
Subject: Recommendation Report – Approval of Regional Official Plan Amendment and Approval of Local Official Plan Amendment, Port Colborne Quarries Pit 3 Extension

Report to: Planning and Economic Development Committee

Report date: Wednesday, January 10, 2024

Recommendations

1. That Regional Official Plan Amendment – Port Colborne Quarries Pit 3 Extension **BE APPROVED** (attached as Appendix 2 to Report PDS 2-2024);
2. That City of Port Colborne Official Plan Amendment 13 **BE APPROVED** as modified (attached as Appendix 3 to Report PDS 2-2024);
3. That all parties **BE NOTIFIED** of Regional Council's decision in accordance with Planning Act requirements;
4. That Staff **BE DIRECTED** to inform the Ministry of Natural Resources and Forestry of the decision of Regional Council, 20 days after notice of Council's decision has been given, provided that no appeals have been filed against the decision, to inform the licensing process under the Aggregate Resources Act; and
5. That Report PDS 2-2024 **BE CIRCULATED** to the City of Port Colborne and Niagara Peninsula Conservation Authority.

Key Facts

- The purpose of this report is to provide staff's recommendation for approval of Regional Official Plan Amendment (ROPA), Port Colborne Quarries Pit 3 Extension and City of Port Colborne Official Plan Amendment No. 13, as modified.
- On behalf of Port Colborne Quarries Inc. (PCQ), IBI/Arcadis submitted an application for a ROPA to permit the eastward expansion of the existing Port Colborne Quarry operation located south of Second Concession Road, and west of Miller Road. A Location Map is included as **Appendix 1**.
- In addition to the ROPA, applications were also submitted to amend the City of Port Colborne Official Plan and Zoning By-Law. The applications were reviewed concurrently by Region and City Planning staff. Regional Council is the approval authority for the City of Port Colborne Official Plan Amendment (LOPA).

- A Statutory Public Meeting for the ROPA was held in accordance with the requirements of the Planning Act on March 8, 2023. All comments received on this matter have been reviewed and considered in staff's recommendation on the ROPA and LOPA 13.
- Region staff together with the City of Port Colborne and Niagara Peninsula Conservation Authority (NPCA) established a Joint Agency Review Team (JART). The members of the JART worked together with the technical peer review consultants to assess and evaluate all matters related to the application.

Financial Considerations

There are no direct financial implications arising from this report as the cost of work associated with application processing and review is recovered through planning fees in accordance with the Council-approved Schedule of Rates and Fees. Costs of advertising for open houses and public meetings were paid by the applicant, and the Region entered into a Cost Acknowledgement Agreement on behalf of the JART with the applicant to cover other costs associated with the review (i.e., aggregate advisor and peer review fees).

Under Section 17 of the *Planning Act*, Council's decision is subject to appeal within 20 days after the day that written notice of approval is issued by Niagara Region. An appeal of Regional Council's decision would result in the need for resources to support an Ontario Land Tribunal (OLT) hearing. Should there be appeals of Regional Council's decision, a further report on financial implications will be provided.

In support of the application a Financial Impact Assessment / Economic Benefits (FIA) study was submitted. The stated purpose of this FIA is to demonstrate that the proposed Pit 3 Extension will have minimal negative financial impact on Niagara Region/the City of Port Colborne or their taxpayers, and to illustrate any direct or indirect financial benefits/costs to the affected municipalities. Key conclusions of the study included:

- The proposed quarry use is anticipated to increase the property tax revenue generated from the Pit 3 Extension lands when compared to the existing uses, since the Industrial tax rates are higher than the Agricultural tax rates.
- The existing and proposed quarry uses are not anticipated to have any impact on the Region's or City's capital programs. If any construction or upgrades are required through further study, PCQ is committed to enter into an agreement with the Region and/or City to cover the necessary costs.

- Continued annual production of 1 million tonnes is expected to annually generate \$34,050 for the Region and \$138,470 for the City in TOARC (The Ontario Aggregate Resource Corporation) fees based on the 2023 rates. The TORAC fees are adjusted annually to account for inflation using the Consumer Price Index.

