-term construction activities and are not part of the maximum operating scenario used in the assessment. Impacts associated with overburden stripping and berm construction are best managed through the development and implementation of a BMPP for dust. These controls would help to ensure that localized impacts due to the overburden stripping and berm construction are minimized, especially when they are occurring in close proximity to potential receptors.*

The stated purpose of this AQA from the Introduction section is to provide input to a BMPP for dust associated with the quarry operations.

Because both clearing/berm construction, and other quarry operations are potential sources of dust emissions, the combined impacts of all concurrent sources from the quarry site should be considered in the AQA.

- The AQA should either:
  - o include all potential concurrent sources of dust emission for the "worst case" predictable operating scenario for the quarry property (both clearing/berm construction and other operations), or;
  - o confirm that clearing/berm construction will not occur at the same time as other quarry operations, and that separate BMPPs for dust will be implemented for each of these stages of operation.

Appendix G of the AQA addresses an "Alternative Extraction Scenario", but this scenario is not discussed anywhere in the body of the report.

- The AQA should discuss the alternative extraction scenario in the body of the report, rather than in an unreferenced appendix.

## 5. Potential Impact Locations

The AQA states that: *There are eleven (11) discrete receptors consisting of commercial and residential buildings as well as outdoor locations potentially related to residential or business activity in the area near the Upper's Quarry. Due to the nature of the sources of emission, potential receptor locations further*

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from the site were not assessed, as impacts decrease rapidly with distance. The receptor locations are shown on Figure 1.

O.Reg. 419/05 typically defines a point of impingement for air contaminants as any location outside the source property, rather than at discrete receptors.

- The AQA should include illustrations of predicted impacts at all off-site locations around the quarry.

## 6. Identification of Contaminants and Sources

The AQA states that: *The primary contaminant of interest is airborne dust generated by operations at the site. The following key components of dust were modelled:*

- Total suspended particulate matter, which consists of particles with an aerodynamic diameter of 44 micrometers ( $\mu\text{m}$ ) or less (known as TSP);
- Inhalable particulate matter, which consists of particles with an aerodynamic diameter of 10  $\mu\text{m}$  or less (known as PM10);
- Respirable particulate matter, which consists of particles with an aerodynamic diameter of 2.5  $\mu\text{m}$  or less (known as PM2.5); and
- Crystalline silica within the PM10 portion of the dust.

As the quarry is intended to extract bedrock, the composition of the extracted material will likely correlate to the dust emitted from quarry operations.

- In addition to silica, any other contaminants present in the quarry stone with health and/or particulate limits (for example heavy metals or other materials identified in the MECP's Air Contaminants Benchmark List) should be identified and included in emission estimation rates.

The AQA states that: *On-site vehicles and heavy equipment also emit products of combustion. TSP, PM10, PM2.5, and Nitrogen dioxide gas (NO<sub>2</sub>) were modelled as the key representatives of combustion products. In addition, the on-site asphalt plant emits NO<sub>2</sub>, PM, silica, benzene, benzo(a)pyrene, naphthalene, arsenic, lead, and nickel which were all modelled as well.*

*The potential sources of emissions for the Upper's Quarry are as follows:*

- Drilling and blasting operations;
- Material crushing, screening, conveying, and stockpiling;
- Material handling operations (loaders loading haul trucks and highway trucks);
- Equipment travel over unpaved surfaces (haul trucks, loaders, and highway trucks);
- Tailpipe emissions from on-site vehicles and heavy equipment; and
- Asphalt Plant operations.

*Figure 2 through Figure 5 presents modelled source locations for various phases in the Proposed Extraction Scenario. The source locations for the modelled extraction operations reflect the presumed worst-case locations for operations at the working face, relative to sensitive receptor locations.*



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As illustrated in the AQA figures, operations such as the working face, and primary crusher (located adjacent to the working face) were modelled as single points.

- The AQA should clarify if these point sources may move within a given phase (i.e. if the working face could move backwards, and if the primary crusher may move across the working face and/or follow the working face backwards). If so, the AQA should confirm that the modeled locations of each source represent the predictable worst-case impact for that specific phase at all applicable receptors.

