

Subject: Recommendation Report – Approval of Regional Official Plan Amendment and Approval of Local Official Plan Amendment, Law Quarry Extension

Report to: Planning and Economic Development Committee

Report date: Wednesday, September 11, 2024

Recommendations

1. That Regional Official Plan Amendment, Law Quarry Extension **BE APPROVED** (attached as Appendix 2 to Report PDS 23-2024);
2. That Township of Wainfleet Official Plan Amendment No. 4 **BE APPROVED** (attached as Appendix 3 to Report PDS 23-2024);
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 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 licencing process under the Aggregate Resources Act; and
5. That Report PDS 23-2024 **BE CIRCULATED** to the Township of Wainfleet and Niagara Peninsula Conservation Authority (NPCA).

Key Facts

- The purpose of this report is to provide a recommendation for approval of Regional Official Plan Amendment (ROPA), Law Quarry Extension and Township of Wainfleet Official Plan Amendment No. 4 (LOPA No. 4).
- On behalf of Waterford Sand and Gravel Ltd. (Waterford), MHBC submitted an application for a ROPA to permit the westward expansion of the existing Law Quarry operation located on Highway #3 in the Township of Wainfleet. A Location Map is included as Appendix 1.
- In addition to the ROPA, applications were also submitted to amend the Township of Wainfleet Official Plan and Zoning By-Law. The applications were reviewed concurrently by Region and Township Planning staff. Regional Council is the approval authority for the Township of Wainfleet Official Plan Amendment (LOPA).

- A Statutory Public Meeting for the ROPA was held in accordance with the requirements of the Planning Act on February 7, 2024. All comments received on this matter have been reviewed and considered in staff's recommendation.
- Region staff together with the Township of Wainfleet and the 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. In addition, 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 the 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 analysis generated estimates for employment (direct and indirect), municipal tax revenues and licence fees, transportation and provincial revenues for education. Key conclusions of the study included:

- Annual revenue (Aggregate Fees and Property Taxes) of \$82,987 for the Township of Wainfleet and \$28,530 for Niagara Region over a period of 38 years
- Creation of direct and indirect employment (temporary during the site preparation and ongoing for quarry operations and trucking as well as employment for monitoring and archaeological clearances)
- Indirect benefits from close to market supply reducing transportation costs of aggregate, and provincial taxes generated from the project.

Analysis

Background

An application for a ROPA to permit the westward extension of the existing Law Quarry operation in the Township of Wainfleet was submitted by Waterford Sand and Gravel Ltd. (Waterford) on June 22, 2022. The application was deemed complete on July 22, 2022. A Joint Agency Review Team (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 July 2022 through the spring of 2024. A Statutory Public Meeting for the ROPA was held in accordance with the requirements of the Planning Act on February 7, 2024. A complete chronology of the submission and review process is included as Section 6.1 of the JART Report (Appendix 4).

The proposed quarry extension is located immediately to the west of Waterford's existing Law Quarry on Highway #3 in the Township of Wainfleet. The extension lands include Part of Lots 6 and 7, Concession 2, and Part of the Road Allowance between Lots 5 and 6, Concession 2. A site location map is included as Appendix 1.

Decision of Local Council

In addition to being the approval authority for the ROPA, Regional Council is also the approval authority for the Local Official Plan Amendment (LOPA).

The Township of Wainfleet held a Statutory Public Meeting for the LOPA and Zoning By-Law Amendment (ZBLA) applications on February 20, 2024.

On July 9, 2024, Township Planning staff presented a report to Township Council recommending approval of LOPA No. 4 and the ZBLA. Township Council voted to adopt the LOPA including a recommendation "that Township Council requests that the Niagara Region Council approve Official Plan Amendment 04 for the Township of Wainfleet." The Township of Wainfleet Council adopted LOPA No. 4 is included as Appendix 3 to this report.

Township Council is the approval authority for the associated ZBLA, which was approved on July 9, 2024, on the condition the ROPA and LOPA being approved. The ZBLA does not require Regional approval.

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 Law Quarry Extension ROPA application was deemed complete on July 22, 2022, 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 entirety of the Law Quarry Extension lands are not identified on Schedule D4 as a “Possible Aggregate Area”. The staff recommended ROPA is included as Appendix 2 to this report.