Analysis

Background

An application for a ROPA to permit the expansion of the existing Port Colborne Quarry operation was submitted by Port Colborne Quarries Inc. (PCQ) on March 17, 2021. The application was deemed complete on July 8, 2021. A virtual public open house for the application was held jointly with the City of Port Colborne on September 9, 2021. A JART was formed to coordinate the review of the application including the technical peer reviews. Given the complexity of this application, including the technical reports and the resubmissions made by the applicant, the review process was ongoing from March 2021 through the spring and summer of 2023. A Statutory Public Meeting for the ROPA was held in accordance with the requirements of the Planning Act on March 8, 2023. A complete chronology of the submission and review process is included as Section 6.1 of the JART Report (**Appendix 4** to this report).

The proposed quarry expansion is located north of Main Street East (Highway 3) on the south side of 2nd Concession, and west of Miller Road in the City of Port Colborne. The area is referred to as the Pit 3 Extension and is immediately east of the existing PCQ quarry operation. Legally the lands are described as Part Lot 17, 18, 19, Concession 2. A site location map is included as **Appendix 1** to this report.

Decision of Local Council

In addition to being the approval authority for the ROPA, Regional Council is also the approval authority for the LOPA.

The City of Port Colborne held a Statutory Public Meeting for the Local Official Plan and Zoning By-Law Amendment (ZBLA) applications on March 7, 2023.

On November 14, 2023, City Planning staff presented a report to City Council recommending approval of the LOPA 13 and ZBLA. City Council voted in favour of the staff report including a recommendation “that City Council requests that the Niagara Region Council approve Official Plan Amendment 13 for the City of Port Colborne.” The

City of Port Colborne Council LOPA 13 (as modified) is included as **Appendix 3** to this report.

City Council is the approval authority for the associated ZBLA, which was approved on November 14, 2023, on the condition the ROPA and LOPA being approved. City Council's decision to approve the ZBLA has been appealed to the OLT.

Modification to Local Official Plan Amendment:

Following adoption of the LOPA 13 by City Council a minor inconsistency was noticed with respect to the "Details of the Amendment". Section 1 (e) of the final LOPA is revised to read "Habitat of Threatened and Endangered Species" instead of the "Significant Wildlife Habitat", which was included in error. A similar correction is also made to the attached Schedule B2 to the LOPA. City Staff requested, and are supportive of, the correction by the Region through a modification to the LOPA.

Regional Official Plan

The new Niagara Official Plan (NOP, 2022) was approved, with modifications, by the Minister of Municipal Affairs and Housing and came into effect on November 4, 2022. Policy 7.12.2.5 of the NOP, 2022 states that development applications deemed complete prior to the date of the NOP, 2022 approval shall be permitted to be processed and a decision made under the 2014 Regional Official Plan (ROP, 2014) policies. The Pit 3 Extension ROPA application was deemed complete on July 8, 2021, and is therefore being processed under the 2014 ROP.

Pursuant to ROP, 2014 Policy 6.C.13 an amendment to the ROP, 2014 is required because the proposed PCQ Pit 3 Extension lands are not identified on Schedule D4 as a "Possible Aggregate Area".

The staff recommended Regional Official Plan Amendment (ROPA) is included as **Appendix 2** to this report.

Provincial Modifications to the Niagara Official Plan:

On October 23, 2023, the Minister of Municipal Affairs and Housing announced that legislation would be introduced to reverse the official plan decisions for several municipalities across Ontario, including Niagara Region.

In the Minister's announcement, impacted municipalities were asked to submit feedback on the Provincial modifications by December 7, 2023 (45-days from the announcement). Planning staff consulted with local municipalities and through report [PDS 40-2023](https://pub-niagararegion.escribemeetings.com/Meeting.aspx?Id=96725338-5d39-4afc-8edf-3c3ec9f7d34c&Agenda=Merged&lang=English) (<https://pub-niagararegion.escribemeetings.com/Meeting.aspx?Id=96725338-5d39-4afc-8edf-3c3ec9f7d34c&Agenda=Merged&lang=English>) reviewed each Provincial modification to the NOP, 2022 and identified modifications for removal from the NOP, 2022. Regional Council endorsed report PDS 40-2023 at the Regional Council meeting on November 16, 2023.