## 7. Criteria

The AQA states that: *The Ministry of the Environment, Conservation and Parks (MECP) has published Ambient Air Quality Criteria (AAQC), which are desirable concentrations of contaminants in air, based on protection against adverse effects on health or the environment. Environment Canada also has Canadian Ambient Air Quality Standards (CAAQS) for certain contaminants, which are used by provinces and territories to implement air quality improvements within their jurisdictions. The AAQCs and CAAQS are not enforceable standards. They are used as indicators for desirable air quality conditions.*

O.Reg. 419/05: Air Pollution – Local Air Quality and the associated Air Contaminants Benchmark List describes assessment requirements and provincially enforced standards that apply to emissions from industrial activities.

- The AQA should confirm if the quarry will or will not comply with O.Reg. 419/05 and the MECP's Air Contaminants Benchmark List.

## 8. Emission Estimation

The AQA states that: *Emissions were estimated in accordance with relevant guidance, using published emission factors as provided in Appendix A - F. Detailed emission calculations are provided in the appendices to this report. The appendices contain details on assumptions, equipment types, sample calculations and other details that provide clarity as to RWDI's methodology.*

*The emissions from sources that are wind-speed dependent (e.g., material handling) were calculated on an hour-by-hour basis, using the wind speed for each hour in the meteorological record. The emission values shown in the appendices for the wind-speed dependent emissions sources are example values, based on the average wind speed from the meteorological data. Emissions of crystalline silica were estimated using a very conservative silica content in the resource of 10%. As this resource is comprised of dolostone, 10% reflects an upper bound, with values closer to 2% being the norm in this deposit.*

Appendix A indicates that crystalline silica has been assumed to make up 10% of the total PM10 emissions, based on the silica content in native stone.

Appendix D indicates that crystalline silica has been assumed to make up 1.8% of the total PM10 emissions, based on the silica content in native stone.



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The makeup of the remaining 90 – 98.2% of the native stone is not discussed.

- The AQA should provide a reference for the assumed content of the stone being processed, preferably in the form of test data local to the quarry site, and the content should be consistent across the calculations performed.

Appendix E lists tailpipe emission factors for various equipment, but it is unclear if these emission factors are based on manufacturer specifications or some other source.

- The AQA should provide a citation for the listed combustion equipment tailpipe emission factors.
- The AQA should clearly indicate that only equipment confirmed to meet the tailpipe emission performance assumed in the reports prepared in support of the quarry's operations can be used at the quarry.

## 9. Dispersion Modelling

The AQA states that: *The dispersion modelling was conducted to confirm that the proposed mitigation measures will be sufficient to control off-site impacts at the residential receptor locations. The modelling was conducted in accordance with the MECP's Guideline A-11: Air Dispersion Modelling Guideline for Ontario, using the U.S. EPA AERMOD version 19191 dispersion model. AERMOD assesses multiple sources of emissions at discrete off-site receptors and is the current state-of-the-art regulatory model in Ontario.*

*Regional meteorological data obtained from the MECP website were used within the model, in accordance with the MECP's Guideline A-11. Terrain information for the site was also obtained from the MECP, in accordance with Guideline A-11, but base elevations for sources within the site reflect the quarry floor.*

Guideline A-11 refers to the O.Reg. 419/05 Section 2 definition for a point of impingement, namely any location outside of the source property, rather than at specific locations associated with nearby residences.

- (As noted above) The AQA should include illustrations of predicted impacts at all off-site locations around the quarry.

## 10. Local Emission Sources

TT has no comments on this section.

## 11. Background Air Quality

The AQA states that: *In keeping with common practice, the 90th percentile 1-hour and 24-hour concentrations, and annual average concentrations from the background monitoring data was used in the cumulative effect assessment. This represents the highest background concentration that could*

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*reasonably be expected to coincide with maximum impacts from existing operations in the area and the Upper's Quarry. Table 1 summarizes background data on air quality in the study area.*

The AQA previously indicated that some activities (such as site clearing and berm construction) have been considered to be temporary activities and were not included in the modelling conducted. It is unclear if the emissions from clearing and berm construction activities on the Quarry site, and from added vehicle activity on the public roads outside of the quarry property resulting from quarry activity have been included in the assessment of background concentrations.