Aggregate Resources Act

Waterford has also filed an application for a Quarry Below Water - Class A Licence to the Ministry of Natural Resources (MNR) 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 the applicant and MNR 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 MNR 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 Law Quarry extension applications, Region staff together with the Township of Wainfleet and the Niagara Peninsula Conservation Authority (NPCA) established a JART. The members of the JART worked together with

the technical peer review consultants and Aggregate Advisor 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 did not make 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 methodology and technical content;
- coordinate the review of the studies and work of the applicant either by internal technical staff or by external peer reviewers;
- ensure a coordinated public and interest holder 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 Township 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.

Planning Framework

The ROPA is proposing to add a site-specific policy and map to permit the proposed quarry expansion. Schedule H of the NOP is proposed to be updated to show the site as “Licenced Aggregate Operation”. The complete extent of the proposed ROPA is included as part Appendix 2. 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 known deposits of mineral aggregate resources and existing mineral aggregate operations. The PPS, 2020 establishes the policy framework that must be met for applications for new mineral aggregate operations.

While Section 2.5 (Mineral Aggregate Resources) of the PPS, 2020 is the primary section regarding aggregate resources, it is important to note that the policies of the PPS, 2020 are to be read in their entirety and applied and the relevant policies are to be applied to each situation.

The Growth Plan, 2020, builds upon the policy framework provided by the PPS, 2020 and provides more specific land use planning policies to address issues facing the Greater Golden Horseshoe (GGH) 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 to the Growth Plan, 2020.

Consideration of Key Issues

Several key issues were identified through the application process. These issues were subsequently resolved as part of the iterative commenting and resubmission process. A complete discussion on key issues is included as Section 7 of the JART Report (Appendix 4). A summary is as follows:

Long-term Protection of Archaeological Resources

Through the pre-consultation process Waterford and their consulting team advised that the long-term protection of archeological resources was to be a major component of the application and review process. Stage 1 and 2 Archaeological Assessments were identified as requirements in support of a complete application.

The Stage 1 and 2 Archaeological Assessments confirmed the presence of 34 Indigenous lithic or historical Euro-Canadian sites that were determined to require further Stage 3 and possible Stage 4 Archaeological Assessments. At the time of initial submission the proposed site design included the avoidance and permanent protection of several clusters of archaeological sites which, by virtue of the proposed below water extraction, would become “islands” within the rehabilitated quarry footprint.

Upon first review by the JART, it was noted that this was a unique mitigation plan. It was determined that discussions with representatives from the Provincial Ministry of Citizenship and Multiculturalism (MCM) would be required to better understand the Province’s position on the proposed approach. The JART needed to ensure that the proposed “islands” and other proposed mitigation and monitoring was acceptable to

MCM, in order to confirm that the Provincial and municipal land use planning policies related to the long-term conservation of archaeological resources could be satisfied.

A meeting was held with MCM staff and JART members on October 30, 2023. Based on discussions with MCM, it was confirmed the proposal to protect archaeological sites that would eventually become nearly inaccessible was unique. MCM advised that the review of the applications was ongoing and that additional information would be provided at a later date. In April 2024, MCM provided two separate clearance letters related to the completed and proposed archeological work on the site. The letters indicated that the work completed to date and proposed mitigation measures (subject to several conditions) was acceptable. Based on these clearance letters it could be concluded by the Region and Township that the provincial and municipal land use planning requirements could be satisfied.

Partial Closure and Conveyance of Biederman Road

Biederman Road is between the existing Law Quarry and the proposed extension area. The first submission of the Planning Act applications included the road right-of-way in the proposed extraction area. However, at that time, the road was still owned by the Township and no formal offer for purchase had been made by the applicant.

The 1st JART comment letter advised that ownership of the road right-of-way was a major technical issue of the proposal and needed to be resolved prior to the application continuing to be processed. An offer to purchase a portion of the Biederman Road allowance was submitted to the Township of Wainfleet by Waterford in the spring of 2023. Subsequently, a legal survey, appraisal report, and offer to purchase was also submitted to the Township.

On June 11, 2024 Township Council passed By-law No. 026-2024 authorizing the stopping up, closing and conveyance of a portion of Biederman Road. Township staff are working with their solicitor to finalize the Agreement of Purchase and Sale of the road allowance that will form part of the extension area in the ARA and Planning Act applications.

Proximity to Wainfleet Bog

The Wainfleet Bog Provincially Significant Wetland (PSW) is located to the north of the proposed quarry. The boundary of the PSW was confirmed in the field with staff from the Ministry of Natural Resources in 2018. Given the size and ecological sensitivity of

the bog, ensuring that it would not be negatively impacted by the application was a priority of the review process.

