

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2023-_____

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

TO THE OFFICIAL PLAN FOR THE REGIONAL MUNICIPALITY OF NIAGARA

to permit the Port Colborne Quarry – Pit 3 Extension

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

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

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

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

THE REGIONAL MUNICIPALITY OF NIAGARA

James Bradley, Regional Chair

Ann-Marie Norio, Regional Clerk

Passed: [DATE]

Amendment No. ____

To the Official Plan for the Regional Municipality of Niagara

PART “A” – THE PREAMBLE

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

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

PART “B” – THE AMENDMENT

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

- Text Changes
- Schedule Changes
- Appendix Changes

PART “C” – THE APPENDICES

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

PART “A” – THE PREAMBLE

TITLE AND COMPONENTS:

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

- Part “A” – The Preamble, contains background information and does not constitute part of this Amendment.
- Part “B” – The Amendment, consisting of text, schedule, and appendix changes, constitutes Amendment ___ to the Official Plan of the Regional Municipality of Niagara.
- Part “C” – Does not constitute part of the Amendment. This Part is a list of all public comments received. A copy of all individual comments is available as part of the Joint Agency Review Team (JART) Report prepared as part of the Amendment review process.

PURPOSE OF THE AMENDMENT:

The purpose of this Amendment is to permit the Port Colborne Quarry Pit 3 Extension:

- add to Section 8.8 (Port Colborne Site Specific policies), a new policy to permit the Port Colborne Quarry – Pit 3 Extension.
- add a site-specific location map to Chapter 8 following the new Policy 8.8.2 showing the subject lands.
- add a site-specific map to Chapter 8 following the new Policy 8.8.2 showing the refined limits of the evaluated, non-significant wetlands, significant woodlands, and 30 metre and 10 metre buffers respectively.
- add the subject lands on Schedule H – “Known Deposits of Mineral Aggregate Resources and Mineral Aggregate Operations” as “Licensed Aggregate Operations”.
- add on Schedule C1 – “Natural Environment System Overlay and Provincial Natural Heritage Systems” the refined limits of the evaluated, non-significant wetland and 30 metre buffer, significant woodland and 10 metre buffer, and habitat of endangered and threatened species (0.6 hectare Blanding’s Turtle habitat compensation area) as “Natural Environment System Overlay”.
- add on Schedule C2 – “Natural Environment System: Individual Components and Features”:

- the refined limits of the evaluated, non-significant wetlands as “Other Wetlands and Non Provincially Significant Wetlands”.
- the significant woodland as “Significant Woodlands”.
- revise on Appendix 1 – “Agricultural Hydrology Infrastructure” the realigned Wignell Drain as “Municipal Drain”. Appendix 1 would be updated following any associated approvals under the Drainage Act. The appropriate changes to the watercourse layers on Schedule C1, C2, C3, and D would also be made following the realignment of the Wignell Drain.

LOCATION OF THE AMENDMENT:

The amendment is applied to the properties known as Part of Lots 17, 18 and 19, Concession 2 (formerly the Township of New Humberstone) and Plan 59R 16702, City of Port Colborne. These lands are bound by the existing Pit 3 area to the west (ARA Licence 4444), Regional Road 84 (Miller Road) to the east, Provincial Highway 3 (Main Street) to the south and Second Concession Road to the north.

BACKGROUND:

The subject lands are identified by the Niagara Official Plan as being within a Stone Resource Area. The applicant (Port Colborne Quarries Inc.) participated in pre-submission consultation and subsequently submitted an application to amend the Regional Official Plan, which was received March 17, 2021. The requested and prescribed material, including planning justification and technical reports to satisfy numerous planning instruments including the Provincial Policy Statement (2020), A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), Regional Official Plan (2014), and the City of Port Colborne Official Plan were submitted and the application was deemed complete by Niagara Region on July 8, 2021.

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

The site-specific policy to permit the Port Colborne Quarry – Pit 3 Extension, site-specific maps, and all required updates to the schedules and appendices would be reflected in the new Niagara Official Plan.