- The AQA should clarify if temporary construction activities could occur concurrently with quarry operations, and if so, should include emissions from those activities in either the background air quality assessment, or the assessment of quarry emissions.
- Since the AQA is considering background concentrations (i.e. concentrations from off-site sources), the AQA should clarify if quarry related increases to off-site emission sources (such as fugitive dust from heavy truck travel on the road into the quarry) could contribute to increased background air contaminant levels in the vicinity of the quarry which would not otherwise be captured in the modelling conducted for sources within the quarry property itself.

## 12. Chemical Reactions Among Contaminants

TT has no comments on this section.

## 13. Uncertainties

The AQA states that: *Dust emissions are highly variable, as they are potentially influenced by many factors. The manner in which the emissions disperse into the surrounding environment is influenced by a large number of factors. The techniques used to model emissions and dispersion cannot accurately account for all the relevant factors.*

*To compensate for this inaccuracy, the analysis was designed to estimate impacts under worst-case weather and considering maximum operating conditions for every day of the peak operating season (March through November, inclusive) of every year considered. Operations during the months of December through February were assessed at a lower production level. Based on these compensating features of the analysis, it can be safely assumed that the actual impacts at the site, with the assumed mitigation measures in place, will be less than what has been predicted.*

Many air standards are based on worst-case conditions in any individual day, hour, or shorter timeframe. The consideration of "worst-case" emissions and weather conditions is a typical requirement for air emissions modelling in Ontario, rather than an additional compensation to correct for uncertainty in data.

The Calculations illustrated in Appendix A are noted as being based on the US EPA's AP-42 Compilation of Air Emission Factors, sections 11.9 (Coal Mining) and 13.3 (Explosives Detonation).



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As noted in Table 13.3-1 of AP-42, the Emission Factor Rating for explosives detonation is D, or "Marginal / Uncertain Data Quality" as described in the MECP's Guideline A-10.

As noted in Table 11.9-2 of AP-42, the Emission Factor Rating for explosives detonation at western coal mines is C ("Average") to D ("Marginal / Uncertain"). Additionally, the emissions from blasting at a coal mine may not be directly analogous to the emissions from the proposed quarry.

As noted in the MECP's Guideline A-10, "Where the maximum POI concentration from the facility is less than 10% of the ministry POI Limit, emission rate estimates of Marginal or Uncertain Data Quality, may be adequate." As noted in Table 2 of the AQA, a number of receptors are subject to contaminant impacts greater than 10% of the applicable criteria.

- The AQA should include an assessment of data quality and uncertainty for all sources as described in MECP Guideline A-10.

## 14. Results

The AQA states that: *The results of the dispersion modelling assessment for aggregate extraction are provided in Table 2 through Table 5. The analysis shows that with appropriate controls on the haul routes, compliance with the relevant criteria can be achieved at all offsite receptors based on modelled emissions of sources.*

*However, with the addition of background concentrations to benzo(a)pyrene, this contaminant exceeds the AAQC even without emissions from the facility. This is due to the ambient background levels throughout most of Ontario already being above the AAQC. The incremental impacts due to facility emissions are low, resulting in an incremental increase of less than 2% over the annual average background levels.*

As noted above, because the AQA includes an assessment of background air quality, the modelling conducted as part of the AQA should be updated to include contributions to background air contaminants resulting from activities associated with the quarry but not assessed as direct emissions from the quarry.

As noted above, reporting of results should include an illustration of the air quality impacts from quarry operations at all points surrounding the quarry, in accordance with the O.Reg. 419/05 definition of a point of impingement, rather than at short list of individual locations.