On December 6, 2023, implementing legislation Bill 150 (*Planning Statute Law Amendment Act, 2023*) received Royal Assent, which reversed provincial changes made to the NOP, 2022 except for modifications number 5, 24, 25, 32, 33, 39, 42, and 44. The reversal of official plan decisions are dated retroactively to the original date that the decision on the NOP, 2022 was made (November 4, 2022).

Schedule H and those policies related to this ROPA are not the subject of any Provincial modifications. As such, it is not anticipated that the new decision from the Minister will impact the ability for the ROPA to be approved and brought into force and effect.

Aggregate Resources Act

Port Colborne Quarries Inc. has also filed an application for a Quarry Below Water - Class A Licence to the Ministry of Natural Resources and Forestry (MNRF) under the Aggregate Resources Act (ARA). The ARA application process included a separate public consultation and notification process.

Under the ARA the Region is a commenting agency, staff have been reviewing the ARA application and providing comments to MNRF concurrently with the Planning Act submissions. The ARA legislation prevents the Minister from granting a licence under the ARA until the municipal land use approvals are in place. To date, Regional staff have responded to notices under the ARA indicating that the Region was opposed to the granting of a licence on the basis the municipal land use approvals were not in place. If the ROPA is approved, staff would inform the MNRF and withdraw the objection.

Joint Agency Review Team (JART) Process

Aggregate applications are complex, involving multiple review agencies and the consideration of a broad range of technical issues including water resources, natural environment, archaeology, air quality, noise, blasting, traffic, and others. To coordinate

the agency review process for the PCQ applications, Region staff together with the City of Port Colborne and Niagara Peninsula Conservation Authority (NPCA) established a JART. The members of the JART worked together with the technical peer review consultants to assess and evaluate all matters related to the application.

The purpose of the JART was to share information, resources, and expertise so that the application and the associated studies could be reviewed in a streamlined and coordinated manner. The JART itself is not making a recommendation on the application, rather the JART worked to:

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

This JART Report was then used independently by planning staff at the Region and City as the technical basis to develop a planning recommendation report. The work of the JART also helped to inform comments made to the Province and applicant under the ARA. The JART Report is included as **Appendix 4** to this report.

Planning Framework

The ROPA is proposing to re-designate the subject lands from “Agricultural” to “Licenced Mineral Aggregate Operation”. In addition, environmental overlays will be used to protect the natural features on the site. The complete extent of the proposed ROPA is included as part **Appendix 2** to this report. Given the complexity of aggregate applications there are a range of provincial and regional land use policies that need to be considered, including the Planning Act, Provincial Policy Statement (PPS, 2020), A Place to Grow: Growth Plan for Greater Golden Horseshoe (Growth Plan, 2020), and the Regional Official Plan (ROP, 2014).

The PPS, 2020 provides policy direction on matters of provincial interest related to land use planning and development. The PPS, 2020 provides for the long-term protection of

mineral aggregate and petroleum resources and limits what can and cannot be done in areas with known resources.

While Section 2.5 (Mineral Aggregate Resources) of the PPS, 2020 is the predominant section the applications are evaluated against, it is important to note that the policies of the PPS, 2020 are to be read in their entirety and applied on a situational basis.

The Growth Plan, 2020, builds upon the policy foundation provided by the PPS, 2020 and provides more specific land use planning policies to address issues facing the Greater Golden Horseshoe region. The policies of the Growth Plan, 2020, take precedence over the policies of the PPS, 2020 to the extent of any conflict, except where the relevant legislation provides otherwise. In accordance with Section 3 of the Planning Act all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan, 2020.

Consideration of Key Issues

There were a number of key issues that were identified through the application process and that were resolved as part of the iterative commenting and resubmission process. A complete discussion on key issues is included as Section 7 of the attached JART Report (**Appendix 4** to this report). A brief summary is as follows:

Realignment of the Wignell Drain:

A realignment of the Wignell Drain – a municipal drain that is regulated under the Drainage Act – would be required in order to allow the extraction and phasing of the site as proposed. The realignment process under the Drainage Act has been initiated and is ongoing. There are a number of conditions that have been included on the ARA Site Plans to facilitate this and future requirement under the Drainage Act. The JART worked closely with the City of Port Colborne Drainage Superintendent and Consulting Drainage Engineer on this issue.