BASIS FOR THE AMENDMENT:

- a) Policy 6.C.13 of the 2014 Regional Official Plan requires an amendment to the plan for expansions of existing mineral aggregate operations outside of a “possible aggregate area”. The Pit 3 Extension is not within a “possible aggregate area”, and therefore a Regional Official Plan amendment is required.
- b) The Amendment was the subject of a Public Open House held on September 9, 2021, and was the subject of a Statutory Public Meeting held under the Planning Act, 1990 on March 8, 2023. Public and agency comments were addressed as part of the preparation of this Amendment.
- c) The Amendment will allow for the proper conservation and management of source of high quality aggregate resource.
- d) The Amendment is consistent with provincial policy that aims to protect a long term supply of mineral aggregate resources by making available as much mineral aggregate resource as is realistically possible as close to markets as possible.
- e) The Regional Official Plan Amendment will allow the adopted City of Port Colborne Official Plan Amendment to be approved by Regional Council and the rezoning of the lands from Agriculture to Mineral Aggregate Operation to take effect. The rezoning of the lands will allow the Minister of Natural Resources and Forestry to make a decision to issue a quarry licence under the Aggregate Resources Act.
- f) Based on the review of the application, planning analysis completed, and the consideration of all input received through public and agency consultation process. Regional staff is of the opinion that the ROPA, has appropriate regard for matters of Provincial Interest as set out in Section 2 of the Planning Act; is consistent with the Provincial Policy Statement, 2020; conforms, or does not conflict, with the A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020; conforms to the intent of the Regional Official Plan, 2014; represents good planning; and, is in the public interest.

g) IMPLEMENTATION:

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

PART “B” – THE AMENDMENT

Amendment ____

To the Official Plan for the Regional Municipality of Niagara

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

Text Changes:

1. Add a new Policy 8.8.2 to the Port Colborne site specific policies in Chapter 8 to permit the Port Colborne Quarry – Pit 3 Extension:

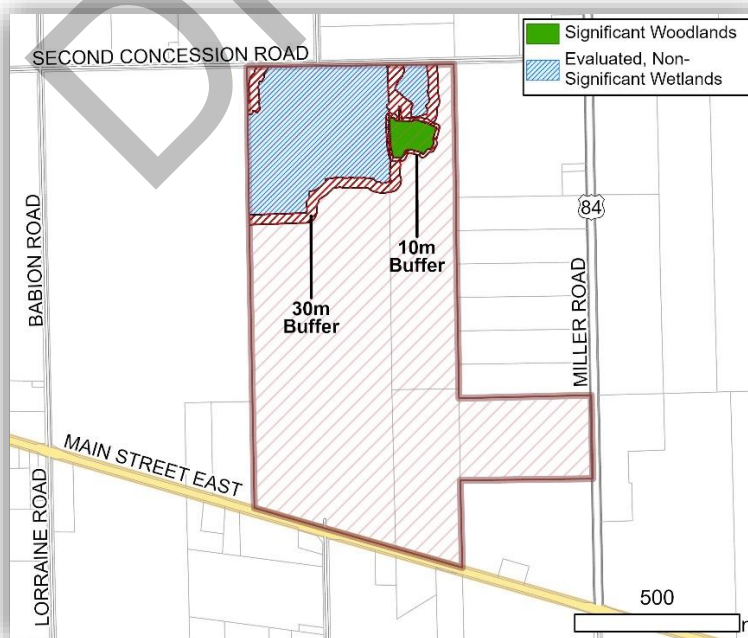
Notwithstanding other policies in this Plan, an expansion to the existing Port Colborne Quarries Inc. quarry (known as the Pit 3 Extension) is permitted east of the existing licensed area on an approximately 100.2 hectare site located on the lands bounded by Regional Road 84 (Miller Road), Provincial Highway 3 (Main Street) and Second Concession Road, on property known as Part of Lot 17, 18, 19 Concession 2 and Plan 59R-16702 in the City of Port Colborne.

The entirety of the total site area, 100.2 hectares, is proposed to be licensed under the Aggregate Resources Act of which 68.7 hectares is proposed to be extracted. The natural features and associated buffers on the north and northwest portion of the site are excluded from the extraction area and are protected with the appropriate natural environment overlays. The operation of the Pit 3 Extension shall be in accordance with any license issued under the Aggregate Resources Act by the Ministry of Natural Resources and Forestry.