## 15. Recommendations

The AQA states that: *The proposed Upper's Quarry must operate in accordance with the operating standards pertaining to dust outlined in section 0.12 (2) Ontario Regulation 244/97, which include:*

- *The licensee or permittee shall apply water or another provincially approved dust suppressant to internal haul roads and processing areas, as necessary to mitigate dust, if the pit or quarry is located within 1,000 metres of a sensitive receptor.*
- *The licensee or permittee shall equip any processing equipment that creates dust with dust suppressing or collection devices if it is located within 300 metres of a sensitive receptor.*



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- *The licensee or permittee shall obtain an environmental compliance approval under the Environmental Protection Act where required to carry out operations at the pit or quarry.*

*Furthermore, this assessment is based on the following recommendation, which is to be included on the Site Plans:*

- *The site will operate in accordance with the Best Management Practices Plan (BMPP) for Fugitive Dust Emissions, which may be amended from time to time, considering actual impacts and operational considerations. The recommendations in the BMPP are based on the maximum daily production rates. At lower production rates, the control measures specified in the BMPP can be reduced accordingly, provided dust remains mitigated on site.*
- *The AQA should discuss recommendations beyond simply reiterating regulatory requirements, such as:*
  - *Summarizing operational limits and/or performance requirements for equipment and activities at the quarry;*
  - *Outlining proposed ongoing monitoring and verification processes to ensure that the quarry operates in accordance with the parameters identified in the AQA report;*
  - *Establishment of a public complaints handling process for the quarry;*
- *The AQA should discuss the status of the required Environmental Compliance Approval (has the application been submitted, when/where will the application be open for public comment, etc)*

## **16. Recommended Management Practices**

The AQA states that: *RWDI recommends the following mitigation measures be incorporated into the BMPP:*

- *Blasting operations occurring within 300 m of a residential receptor shall have a blast area not exceeding 200 m<sup>2</sup> in area.*
- *Aggregate extraction, processing and shipping does not exceed 9,000 tonnes per day.*

Section 8 of the AQA states that: *Mitigation measures recommended in this assessment are incorporated into a BMPP for dust for the site. The emission estimates account for the effect of these dust mitigation measures, such as watering of haul roads, and use of spray bars on processing equipment.*

- *Section 16 of the AQA should provide a full list of the mitigation measures assumed in the calculations performed as part of the AQA.*
- *In addition to measures assumed for the purpose of calculations, the AQA should refer to the MECP's Technical Bulletin **MANAGEMENT APPROACHES FOR INDUSTRIAL FUGITIVE DUST SOURCES.***

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- The AQA should specifically identify the conditions under which each element of the BMPP should be implemented, and under what specific conditions these measures can be reduced, as described in section 15 of the AQA.
- The AQA should provide recommendations regarding the implementation of training and record keeping associated with the BMPP, so that the quarry's compliance with the BMPP can be verified.
- As noted in the MECP's Guideline A-10, a BMPP alone is not sufficient to address fugitive dust emissions that include metals or other contaminants with health based standards (such as silica). These contaminants must be assessed in detail as part of an ESDM report.

## **17. Concluding Remarks**

We trust that these general recommendations meet the needs of the current phase of the design.

Please do not hesitate to contact us if there are any questions.

Yours Truly,  
Thornton Tomasetti



Robert Fuller, P.Eng.  
Project Engineer



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2023-04-03  
Project: 210565

Attn: Peter Horn  
Rudanco Hospitality Corporation

**RE: TECHNICAL REVIEW –  
UPPER'S QUARRY, TRAFFIC IMPACT STUDY – FINAL OCTOBER 2021 –  
PREPARED BY THE MUNICIPAL INFRASTRUCTURE GROUP LTD.**

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The purpose of this letter is to document the technical review of the Traffic Impact Study for the proposed Upper's Quarry, dated October 2021, which was prepared by The Municipal Infrastructure Group Ltd. (the consultant). The review considers the consultant's methodology and assumptions related to the Traffic Impact Study (the study), and the information presented in the report as related to its conclusions and recommendations.

The proposed Upper's Quarry (subject site) is in the City of Niagara Falls (Niagara Region) on lands south of Beavervdams Road, north of an existing Hydro Corridor and east of Thorold Townline Road. Extracted aggregate and recycled aggregate will be limited to 1,800,000 tonnes per annum.