New Quarry Access to Highway 3:

Early in the application process, the appropriate location for a new point of access was subject to significant discussion and coordination between PCQ, the City, Region, and Provincial Ministry of Transportation (MTO). Regional transportation staff had advised that significant upgrades to Miller Road would be required to support a quarry entrance, and that with a point of access onto Miller Road there was a much higher likelihood of trucks turning north. Regional staff were involved in additional discussions with MTO

and it was agreed that a direct Highway 3 access was preferred, subject to the decommissioning of other points of access (e.g. Humberstone Speedway, etc.) and the new quarry driveway being aligned with Weaver Road to the south. The new point of access will be subject to MTO design approvals and a MTO permit.

Contamination and Clean-up of Humberstone Speedway Lands:

Through early pre-consultation on the project the potential contamination of the site associated with former and current racetrack uses on the property was identified as an issue. Similar concerns were received from the public throughout the consultation process. To address this issue, a Phase 1 Environmental Site Assessment (ESA) and a Conceptual Soil Management Plan (SMP) were required as part of the complete application.

Through several iterations, the ARA Site Plan drawings were updated to reflect the conclusion and recommendations of the ESA and SMP including the requirement for the clean-up of contaminated soil and for further ESA investigations to be completed. Site Plan note #33 has now been updated to read that “prior to any extraction occurring, the Licensee shall undertake an intrusive soil investigation related to the Humberstone Speedway lands... This investigation must be a Phase 2 ESA report for the site in accordance with O. Reg. 153/04 which will be used to update the Final Soil Management Plan...”.

Wetland Water Balance:

Through the peer review of both the natural environment report and water resources study the issue of the wetland water balance was raised. Concerns were raised that when the Wignell Drain was realigned it could have a negative impact on the water balance of the wetland located in the northern portion of the property.

Following an iterative process, a solution was developed by PCQ to allow for the management and monitoring of the wetland water balance. A diversion berm and hickenbottom weir structure will be constructed to allow for management of the wetland water balance as per the details on sheet 7 of 10 of the ARA Site Plan drawings. A monitoring program is also outlined in the Site Plan conditions.

Appropriate Classification of Natural Features:

On the northwest portion of the site there is a large natural feature comprised of both wetland and upland areas. An important aspect of both the Planning Act and ARA

application process was determining the appropriate level of significance (wetland classification) and protection of these natural features.

Based on the input and comments received from Ministry of Natural Resources and Forestry (MNRF), PCQ made the decision to move forward with the assumption that the identified wetlands were “significant for planning purposes”. The appropriate provincial planning policies, setbacks, and mitigation measures would be applied to the feature.

Although the wetlands on site are assumed to be “significant for planning purposes”. They have not been re-evaluated through the Ontario Wetland Evaluation System (OWES) process, and thus continue to be officially “evaluated, non-significant” wetlands. The wetland features, including a 30-metre protective buffer, are to be protected with an appropriate natural area classification overlay through the ROPA.

The remaining portion of the natural feature, which was identified as an upland vegetation community has been identified as a “significant woodland”. The woodland features, including 10-metre buffer, are to be protected with an appropriate natural area classification overlay through the ROPA.

Public and Agency Consultation

Opportunities for public consultation on the Pit 3 Extension application were available through both the Planning Act and ARA processes. The public consultation program included two public information sessions (one hosted by the applicant and one hosted by jointly by the City and Region) and two Statutory Public Meetings as required by the Planning Act.

- April 20, 2021 - ARA Public Information Session (hosted by the applicant)
- September 9, 2021 - Public Open House (hosted jointly by City and Region)
- March 7, 2023 - Statutory Planning Act Public Meeting, City of Port Colborne
- March 8, 2023 - Statutory Planning Act Public Meeting, Niagara Region

In addition to the public meetings and open houses, written comments were also received through the application process and form part of the consultation record. Appendix D of the JART Report (**Appendix 4** to this report) includes a copy of all public comments received. Table 8-1 of the JART Report (**Appendix 4** to this report) summarizes comments received as well as the responses prepared by the JART.