2. A site-specific location map will be added to Chapter 8 following the new Policy 8.8.2 showing the subject lands as follows:



3. Add a site-specific map to Chapter 8 following the new Policy 8.8.2 showing the refined limits of the evaluated, non-significant wetlands and significant woodlands and 30 metre and 10 metre buffers respectively as follows:



Schedule Changes:

1. Schedule H – “Known Deposits of Mineral Aggregate Resources and Mineral Aggregate Operations” is amended to add and the subject lands as “Licensed Aggregate Operations” as per the corresponding legend.
2. Schedule C1 – “Natural Environment System Overlay and Provincial Natural Heritage Systems” is amended to add the refined limits of evaluated, non-significant wetland and 30 metre buffer, significant woodland and 10 metre buffer, and habitat of endangered and threatened species (0.6 hectare Blanding’s Turtle habitat compensation area) as “Natural Environment System Overlay” as per the corresponding legend.
3. Schedule C2 – “Natural Environment System: Individual Components and Features” is amended to add the refined limits of the evaluated, non-significant wetland and significant woodland as “Other Wetlands and Non Provincially Significant Wetlands” and “Significant Woodlands” respectively as per the corresponding legend. The 30 metre wetland buffer and 10 metre woodland buffer are shown on the site-specific map added to Chapter 8.

Appendix Changes:

1. Appendix 1 – “Agricultural Hydrology Infrastructure” is revised to show the location of the realigned Wignell Drain as “Municipal Drain”. Appendix 1 would be updated following any associated approvals under the Drainage Act. The appropriate changes to the watercourse layers on Schedule C1, C2, C3, and D would also be made following the realignment of the Wignell Drain.

Schedule C1 - Natural Environment System Overlay and Provincial Natural Heritage Systems

PDS 2-2024

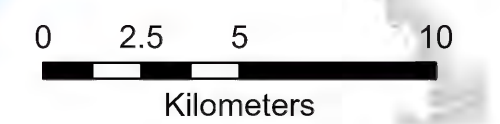
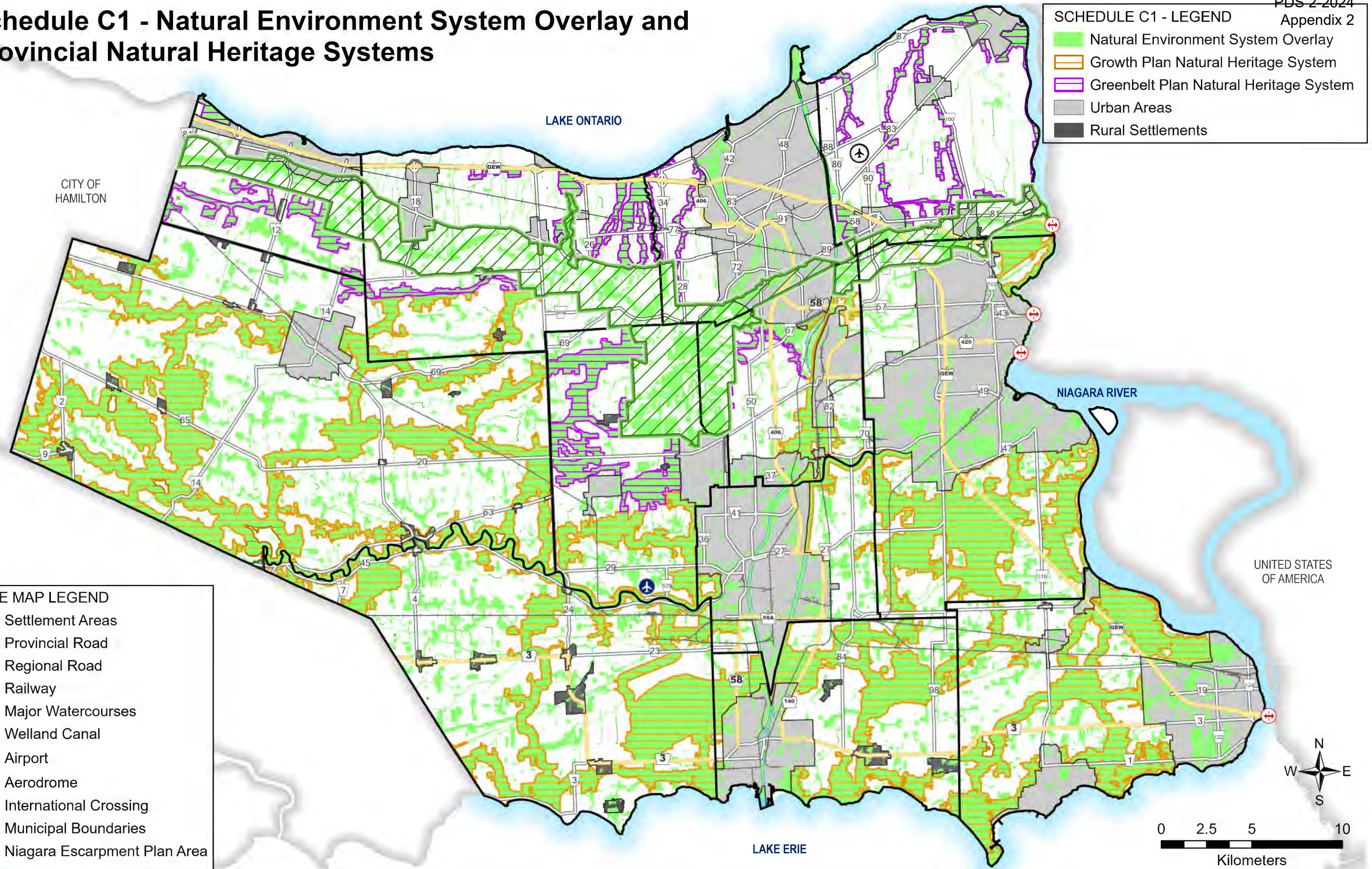
Appendix 2