Vehicle access is proposed from Upper's Lane with traffic directed towards Thorold Townline Road. Two Haul Route options are detailed in the study. Route 1 directs quarry traffic (excluding light vehicles) north along Thorold Townline Road to market. Route 2 directs quarry traffic (excluding light vehicles) south along Thorold Townline Road to Lundy's Lane (Highway 20) then north along Davis Road to market.

Haul Route Option 1 is identified as the recommended route, subject to approval and a future assessment of road improvements required to accommodate truck traffic.

### **Detailed Commentary**

The following points provide the detailed technical review of the Traffic Impact Study (TIS). Numbering is provided for ease of reference and is not intended to indicate priority or importance.



1. The study generally follows typical industry standards for the contents and requirements for a Traffic Impact Study. It is not clear what if any TIS guidelines have been used to define the study objectives and horizon years.

No pre-study consultation material is provided in the report to confirm study assumptions and requirements from the applicable road authorities (Ministry of Transportation/ Niagara Region/City of Niagara Falls/City of Thorold).

2. Two Haul Routes are outlined in the study which use Thorold Townline Road. Access via Beechwood has not been considered or evaluated for possible haul routes. Haul Route Option 1 (North via Thorold Townline Road) is identified as the recommended route, subject to approval and a future assessment of road improvements required to accommodate truck traffic.
3. Future study is required to confirm the roadways that form part of the recommended Haul Route can accommodate truck traffic. The consultant recommends cost sharing for improvements.
4. The study assesses the operational conditions and impacts of site generated traffic on the study area intersections for only the Haul Route Option 1 scenario.
5. The traffic impacts of site generated traffic for Haul Route 2 has not been assessed as part of this study. If Haul Route 2 is to be considered, it is recommended that additional analysis be completed to review the impacts of site traffic using Haul Route 2.
6. Traffic data used in the analysis is at or approaching the three-year shelf life described by MTO and the Region in their respective traffic impact study guidelines. The appropriateness of the data should be reviewed by the Road Authorities as the build-out of Rolling Meadows Subdivision between 2018 and 2021 may not be captured in the assessment of existing conditions. New traffic counts should be considered for any future study update.
7. The baseline traffic volumes used in the analysis are an average of two separate traffic counts for each intersection. It is unclear if the same approach was used to determine heavy vehicle percentages and Peak Hour Factors (PHF) used in the capacity analysis.
8. The existing Walker Brother Quarry (WBQ) to the north is expected to be depleted in +/- 10 years. Walker Aggregates is planning to operate both pits for 5 years to transition production to the subject site. No comparison is provided between the WBQ site and the subject site in terms of licence limits and trip generation to confirm the appropriateness of the site traffic forecast used in the analysis.
9. Traffic forecast and analysis is completed for two planning horizons (Year 2025 representing the opening date of the subject site and a 10-year horizon following the opening date (Year 2035)) and two analysis periods (weekday AM and PM peak hours of the adjacent roadways).



Lundy's Lane (Highway 20) is under the MTO's jurisdiction and is part of Haul Route 2. The MTO TIS guidelines require three horizon years to be assessed. The review agencies may require an additional horizon year to complete their review of the study. The analysis periods are appropriate for assessing the site's impact.

10. Background traffic forecasts include traffic generated by the Rolling Meadows subdivision and the employment lands on the west side of Thorold Townline Road. The source for the Rolling Meadows Development traffic study is not provided and the accuracy of the assumptions can not be confirmed.
11. Additional development applications may need to be included in the assessment. Background developments and assumptions are typically confirmed through consultation with the review agencies, which may not have occurred.
12. The consultant made adjustments to the Rolling Meadows site traffic to address capacity issues at "Davis Road and Thorold Townline at Thorold Stone Road." The appropriateness of these adjustments should be reviewed by the road authorities.
13. Traffic volumes and build-out assumptions for the Rolling Meadows site can not be confirmed as the source document is not cited. The Rolling Meadows site traffic (all phases) is assumed to be part of the background traffic forecasts in the study. Build-out of the Rolling Meadows site is identified as 2019 to 2030. As such some of the Rolling Meadows site traffic should be captured in existing conditions. As a result, the background traffic forecasts used in the analysis may be artificially high and the impacts of background traffic overstated.
14. The employment lands on the west side of Thorold Townline Road are owned by Walker Aggregates and are included in the background traffic forecast. Half the site is assumed to be built-out by the Year 2025 horizon with full build-out by the 10-year horizon. Traffic estimates for the employment lands relies on data from the 10th Edition of ITE Trip Generation Manual. The trip generation estimate for the employment lands can not be verified as the variable presented in the table is acres. ITE does not include this unit of measure in the 10th Edition of the trip generation manual. Detailed calculations and the associated data plots for the employment land trip generation should be provided to confirm the trip generation calculations.