Planning Analysis and Staff Recommendation

Region staff have reviewed the application and Local Official Plan Amendment (LOPA) 13 in respect to the applicable policies of the Planning Act (1990), the Provincial Policy Statement (PPS, 2020), A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan, 2020), and the Regional Official Plan (ROP, 2014). A highlight of this policy analysis is included below:

Planning Act – Matters of Provincial Interest:

The policy framework for managing aggregate resources is complex, as it is governed by numerous policy requirements at the provincial, regional, and local levels. The consideration of matters of provincial interest as outlined in Section 2 of the Planning Act is an important part of this analysis. The Pit 3 Extension proposal has regards to matters of Provincial interest in Section 2 a, b, c, d, e, h, k, l, m, n, o, q, and s as follows:

- Wetland and woodland features on the north and north-west corner of the property are excluded from the limits of extraction and protected for the long-term through the use of several environmental overlays. In addition, a 0.6 ha portion of the site has been set aside for the creation of Blanding Turtle habitat.
- Mineral aggregate extraction is a permitted use on agricultural lands.
- The proposal represents an efficient use of aggregate resources and ensures a long-term supply to support anticipated growth in Niagara.
- The application was supported by archaeological assessments. The ARA Site Plan notes require additional archaeological assessments prior to disturbance of the land.
- Ensuring the continuation of a source of local aggregate material supports a range of growth, developments, infrastructure renewal, and construction activities in the Region. The quarry expansion supports the continuation of direct and indirect jobs.
- In support of the application a Financial Impact Assessment / Economic Benefits (FIA) study was submitted. The stated purpose of this FIA is to demonstrate that the proposed Pit 3 Extension will have minimal negative financial impact on Niagara Region/the City of Port Colborne or their taxpayers, and to illustrate any direct or indirect financial benefits/costs to the affected municipalities. If any construction or upgrades are required through further study, PCQ is committed to enter into an agreement with the Region and/or City to cover the necessary costs.

- Ensuring an ongoing source of aggregate material close to market limits the distance that aggregate material must travel, therefore limiting GHG emissions from transportation of the aggregate material.

Aggregate Resources:

There are mineral aggregate resource specific policies in the PPS, 2020 (Section 2.5), Growth Plan, 2020 (Section 4.2.8) and ROP, 2014 (Section 7.C). The application and LOPA 13 are consistent with the policies of the PPS and conform to the Growth Plan and ROP, 2014 based on the following:

- The proposed Pit 3 Extension will allow the PCQ operation to continue, which is an important local source of aggregate material.
- A range of studies were required in support of the application including environmental and water resource studies, a financial impact assessment, a sensitive land use analysis, and a social impact study to ensure that impacts were minimized to the extent possible. A range of notes are included on the ARA Site Plans to ensure the conclusions and recommendations of these studies can be enforced through the ARA licencing process.
- A comprehensive consultation process was undertaken in support of the application process, this included consultation on the Planning Act applications by JART and consultation on the ARA applications by the applicant. The review of the application was done in coordination with City of Port Colborne staff.

Natural Heritage:

Section 2.2 of the PPS, 2020, Section 4.2 of the Growth Plan, 2020, and Section 7.B of the ROP, 2014 have policies which require the consideration and protection of natural heritage systems and natural heritage features. The application and LOPA 13 are consistent with the policies of the PPS, 2020 and conform to the Growth Plan, 2020 and ROP, 2014 based on the following:

- An Environmental Impact Study (EIS) / Natural Environment Report was prepared and submitted as part of the application. Natural environment features and their adjacent lands were evaluated to ensure that there would be no significant negative impact over the long term. The EIS was also peer reviewed.
- The wetland (assumed significant for planning purposes) and significant woodland identified on site are excluded from the area of extraction and protected with a 30

metre and 10-metre buffer respectively. Appropriate buffers have been added to the features and several environmental overlays are proposed through the ROPA.

- The realigned Wignell Drain will continue to provide a local connection in the area. Restoration / ecological enhancements are proposed along the Carl Road allowance.
- Conditions have been included on the ARA Site Plan drawings requiring further consultation and authorization from the Federal Department of Fisheries and Oceans (DFO) prior to any development or site alternation in fish habitat.
- A 0.6 ha area on the northeast corner of the site has been identified as Blanding's Turtle habitat. A permit for the construction of the turtle habitat from the Provincial Ministry of Environment, Conservation, and Parks (MECP) will be required as a condition of the ARA licence.

