

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 Law Quarry Expansion

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

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 and schedule 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 expansion of the existing Law Quarry in the Township of Wainfleet.

LOCATION OF THE AMENDMENT:

The amendment area is within the Township of Wainfleet and on lands described as Part of Lots 6 & 7, Concession 2, Part of Road Allowance between Lots 5 & 6, Concession 2 (Geographic Township of Wainfleet), and Township of Wainfleet in the Regional Municipality of Niagara.

These lands are bound by the existing Law Quarry operation (Licence #4464 & 607541) to east, Provincial Highway 3 to the south, Graybiel Road to the West, and the Wainfleet Bog to the north.

BACKGROUND:

The subject lands are identified by the Niagara Official Plan as being within a Stone Resource Area. The applicant (Waterford Sand and Gravel) participated in pre-submission consultation and subsequently submitted an application to amend the Regional Official Plan, which was received on June 22, 2022. 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 Township of Wainfleet Official Plan were submitted and the application was deemed complete by Niagara Region on July 22, 2022.

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 22, 2022, and is therefore being processed under the policies of the 2014 ROP.

The site-specific policy to permit the Law Quarry expansion, site-specific maps, and all required updates to the schedules would be reflected in the new Niagara Official Plan.

DRAFT

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”. Only a portion of the Law Quarry expansion lands are within a “possible aggregate area”, and therefore a Regional Official Plan amendment is required.
- b) The Amendment was the subject of a Statutory Public Meeting held under the Planning Act, 1990 on February 7, 2024. 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 Township of Wainfleet Official Plan Amendment to be approved by Regional Council and the rezoning of the lands from Agriculture to Extractive Industrial to be approved. 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.

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 8.11.4 to the Township of Wainfleet site specific policies in Chapter 8 to permit the Law Quarry expansion:

Notwithstanding other policies in this Plan, a mineral aggregate operation (quarry) and ancillary uses and facilities are permitted west of the existing licensed area on an approximately 72.3 hectare site located on the lands bounded by Highway 3 to the south, Graybiel Road to the West, and the Wainfleet Bog to the north, on lands described as Part of Lots 6 & 7, Concession 2, Part of Road Allowance between Lots 5 & 6, Concession 2 (Geographic Township of Wainfleet).

The entirety of the total site area, 72.3 hectares, is proposed to be licensed under the Aggregate Resources Act of which 51.2 hectares is proposed to be extracted. The operation of the mineral aggregate operation 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 8.11.4 showing the subject lands as follows:



Schedule Changes:

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