
Subject: Overview of Regional Involvement in Port Colborne Quarry Proposal

Report to: Planning and Economic Development Committee

Report date: Wednesday, March 11, 2020

Recommendations

1. That Report PDS 8-2020 **BE RECEIVED** for information

Key Facts

- The purpose of this report is to respond to a request for information that was made at the Planning and Economic Development Committee meeting on January 15, 2020.
- Information was requested regarding the Region's involvement in the Port Colborne Quarry proposal and any action taken as part of the Region's obligations under Provincial policies.

Financial Considerations

The cost associated with preparing this report were accommodated within the Planning and Development Services 2020 Operating Budget.

Analysis

At the Planning and Economic Development Committee on January 15, 2020, Council requested information: *"respecting how much the Region has been engaged in the Port Colborne quarry proposal and any action taken as part of the Region's obligations under Provincial policies"*.

To date, Region staff's involvement has included providing information, advice, and formal comments related to a range of issues including:

1. Long-term planning/redevelopment of the quarry lands
2. Interpretation of aggregate definitions and policies
3. A provincial ANSI designation
4. The City of Port Colborne Site Alteration By-Law

5. The role of Regional Public Health in the protection of private drinking water systems
6. Source water protection planning
7. The implementation of O. Reg. 153/04
8. The identification of a water resource system in the new Niagara Official Plan

1. Long-Term Planning / Redevelopment of the Quarry Lands

Region planning staff have participated in periodic discussions over the past several years regarding the long-term redevelopment of the Port Colborne Quarry lands. This has included the potential for employment uses in the area and the need to ensure an appropriate interaction with surrounding land uses. Region planning staff provided comments on a proposed zoning by-law amendment and official plan amendment in December 2016. Discussions have included Port Colborne planning staff as well as the owner of the quarry lands. The position of Region planning staff continues to be that a secondary planning process would be the appropriate mechanism to ensure the development of a long-term comprehensive plan. To support the secondary planning process a range of environmental and water resource studies could potentially be required.

2. Interpretation of Aggregate Definitions and Policy

In March 2019, Region planning staff were contacted by planning staff at the City of Port Colborne to provide support in the interpretation of aggregate definitions and policy as it related to the City's zoning by-law and the Port Colborne Quarry Lands.

As the definitions were the implementation of provincial policy and direction, Region planning staff reached out to the Ministry and Municipal Affairs and Housing (MMAH) for support. A clarification on the definition was provided to the City as requested.

3. Provincial ANSI Designation

In March 2019, Region planning staff were contacted by planning staff at the City of Port Colborne regarding a provincially-identified ANSI (area of natural and scientific interest) within Pit 1 of the Port Colborne quarry.

Region planning staff completed research into the matter which lead to contacting staff at several provincial ministries, including the Senior Conservation Geologist at the

Province. The original earth science inventory checklist from 1980 was provided to Port Colborne planning staff to provide the requested information.

4. City of Port Colborne Site Alteration By-Law

The Municipal Act identifies that the preparation and implementation of Site Alteration By-Laws are a local responsibility. It is Region planning staff's understanding that a site alteration permit application has been made to the City for the Pit 1 lands. The Ministry of Environment, Conservation, and Parks (MECP) provided comments related to that application. It is Region staff's understanding that discussion around this site alteration permit have triggered the City to consider updates to its Site Alteration By-Law. It is our understanding that a site alteration permit has not been granted, and that the City has not yet passed a new by-law.

The Region does not have a Site Alteration By-Law. Because the proposed filling of Pit 1 does not require Planning Act approval, the policies of the Regional Official Plan are not triggered.

5. Role of Regional Public Health in the Protection of Private Drinking Water

Over the course of mid-2019, Niagara Region Public Health received several inquiries regarding the role of the department in the protection of groundwater as it related to private drinking water wells (in reference to the proposed filling of Pit 1). There were inquiries from both local residents and Councillors. It was advised that Niagara Region Public Health did not have a role in permitting and would only become involved if a contamination of groundwater was detected. Niagara Region Public Health will continue to provide support if there are questions on any potential health impacts.

6. Source Water Protection Planning

Source water protection is a process for the protection of municipal drinking water sources (i.e. not individual private wells). In Niagara, all municipal drinking water is lake-based. In November 2019, Region planning staff met with Councillor Butters regarding the protection of drinking water in south Niagara. As a follow-up to that meeting, Region planning staff had a detailed discussion with Source Water Protection Coordinator (an NPCA staff person) to learn more. Councillor Butters was provided follow-up information and a point of contact for the source water protection program.

7. O. Reg. 153/04 – Environmental Protection Act: Records of Site Condition

In March 2019, Region planning staff had discussions with staff at the Ministry of Environment, Conservation, and Parks (MECP) regarding O. Reg 153/04 as it pertains to the proposed filling of Pit 1. At that time it was confirmed by MECP that O. Reg. 153/04 only applies if there is a change to a more sensitive use, which is not being triggered by the proposed filling of Pit 1. MECP staff advised that the Excess Soil Best Management Practices document should be followed, and that land owners need to ensure that filling does not cause adverse effects.

8. The New Niagara Official Plan

A relatively new direction from the Province is the requirement for Municipalities to identify and protect a water resource system. A water resource system, including groundwater resources will be identified in the new Niagara Official Plan. Over the past several months Region planning staff have had numerous discussion with Councillors and members of the public regarding ground water resources in south Niagara. This has included discussions at PEDC, public information centres, and other events attended by Region planning staff.

Alternatives Reviewed

Not applicable – this report is in response to a request for information

Other Pertinent Reports

None

Prepared by:

Sean Norman, PMP, MCIP, RPP
Senior Planner
Planning and Development Services

Recommended by:

Rino Mostacci, MCIP, RPP
Commissioner
Planning and Development Services

Submitted by:

Ron Tripp, P.Eng.
Acting, Chief Administrative Officer

This report was prepared in consultation with Erik Acs, MCIP, RPP, Manager, Community Planning, Pat Busnello, MCIP, RPP, Manager, Development Planning, Phill Lambert, P. Eng, Director, Infrastructure Planning & Development Engineering, and Anthony Habjan, MEd, B.A.,B.A.Sc., C.P.H.I.(C), Manager Environmental Health, and reviewed by Doug Giles, Director, Community and Long Range Planning.