Water Resources:

Section 2.2 of the PPS, 2020, Section 4.2 of the Growth Plan, 2020, and Section 7.A.2 of the ROP, 2014 have policies that require the protection of surface and groundwater resources and the inclusion of mitigation measures in development applications. The application and LOPA 13 are consistent with the policies of the PPS, 2020 and conform to the Growth Plan, 2020 and ROP, 2014.

Both a hydrogeological (groundwater) and hydrological (surface water) study were required to be submitted in support of the PCQ applications. Potential impacts to groundwater resources are an important consideration of both the Planning Act and Aggregate Resource Act processes. The hydrogeological and hydrological assessments were both subject to technical peer reviews.

Included as part of the ARA Site Plans are a number of conditions regarding groundwater testing and monitoring. As well as a range of other conditions to implement the recommendations of the hydrogeological and hydrological assessments.

Rehabilitation:

Section 2.5.3 of the PPS, 2020, Section 4.2.8 of the Growth Plan, 2020, and Section 6.C of the ROP, 2014 have policies which provide direction for the rehabilitation of mineral aggregate operations. The application and LOPA 13 are consistent with the policies of the PPS, 2020 and conform to the Growth Plan, 2020 and ROP, 2014 based on the following:

- The proposed rehabilitation plan is to allow the extracted area to fill with water and become a lake, which is consistent with a below water table quarry of this type. The proposed lake is considered a compatible land use and is not anticipated to negatively impact surrounding land uses.
- As the Pit 3 Extension is adjacent to PCQ Pit 2 and 3 the consideration of comprehensive rehabilitation was required. The post-use rehabilitation plan for both Pit 2 and Pit 3 is a lake. Some rehabilitation work towards this end use has already been initiated in Pit 2.
- The proposed extension is not part of a speciality crop area and will extract below the water table, therefore rehabilitation back to an agricultural condition is not required.
- The rehabilitation plan includes the creation of aquatic habitat at several locations across the site. The EIS and peer review process have confirmed that the aquatic areas will be representative of the natural ecosystem. The ARA Site Plans includes notes requiring all planted material to locally native and non-invasive species.

Cultural Heritage and Archaeology:

Section 2.6 of the PPS, 2020 includes policies related to cultural heritage and archaeology. Planning staff are satisfied that the application and LOPA 13 are consistent with these policies based on the following:

- A Cultural Heritage Screening Report was submitted with the applications. Planning Staff have no concerns with the report, which concluded that no further Heritage Impact Assessment was required.
- Stage 1 and 2 Archaeological Assessments were submitted with the applications and recommended further work for several archaeological sites within the subject lands. There are ARA Site Plan conditions which require Stage 3 (and possibly Stage 4) Archaeological Assessments to be completed before disturbance can occur in any areas of archaeological potential. There is also the requirement for a 70-metre buffer and fencing around the areas of archaeological potential.

Contaminated Lands:

Section 3.2.2. of the PPS, 2020 states “Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects”.

A portion of the subject lands are currently used as a motor speedway, and therefore it was assumed that there was a high likelihood of soil and/or groundwater contamination of some type.

Due to potential for groundwater and other contamination from reuse of fill from the property for berm construction, rehabilitation work for Pits 1 to 3, and other site works, a Phase 1 Environmental Site Assessment (ESA) and Conceptual Soil Management Plan (SMP) was required as part of a complete application.

The required analysis and reports were submitted prior to deeming the applications complete. Both the ESA and SMP were prepared in accordance with the Environmental Protection Act and associated regulations. Conditions have been incorporated into the ARA Site Plans to ensure that all known and potential contamination is adequately remediated.