SCHEDULE C1 - LEGEND

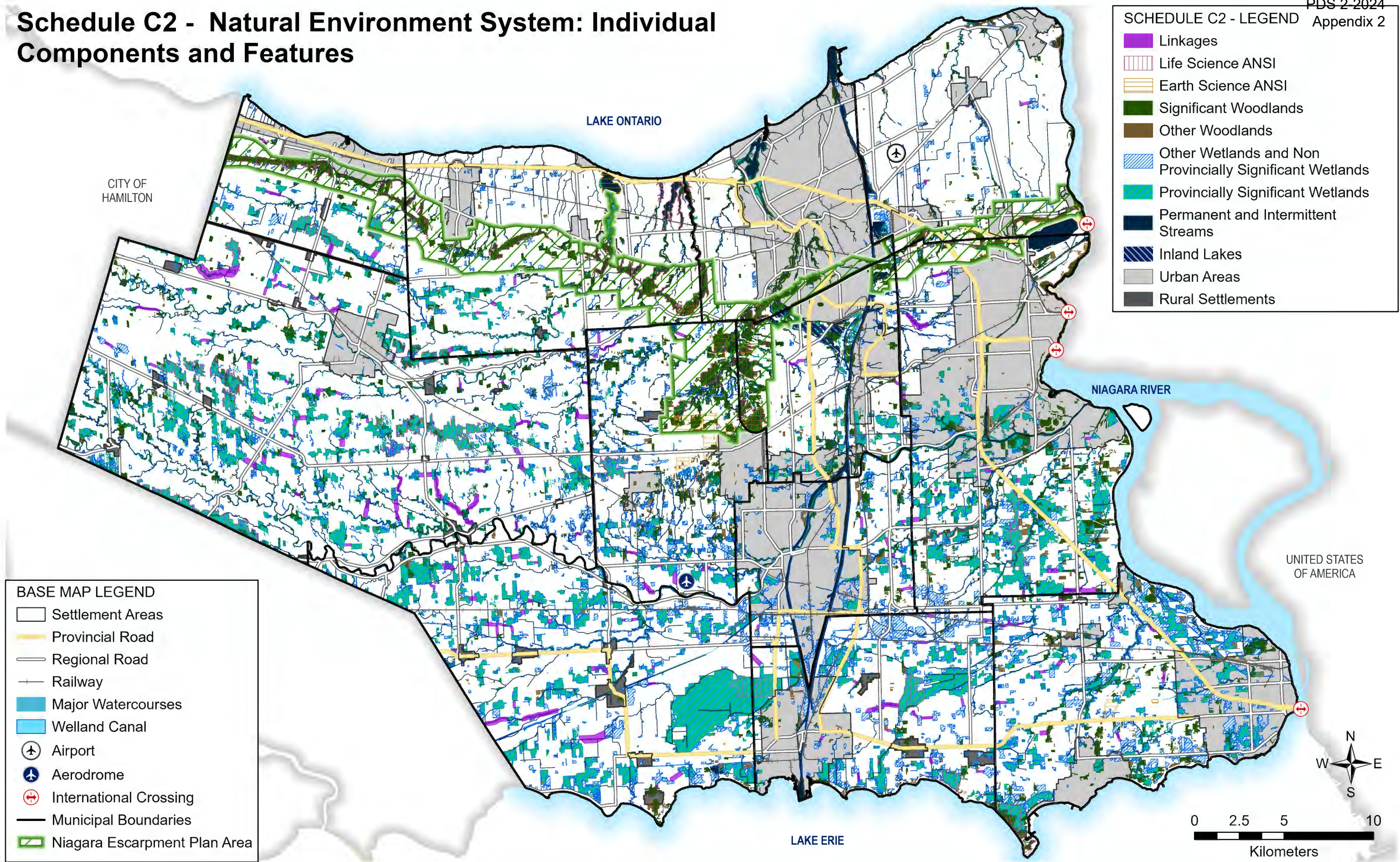
- Natural Environment System Overlay
- Growth Plan Natural Heritage System
- Greenbelt Plan Natural Heritage System
- Urban Areas
- Rural Settlements