The PSW bounded on its south edge by the Onondaga Escarpment and underlain by approximately 25 metres of low permeability clay. Previous studies have indicated that the existing quarry has minimal effect on the Bog due to the aquitard function of the clay.

As shown on the Rehabilitation Page of the ARA Site Plan drawings, surface water from the rehabilitated areas of the site will flow towards the rehabilitated lake area and not overland towards the Wainfleet Bog. As outlined in the Water Report, there will be no hydrogeological connection between the quarry lake and the Bog to the north. Therefore, the water quality in the quarry lake will have no impact on water resources in the Bog.

The analysis submitted in support of the application concluded no negative impact on the ecological function of the Bog. A 30 metre setback is included from the limit of the PSW. Through the peer review process, additional notes have been incorporated into the ARA Site Plans that require exclusion fencing along the north limit of the licensed area to prevent turtles and other wetland-dwelling wildlife from entering the extraction area.

Groundwater Quality and Quantity

During the Region's Statutory Public Meeting on February 7th, 2024, there were questions raised regarding the protection of groundwater resources and the predicted impacts from the proposed quarry extension. Region Planning staff advised that an expanded discussion on groundwater would be included as part of the JART and staff recommendation report. The JART connected with the applicant and their hydrogeologist and provide the following additional information:

The South Niagara Aquifer – what is it?

The 'South Niagara Aquifer' is the informal term used to refer to the broad carbonate bedrock plain with thin soil cover south of the Onondaga Escarpment along the shore of Lake Erie. The Niagara Peninsula Source Protection Area Updated Assessment Report refers to this area as the "Onondaga Formation bedrock water supply aquifer" and the applicants' water resources report refers to this area as the "shallow bedrock aquifer". Like many areas with thin soil cover in southern Ontario, this aquifer responds rapidly to

infiltration from rain and snow melt but is therefore also susceptible to impacts from urbanization, agricultural runoff, and other forms of development and land-use.

Analysis that was completed in support of the application

In support of the application, Waterford was required to prepare a Level 1 and 2 Water Resources Study. The water study was required to consider both surface water and groundwater (hydrogeology). The hydrogeological study methodology is outlined in Section 1.6 of the report. It included a water well survey of all properties within a 1 kilometre radius of the site, a drilling program with monitoring well installations in the shallow and deep bedrock aquifers, a hydraulic testing program to estimate the properties of the bedrock, continuous groundwater and surface water monitoring with data loggers, and the construction of a groundwater flow model to simulate baseline conditions and to make predictions regarding potential impacts from the proposed dewatering.

Predicted impacts of the proposed quarry extension

Section 3 of the Water Resources Study is the impact assessment for the proposed quarry extension. In summary, there is minimal impact predicted in the shallow bedrock aquifer which some residents use as a source of drinking water. Greater drawdown is predicted within the deep bedrock aquifer where poor quality (i.e., sulfurous) water exists. These predictions are further supported by the fact that the existing Law Quarry has been continuously dewatered for nearly 100 years with no known interference to local residential wells.

Proposed mitigation measures

The proposed mitigation measures are provided in Section 4 of the water study. In summary they include a long-term groundwater monitoring program, a quarry dewatering management plan, a well interference mitigation plan, and a spills contingency program. All of the mitigation measures will be enforceable as conditions of a future license under the Aggregate Resources Act.

Long-term monitoring

A long-term groundwater monitoring program is provided in Table 1 and Figure 18 of the water study. The program includes a network of 27 monitoring wells and 2 private wells, all of which are equipped with dataloggers for continuous automatic water level monitoring. Results and analysis will be documented in annual reports prepared in

accordance with the site's permit-to-take-water (PTTW) and Environmental Compliance Approval (ECA) submitted to the Ministry of the Environment Conservation and Parks.

Public and Agency Consultation

Opportunities for public consultation on the proposed Law Quarry extension were available through both the Aggregate Resources Act (ARA) and Planning Act processes. The public consultation program included public information sessions as required by the Aggregate Resources Act and Statutory Public Meetings as required by the Planning Act.