The 11th Edition of the ITE Trip Generation Manual was released in September 2021. At the time of writing the study, the 10th Edition was likely the most current and available version of the manual. The study and any supplementary studies should rely on the most current version of the ITE trip generation manual.

The identified background developments (Rolling Meadows Secondary Plan area and Employment lands) results in traffic increases of 4-5% per annum. The consultant has not applied a generalized growth rate to account for increases in traffic. A generalized growth rate is used in most studies to account for growth in traffic unrelated to nearby approved or instream developments. As the study's terms of reference can not be verified, this approach should be reviewed with the road authorities.





15. The subject site's trip generation is estimated using a first principal approach. The trip estimates appear to be reasonable, with the assumptions used to produce estimate provided by Walker Aggregates.

The quarry is forecast to generate approximately 47 aggregate and 11 asphalt (truck trips) per hour and approximately 11 employee trips (light vehicles) per hour. This estimate includes a factor to account for peaking and is likely a conservatively high estimate.

A comparison of existing WBQ quarry trips should be provided to confirm the accuracy of the first principals estimate.

16. Operational analysis contained in the study uses the Highway Capacity Manual (HCM) 2000 techniques within the Synchro Version 10 Software package. Synchro Version 11 was released in November 2019. The study and any supplementary studies should rely on the most current version of Synchro software, although the HCM 2000 capacity results are not expected to change.

17. Synchro model calibration used default Synchro 10 saturation flow rate (1900 vphpl) and peak hour factors derived from the count data. The saturation flow rate used is not inline with Niagara Region standards (1750 vphpl). The capacity results for signalized intersection will be affected.

18. The operational analysis contained in the study is for Haul Route 1 only. No operational analysis for Haul Route 2 is provided. The operational analysis outlines minor capacity issues at the study area intersections.

To address the significant delays and capacity constraints forecast to occur at the Thorold Townline Road intersection with Lundy's Lane a southbound right-turn lane may be required. It is recommended that the intersection be monitored to determine the need for any traffic control improvements (signal timing adjustments) or geometric improvements.

19. The geometric improvement may require the widening of the Thorold Townline Road ROW to the 26.2 m width as outlined in the Official Plan. The study also notes that "Region may require road widening dedications in addition to the designated road allowances without the need for amendments to the Official Plan for purposes such as turning lanes at intersections." It is not clear if the southbound right-turn lane can be constructed within the existing or proposed future ROW.

20. It is the consultants' opinion that signals be provided at the Thorold Townline Road intersection with Beaverdams Road under the forecast Year 2025 background horizon. The OTM Book 12 Traffic Control Signal Warrants are not provided in the report. Cost sharing for improvement at this intersection is suggested by the consultant.

The summarized operations for the intersection notes delays in the LOS E range for the northbound approach under the forecast Year 2025 background horizon with a v/c ratio of 0.83. The summarized capacity analysis appears to assume the signal is in place





under total traffic conditions as the LOS is reduced from E to C. The impacts of site generated traffic may be understated as the operational analysis assumes the intersection is signalized prior to the introduction of site generated traffic. Total traffic operations under the existing all-way stop control is not provided. This does not allow for a fair assessment of site traffic impacts on the intersection.