BASE MAP LEGEND

- Settlement Areas
- Provincial Road
- Regional Road
- Railway
- Major Watercourses
- Welland Canal
- Airport
- Aerodrome
- International Crossing
- Municipal Boundaries
- Niagara Escarpment Plan Area



Schedule C2 - Natural Environment System: Individual Components and Features



Schedule H - Known Deposits of Mineral Aggregate Resources and Mineral Aggregate Operations

SCHEDULE H - LEGEND

Licensed Aggregate Operations

Sand and Gravel - Significance

Primary

Secondary

Tertiary

Stone Resource¹

Urban Areas

Rural Settlements

¹ Identification of Stone Resources areas informed by multiple data sources.

BASE MAP LEGEND

Settlement Areas

Provincial Road

Regional Road

Railway

Major Watercourses

Welland Canal

Airport

Aerodrome

International Crossing

Municipal Boundaries

Niagara Escarpment Plan Area

LAKE ONTARIO

CITY OF
HAMILTON

NIAGARA RIVER

UNITED STATES
OF AMERICA

LAKE ERIE



0 2.5 5 10

Kilometers

Part C – List of Public Comments Received

Port Colborne Quarries – Proposed Pit 3 Extension ROPA

Date	Comment Received
July 27, 2020	<ul style="list-style-type: none"> Letter from Cindy Mitchell to the Mayor and Port Colborne Council
April 28, 2021	<ul style="list-style-type: none"> Letter from Gary Gaverluk – ARA Objection Letter
April 30, 2021	<ul style="list-style-type: none"> Letter from Jack Hellinga – ARA Objection Letter
May 1, 2021	<ul style="list-style-type: none"> Letter from David Henderson – ARA Objection Letter
May 5, 2021	<ul style="list-style-type: none"> Letter from Harry Wells – ARA Objection Letter 1 (groundwater)
May 5, 2021	<ul style="list-style-type: none"> Letter from Harry Wells – ARA Objection Letter 2 (PPS)
May 5, 2021	<ul style="list-style-type: none"> Letter from Harry Wells – ARA Objection Letter 3 (rehabilitation)
May 5, 2021	<ul style="list-style-type: none"> Letter from Harry Wells – ARA Objection Letter 4 (setbacks)
May 5, 2021	<ul style="list-style-type: none"> Letter from Cindy Mitchell – ARA Objection Letter
May 7, 2021	<ul style="list-style-type: none"> Letter from M. Hoy – ARA Objection Letter on behalf of Ladd Family
July 25, 2021	<ul style="list-style-type: none"> E-mail from Gina Ramkissoo to D. Schulz
August 10, 2021	<ul style="list-style-type: none"> Letter from A. & M. Audit to City of Port Colborne
August 13, 2021	<ul style="list-style-type: none"> E-mail from Jack Hellinga to B. Fricke
September 1, 2021	<ul style="list-style-type: none"> E-mail from J. van Ruyven
September 2, 2021	<ul style="list-style-type: none"> E-mail from Barbara Butters to D. Schulz