- November 24, 2022 - ARA Public Information Session
- February 7, 2024 - Statutory Planning Act Public Meeting, Region of Niagara
- February 20, 2024 - Statutory Planning Act Public Meeting, Township of Wainfleet

In addition to the public meetings, written comments were also accepted through the entirety of the application and review process. Appendix D of the JART Report (Appendix 4) includes a copy of all public comments received. Section 8.3 of the JART Report summarizes comments received as well as the responses prepared by the JART.

Planning Analysis and Staff Recommendation

Region staff have reviewed the ROPA application and LOPA No. 4 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). An overview of this policy analysis is included below:

Planning Act – Matters of Provincial Interest:

The policy framework for managing aggregate resources 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 Law Quarry extension proposal has regards to matters of Provincial interest in Section 2 a, b, c, d, h, k, l, m, n, o, p, q, and s as follows:

- The Wainfleet Bog PSW and Significant Woodland features to the north of the property are excluded from the limits of extraction and protected with a 30 metre buffer. Significant Wildlife Habitat (SWH) has been identified through the study

process and excluded. Two Species-at-Risk (SAR) have been identified. There are conditions in the ARA Site Plans requiring a setback from the SAR until the appropriate provincial permits are obtained.

- Mineral aggregate extraction is a permitted use on agricultural lands. The lands are not within a prime agricultural area.
- 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. There are several “islands” which will conserve identified archaeological resources for the long term. The site plan notes require additional archaeological assessments prior to disturbance of the land for other identified resources. Clearance letters related to the archaeological assessments and archaeological mitigation plans have been received from the provincial MCM.
- Ensuring the continuation of a source of local aggregate material supports a range of growth, development, 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 study was submitted. No negative financial impacts are anticipated to the Province, Region, or Township.
- The review of the application was coordinated by a JART consisting of Region, Township, and NPCA staff.
- 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 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 No. 4 are consistent with the policies of the PPS and conform to the Growth Plan and ROP, 2014 based on the following:

- The proposed extension will allow the Law Quarry 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, and noise, air quality, and blasting studies 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 Township of Wainfleet staff.

Archaeology:

There are archaeological resources specific policies in the PPS, 2020 (Section 2.6.2), Growth Plan, 2020 (Section 4.2.7) and ROP, 2014 (Section 10.C.2.1). The application and LOPA No. 4 are consistent with the policies of the PPS and conform to the Growth Plan, 2020 and ROP, 2014 based on the following

- The definition of cultural heritage resources in the Growth Plan includes archaeological resources.
- The application was supported by archaeological assessments. There are several “islands” which will conserve identified archaeological resources for the long term. Clearance letters related to the archaeological assessments and archaeological mitigation plans have been received from MCM.
- The ARA Site Plan conditions require additional archaeological assessments prior to disturbance of the land for other identified resources.
- There is also the requirement for a 70 metre buffer (50 metre monitoring and 20 metre protection) and fencing around the areas of archaeological potential. This requirement is included as part of the ARA Site Plans.

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 No. 4 are consistent with the policies of the PPS, 2020 and conform to the Growth Plan, 2020 and ROP, 2014 based on the following:

- A Natural Environment Report / Environmental Impact Study (NER/EIS) 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 NER/EIS was peer reviewed.
- The Wainfleet Bog PSW is to the north of the site. The potential ecological and hydrologic impacts of the quarry were studied as part of the application process. No development or site alternation is proposed in the PSW. A minimum of a 30 metre setback is required as a condition of the ARA Site Plans.
- Significant Woodland has been identified coincident with the Wainfleet Bog PSW. Development and site alternation is not permitted and a 30 metre buffer is identified.
- There is a large area of Significant Wildlife Habitat (SWH) identified to the northwest of the site (Eastern Wood-peewee and Wood Thrush). Development and site alternation is not proposed within the identified SWH.
- Whip-Poor-Will and Spoon-Leaved Moss were both identified in the study area. Both are classified as “threatened” species. A 50 metre setback has been established, and there is a requirement to obtain any necessary permits through the Species-at-Risk Act before any development or site alternation can occur.
- No direct or indirect impacts to fish habitat have been identified.
- There are detailed requirements for sediment and erosion control on the ARA Site Plan drawings – especially as it relates to the protection of the Wainfleet Bog PSW to the north.
- The northern portion of the proposed Law Quarry extension is mapped as Growth Plan Natural Heritage System (GPNHS). The application has demonstrated conformance with the additional policies that apply related to mineral aggregate operations in the GPNHS.

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 No. 4 are consistent with the policies of the PPS, 2020 and conform to the Growth Plan, 2020 and ROP, 2014.