Quarry traffic is expected to increase the northbound queue length on Thorold Townline Road by approximately 285 metres under the forecast Year 2035 horizon during the PM peak hour (total queue length of 540 m). In addition to traffic control improvements, geometric improvements to the intersection should be considered to mitigate the extensive queuing caused by site generated traffic. Additional analysis should be conducted to identify the impacts of site traffic on the intersection.

21. The existing causeway south of Beaverdams Road may require improvements to sustain the regular truck traffic associated with the proposed quarry. The nature of these upgrades should be explored in pursuing the recommended Haul Route 1
22. Geometric improvements at the Thorold Townline Road intersection with Upper's Lane are proposed. The intersection will essentially operate as a driveway to the proposed quarry. A southbound by-pass lane and a northbound right-turn lane are recommended. Auxiliary left-turn lane warrants have not been assessed within the study. The need for an auxiliary turn lane rather than a by-pass lane should be reviewed. The improvements at the Upper's Lane intersection should be implemented prior to the opening of the quarry.
23. A desktop review of driver sightlines was completed for the Upper's Lane intersection with Thorold Townline Road. The rolling terrain along Thorold Townline Road may restrict or reduce driver sightlines. A field investigation should be conducted or a survey drawing of Thorold Townline Road should be obtained to confirm the available sight distances are not negatively impacted by the vertical curvature of Thorold Townline Road. Any mitigation measures need to allow for appropriate sight distances should be implemented prior to the opening of the quarry.
24. The Operational Plans for the quarry, which are contained in Appendix A, illustrates two quarry driveways to Upper's Lane. The study does not assess the operation of these intersections or forecast the amount of traffic using these driveways. Clarification on material will be transported over the Upper's Lane road allowance should be provided.

The Operational Plans show that the Mid Extraction Area will require the crossing over an unopened road allowance. If the crossing over the road allowance is not grated traffic operations will enter exit the South Extraction area from Thorold Townline Road. A entrance to the South Extraction has not been assessed as part of this study. Additional geometric improvements may be along Thorold Townline Road if the South Extraction area requires access via Thorold Townline Road



## Conclusions

A summary of the conclusions of the technical review is presented in the following table:

<p><b>Proposed Development</b></p>	<p>The proposed Upper's Quarry is expected to have an annual extraction limit of 1.8 million tonnes of aggregate and 400,000 tonnes of asphalt. Vehicle access is proposed from Upper's Lane.</p> <p>Two Haul Route options are detailed in the study with Haul Route Option 1 being the recommended route, subject to approval and a future assessment of road improvements required to accommodate truck traffic.</p> <p>Haul Route 1 directs quarry traffic (excluding light vehicles) north along Thorold Townline Road to market.</p>
<p><b>Key Points</b></p>	<p>There is no record of pre-consultation provided in the report with the review agencies to establish an agreed-to scope (that is, study area, analysis time periods, horizon years and traffic forecasting for known background developments, etc.)</p> <p>The study assesses the traffic impacts of site generated traffic for only Haul Route 1. The recommended haul route crosses a waterway south of the Beaverdams Road intersection. Improvements to the crossing may be needed to support heavy truck traffic associated with the subject site. The nature of these upgrades should be explored in pursuing the recommended Haul Route 1.</p> <p>While the traffic study provides a description of Haul Route 2, it has not assessed the impacts of site generated traffic on the study area intersections for that scenario.</p>
<p><b>Actions Required</b></p>	<p>A geotechnical review of Thorold Townline Road between Beaverdams Road and Upper's Lane be completed to determine if Haul Route 1 is feasible and that the identified improvements can be accommodated.</p> <p>If Haul Route 2 is to be considered, the study should be updated to provide a technical analysis of Haul Route 2.</p> <p>The remedial measures outlined in the study or subsequent studies are to be reviewed by the road authorities and a plan for implementation is to be established.</p>



If you have any questions or comments, please contact the undersigned.

Yours truly,

**PARADIGM TRANSPORTATION SOLUTIONS LIMITED**



**Scott Catton, C.E.T.**  
Senior Project Manager, Associate



**Stew Elkins, B.E.S.**  
Vice President and CRO, Principal