Need for and Considerations in Evaluating the Regional Official Plan Amendment:

In accordance with ROP, 2014, Policy 6.C.13, the Pit 3 Extension is outside of a “possible aggregate area”, therefore a Regional Official Plan Amendment (ROPA) was required. Appropriate engagement was undertaken and notices were given in accordance with the requirements of Section 14.D of the ROP, 2014. Policy 14.D.5 are the criteria that must be considered when evaluating a ROPA. Staff considered these criteria as follows:

- i. This planning analysis has considered the vision, objectives, and policies of the Plan as documented above. The application conforms to the intent of the Regional Official Plan.
- ii. As per the policies of the PPS, 2020, applications for new or expanding mineral aggregate operations are not required to demonstrate ‘need’. A ROPA is required for any new or expanded mineral aggregate operation that is outside of a possible aggregate area.
- iii. The ROPA was processed concurrently with a City of Port Colborne Official Plan Amendment and Zoning By-Law Amendment. Other local municipalities are anticipated to be impacted by the continuation of a local source of aggregate material.
- iv. This planning analysis has considered the implications of other parts of the plan. The application conforms to the intent of the Regional Official Plan.
- v. No adverse effects on Regional services or infrastructure are anticipated. If any construction or upgrades to regional infrastructure are required through further

study, the applicant is committed to enter into an agreement with the Region and/or City to cover the necessary costs.

- vi. The Core Natural Heritage System (CNHS) has been considered by the application and supporting studies. Natural features and their associated buffers are protected through the application. Enhancement and restoration to the CNHS is also proposed.
- vii. An agricultural impact assessment was submitted in support of the application. Mineral aggregate operation is a permitted use in agricultural areas as per Section 2.5.4.1 of the PPS, 2020.
- viii. In support of the application a Financial Impact Assessment / Economic Benefits (FIA) study was submitted. The stated purpose of this FIA is to demonstrate that the proposed Pit 3 Extension will have minimal negative financial impact on Niagara Region/the City of Port Colborne or their taxpayers, and to illustrate any direct or indirect financial benefits/costs to the affected municipalities.
- ix. This planning analysis has confirmed that the application is consistent with the PPS, 2020.
- x. No adverse effects on adjacent municipalities were identified through the review process. Other local municipalities are anticipated to be impacted by the continuation of a local source of aggregate material.

Based on the planning analysis completed and summarized above, and the consideration of all input received through public and agency consultation process. Regional staff is of the opinion that the ROPA and LOPA 13, as modified, have appropriate regard for matters of Provincial Interest as set out in Section 2 of the Planning Act; is consistent with the PPS, 2020; conforms, or does not conflict, with the Growth Plan, 2020; conforms to the intent of the ROP, 2014; represents good planning; and, is in the public interest.

It is the recommendation of Planning Staff that the Regional Official Plan Amendment and City of Port Colborne LOPA 13 as modified, included as **Appendix 2** and **Appendix 3** respectively be approved by Regional Council.

Alternatives Reviewed

The Planning Act (1990) requires that all complete applications be processed and that public consultation be conducted as part of all proposed amendments to municipal official plans.

Regional Council could choose to not approve the ROPA and LOPA 13. This alternative is not recommended as staff are satisfied that the application has met the Provincial and Regional policy requirements and that the applicant has provided sufficient justification in its technical materials and planning justification report to support the proposed land use change. Should Council choose not to approve the ROPA and LOPA 13, Council's decision could be appealed to the Ontario Land Tribunal (OLT).

Relationship to Council Strategic Priorities

This report is not linked to strategic priorities. The review of this application, and recommendations towards a decision of Regional Council are guided by a legislative process under the Planning Act (1990).

Other Pertinent Reports

- **CWCD 166-2020** Proposed Pit 3 Extension – Port Colborne Quarries
- **PDS 35-2021** Initiation Report for Port Colborne Quarry Regional Official Plan Amendment 20
- **CWCD 2021-87** Update on Port Colborne Quarry – Proposed Pit 3 Extension
- **PDS 5-2023** Statutory Public Meeting for Regional Official Plan Amendment Application – Port Colborne Quarries, Proposed Expansion of Pit 3

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Appendices

Appendix 1	Site Location Map
Appendix 2	Regional Official Plan Amendment
Appendix 3	City of Port Colborne Official Plan Amendment 13, as modified by Niagara Region
Appendix 4	Joint Agency Review Team (JART) Report [available electronically] <ul style="list-style-type: none">• JART Report (https://www.niagararegion.ca/official-plan/pdf/ropa-20/ropa-20-jart-report.pdf)• JART Report Appendices (https://www.niagararegion.ca/official-plan/pdf/ropa-20/ropa-20-jart-report-appendices.pdf)