- A Level 1 and 2 Water Resources Study (groundwater & surface water) was submitted in support of the applications. Potential impacts to water resources are an

important consideration of both the Planning Act and Aggregate Resource Act processes. Additional information is provided above in regard to potential impacts to groundwater.

- The Water Resources Study was subject to technical peer reviews and concluded that the proposal is acceptable in regard to provincial and technical standards.
- 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 Water Resources Study.

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 No. 4 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 extension is adjacent to the existing Law Quarry operation the consideration of comprehensive rehabilitation was required. The post-use rehabilitation plan for both is a lake.
- 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.

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

In accordance with ROP, 2014, Policy 6.C.13, the entirety of the Law Quarry extension is not within 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" as identified in the ROP, 2014.
- iii. The ROPA was processed concurrently with a Township of Wainfleet 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. The Law Quarry extension will continue to use the existing point of access onto Highway #3, which is a Provincial road.
- 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.
- vii. Ontario Ministry of Farming, Agriculture and Agribusiness (formerly Ministry of Agriculture, Food and Rural Affairs) confirmed that a portion of the lands are prime agricultural lands but the lands are not within a prime agricultural area as defined by the PPS. A scoped Agricultural Impact Assessment was submitted in support of the application to satisfy the policies of the ROP.
- viii. In support of the application a FIA study was submitted. The stated purpose of the FIA is to demonstrate that the proposed quarry extension will have minimal negative financial, social, economic, and environmental impact on the Niagara Region, Township of Wainfleet 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 and conforms to the Growth Plan, 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 No. 4, 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 Township of Wainfleet LOPA No. 4, 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 No. 4. 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 No. 4, Council's decision could be appealed to the Ontario Land Tribunal (OLT).

Relationship to Council Strategic Priorities

The work of the JART and the coordinated review of the application supports Regional Council's Strategic Priority for an Effective Region ensuring improved service delivery through shared services.

Other Pertinent Reports

[PDS 22-2022 Initiation Report for Law Quarry Regional Official Plan Amendment](#)

(<https://pub-niagararegion.escribemeetings.com/Meeting.aspx?Id=42d6e096-a192-4622-825a-45baffa1f725&Agenda=Merged&lang=English&Item=17&Tab=attachments>)

[PDS 3-2024 Statutory Public Meeting for Regional Official Plan Amendment Application – Proposed Law Quarry Expansion, Township of Wainfleet](#)

(<https://pub-niagararegion.escribemeetings.com/Meeting.aspx?Id=9c807db4-a7c4-4d76-a5b6-fc2c85338b50&Agenda=Agenda&lang=English&Item=22&Tab=attachments>)

CWCD 2022-253 Notice of ARA Public Open House – Law Quarry Expansion (Available upon request)

Prepared by:

Sean Norman, PMP, MCIP, RPP
Senior Planner
Growth Strategy and Economic
Development

Recommended by:

Michelle Sergi, MCIP, RPP
Commissioner
Growth Strategy and Economic
Development

Submitted by:

Ron Tripp, P.Eng.
Chief Administrative Officer

This report was reviewed by Erik Acs, MCIP, RPP, Manager of Community Planning, Scott Crocco, Legal Counsel, and Angela Stea, MCIP, RPP, Director of Corporate Strategy and Community Sustainability.