Date	Comment Received
September 6, 2021	<ul style="list-style-type: none"> Letter from Edward and Marjorie Hobbs
September 6, 2021	<ul style="list-style-type: none"> Letter from Harry Wells to B. Fricke and D. Schulz
September 6, 2021	<ul style="list-style-type: none"> Letter from the Niagara Water Protection Alliance
September 8, 2021	<ul style="list-style-type: none"> E-mail from Natalie Fijavz to Niagara Region and Port Colborne Clerks
September 8, 2021	<ul style="list-style-type: none"> E-mail from Sara Myhaluk to D. Schulz
September 8, 2021	<ul style="list-style-type: none"> E-mail from S. Rittner
September 8, 2021	<ul style="list-style-type: none"> Letter from Cindy Mitchell to B. Fricke and D. Schulz
September 9, 2021	<ul style="list-style-type: none"> E-mail from Thomas Weaver to Niagara Region and Port Colborne Clerks
September 9, 2021	<ul style="list-style-type: none"> E-mail from Frank Yapp
September 9, 2021	<ul style="list-style-type: none"> E-mail from Gary Gaverluk to B. Fricke
September 9, 2021	<ul style="list-style-type: none"> E-mail from Richard Phillips to Niagara Region and Port Colborne Clerks
September 9, 2021	<ul style="list-style-type: none"> Letter from Jack Hellinga to B. Fricke and D. Schulz + Attachments
September 10, 2021	<ul style="list-style-type: none"> Letter from Rainer Hummel
April 24, 2022	<ul style="list-style-type: none"> Letter from Jack Hellinga – ARA Objection Reply Letter
May 2, 2022	<ul style="list-style-type: none"> Letter from Melissa Bigford – ARA Objection Reply Letter
May 10, 2022	<ul style="list-style-type: none"> Letter from Cindy Mitchell – ARA Objection Reply Letter
August 1, 2022	<ul style="list-style-type: none"> Letter from Melissa Bigford – ARA Objection Reply Letter
August 8, 2022	<ul style="list-style-type: none"> E-mail from Jack Hellinga – Follow-up to ARA Objection + Attachments

Date	Comment Received
February 6, 2023	<ul style="list-style-type: none"> • E-mail from Cindy Forsey
February 6, 2023	<ul style="list-style-type: none"> • E-mail from Jack Hellinga to S. Norman
February 23, 2023	<ul style="list-style-type: none"> • E-mail from Jack Hellinga to S. Norman
February 26, 2023	<ul style="list-style-type: none"> • Letter from Gary Gaverluk / Niagara Water Protection Alliance to S. Norman
March 1, 2023	<ul style="list-style-type: none"> • H. Wells Submission to Niagara Region Public Meeting
March 1, 2023	<ul style="list-style-type: none"> • E-mail from Barbara Butters to S. Norman and D. Schulz
March 2, 2023	<ul style="list-style-type: none"> • Letter from J. Van Ruyven to Clerks Office
March 3, 2023	<ul style="list-style-type: none"> • Jack Hellinga Submission for Statutory Public Meetings + Attachment
March 7, 2023	<ul style="list-style-type: none"> • Harry Wells Presentation to City and Region Statutory Public Meetings
March 7, 2023	<ul style="list-style-type: none"> • Robert Henderson Presentation to City Council
March 8, 2023	<ul style="list-style-type: none"> • Letter from Melissa Bigford
March 9, 2023	<ul style="list-style-type: none"> • E-mail from Graham MacKay + Response
March 10, 2023	<ul style="list-style-type: none"> • E-mail from Jack Hellinga + Attachments (follow-up to Stat. Public Meetings)
March 13, 2023	<ul style="list-style-type: none"> • E-mail from Jack Hellinga + Attachments (natural environment technical report)
March 16, 2023	<ul style="list-style-type: none"> • E-mail from P. Fehrman re: PCQ Letter
March 25, 2023	<ul style="list-style-type: none"> • E-mail from Richard Phillips to David Schulz