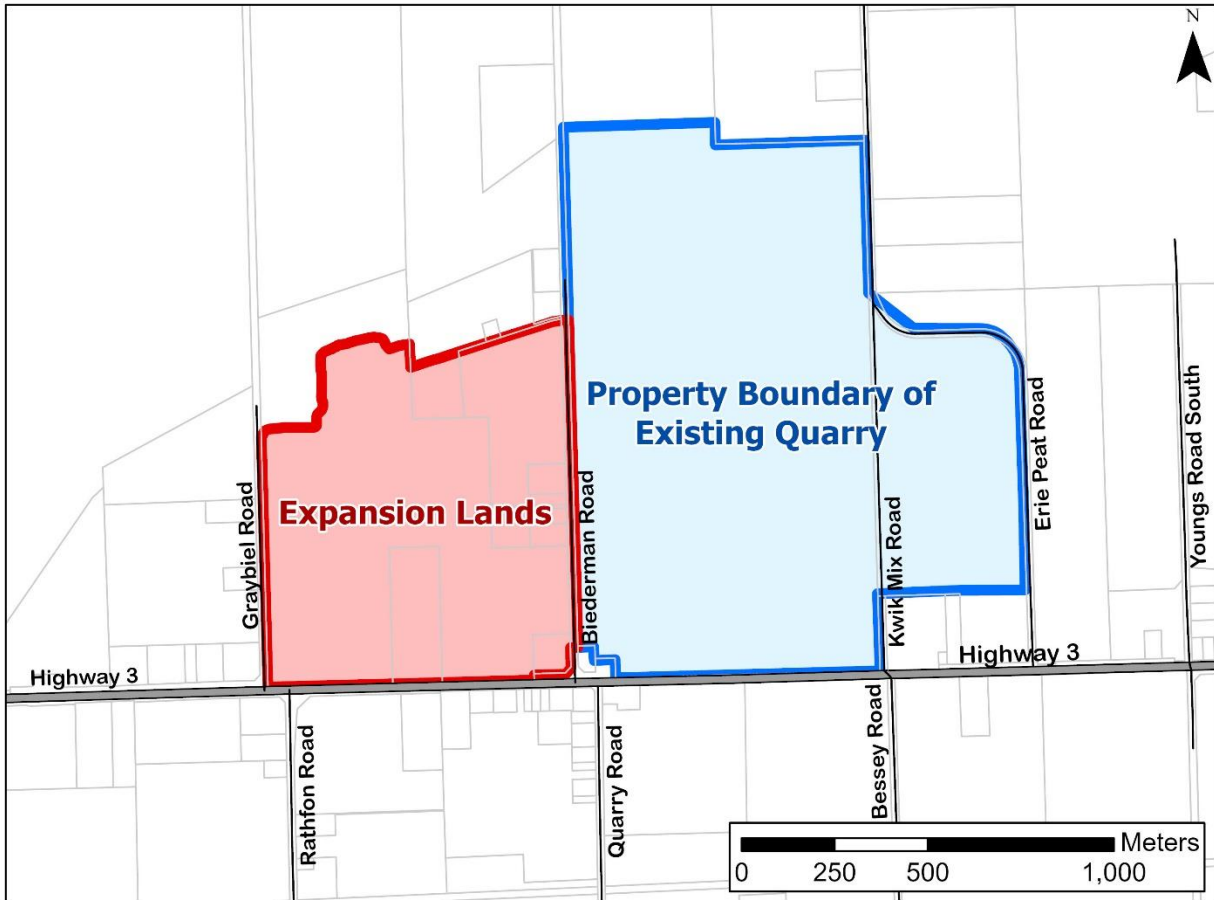
Appendices

- Appendix 1 Site Location Map
- Appendix 2 Regional Official Plan Amendment
- Appendix 3 Township of Wainfleet Official Plan Amendment No. 4
- Appendix 4 Joint Agency Review Team (JART) Report [available electronically]

- **[JART Report](#)**

(<https://www.niagararegion.ca/official-plan/pdf/ropa-22-0001/jart-report.pdf>)

Appendix 1
PDS 23-2024
Site Location Map
Proposed Law Quarry Extension
Township of Wainfleet



Amendment No. XX

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. XX.

- 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 XX 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 XX to the Official Plan of the Regional Municipality of Niagara.
- Part “C” – Does not constitute part of the Amendment. 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 extension of the existing Law Quarry in the Township of Wainfleet. The amendment will:

- add to Section 8.11 (Wainfleet Site Specific policies), a new site-specific policy to permit the quarry extension;
- add a site-specific location map to Chapter 8 following the new Policy 8.8.3 showing the subject lands; and
- add the subject lands on Schedule H – “Known Deposits of Mineral Aggregate Resources and Mineral Aggregate Operations” as “Licensed Aggregate Operations”.

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 reviewed under the policies of the 2014 ROP.

The site-specific policy to permit the Law Quarry extension, site-specific map, and all required updates to the schedules 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”. Only a portion of the Law Quarry extension 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 adopted Township of Wainfleet Official Plan Amendment to be approved by Regional Council and the rezoning of the lands to take effect. The rezoning of the lands will allow the Minister of Natural Resources to make a decision on the quarry licence under the Aggregate Resources Act.
- f) Based on the Region’s review of the Planning Act, 1990, the Provincial Policy Statement (2020), the Growth Plan for the Greater Golden Horseshoe (2020), the Regional Official Plan (2014), and public and agency consultation, Regional staff is of the opinion that the Amendment has appropriate regard for matters of Provincial Interest as set out in S. 2 of the Planning Act; is consistent with the Provincial Policy Statement; conforms, or does not conflict, with Provincial Plans; conforms to the intent of the Regional Official Plan; 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 XX

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 8.11.3 to the Township of Wainfleet site specific policies in Chapter 8 to permit the Law Quarry extension:

Notwithstanding any other policy 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.

2. A site-specific location map will be added to Chapter 8 following the new Policy 8.11.3 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.

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

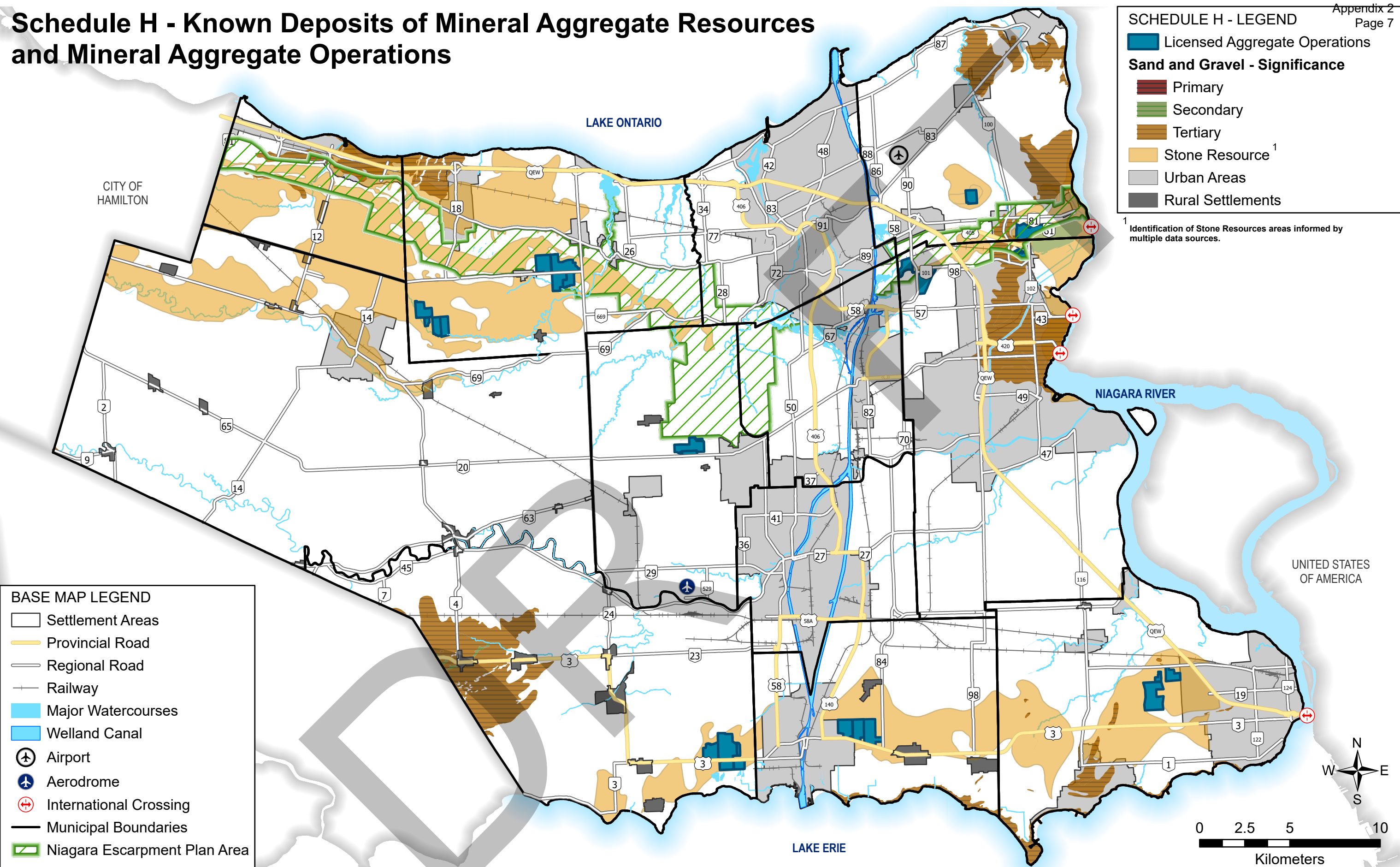
SCHEDULE H - LEGEND

- Licensed Aggregate Operations
- Sand and Gravel - Significance**
 - Primary
 - Secondary
 - Tertiary
- Stone Resource ¹
- 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



**CORPORATION OF THE
TOWNSHIP OF WAINFLEET
BY-LAW NO. 030-2024**

Being a by-law to adopt Amendment No. 04 to the Official Plan for the Township of Wainfleet with respect to those lands forming Part of Lots 6 & 7, Concession 2 and Part of Road Allowance Between Lots 5 & 6, Concession 2, Township of Wainfleet, Region of Niagara.

WHEREAS the Planning Act, R.S.O. 1990, c.P.13, as amended, authorizes the Township of Wainfleet to pass by-laws for the adoption or repeal of Official Plans and amendments thereto;

AND WHEREAS it is deemed expedient to further amend the Official Plan, adopted by Council of the Corporation of the Township of Wainfleet Planning Area;

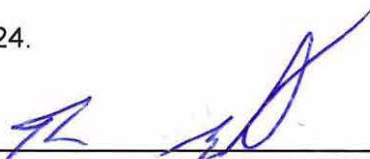
NOW THEREFORE the Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS AS FOLLOWS:**

THAT Amendment No. 04 to the Township of Wainfleet Official Plan, consisting of the attached map and explanatory text is hereby adopted.

THAT the Clerk of the Township of Wainfleet is hereby authorized and directed to forward the adopted Official Plan Amendment No. 04 to the Regional Municipality of Niagara for final approval of the aforementioned amendment to the Official Plan for the Wainfleet Planning Area.

THAT this By-law shall come into force, take effect upon the final approval of Official Plan Amendment No. 04 by the Council of the Regional Municipality of Niagara.

BY-LAW READ AND PASSED THIS 9TH DAY OF JULY, 2024.



B. Grant, MAYOR



A. Chrastina, DEPUTY CLERK

Amendment No. 04 to the Township of Wainfleet Official Plan

<p>Purpose and Effect</p>	<p>The purpose of this Official Plan Amendment is to amend Schedule B of the Township of Wainfleet Official Plan to redesignate the lands, as described below and shown on Schedule "A" attached to this Amendment from "Rural Area, Possible Extractive Industrial and Environmental Protection Area" to "Extractive Industrial" to support the approval of the Law Quarry Expansion.</p>
<p>Location:</p>	<p>Part of Lots 6 & 7, Concession 2 and Part of Road Allowance Between Lots 5 & 6, Concession 2 (geographic Township of Wainfleet), Township of Wainfleet, Region of Niagara.</p>
<p>Basis:</p>	<p>a) The Amendment was the subject of a Public Meeting held under the Planning Act, 1990 on February 20, 2024. Public and agency comments were addressed as part of the preparation of this Amendment.</p> <p>b) The Amendment will allow for the proper management of an identified provincial source of high-quality aggregate resources. The Amendment will support 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. The Amendment will also support the Council of the Township of Wainfleet to make a decision on the concurrent zoning by-law amendment application and subsequently allow the Minister of Natural Resources and Forestry to make a decision to issue a quarry license under the Aggregate Resources Act.</p> <p>c) Based on the Townships review of the Planning Act, 1990, the Provincial Policy Statement (2020), the Growth Plan (2020) the Regional Official Plan, the Township Official Plan and public and agency consultation, Township staff are of the opinion that the Amendment is consistent with the Provincial Policy Statement, is in conformity and does not conflict with the Provincial Plans that are in effect, is in conformity with Provincial, Regional and Local policies and represents good planning.</p>
<p>Amendment:</p>	<p>Schedule B of the Township of Wainfleet Official Plan is hereby amended by redesignating the subject lands from "Rural Area, Possible Extractive Industrial and Environmental Protection</p>

	Area” to “Extractive Industrial” as shown in Schedule A to this Official Plan Amendment.
Implementation:	This Official Plan Amendment shall be implemented in accordance with Section 8, Implementation of the Official Plan of the Township of Wainfleet and an amendment to the Township’s zoning by-law to rezone the subject lands.
Interpretation:	This Official Plan Amendment shall be interpreted in accordance with Section 1.5, Interpretation of the Official Plan of the Township of Wainfleet.

SCHEDULE "A" to Official Plan Amendment No. 04

MAP OF SUBJECT LANDS

