



**Subject: Recommendation Report for Official Plan and Zoning By-law Amendment – Port Colborne Quarries Pit 3 Expansion – Files: D09-02-21 & D14-09-21**

**To: Council**

**From: Development and Legislative Services Department**

Report Number: 2023-229

Meeting Date: November 14, 2023

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**Recommendation:**

That Development and Legislative Services Department – Planning Division Report 2023-229 be received; and

That the Official Plan Amendment attached as Appendix A of Planning Division Report 2023-229 be approved; and

That Council direct staff to circulate a copy of Report 2023-229 to the Niagara Region advising of its adoption of Official Plan Amendment 13; and

That City Council requests that the Niagara Region Council approve Official Plan Amendment 13 for the City of Port Colborne; and

That the Zoning By-law Amendment attached as Appendix B of Planning Division Report 2023-229 be approved, rezoning the lands from Agricultural to MAO-75; and

That Council require no further public notice in accordance with Section 34(17) of the Planning Act; and

That the City Clerk be directed to issue the Notices of Adoption and Passing in accordance with the *Planning Act*.

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**Purpose:**

The purpose of this report is to provide Council with a recommendation regarding applications submitted by David Sisco of IBI/Arcadis Group on behalf of the owner, Port Colborne Quarries Inc. for a proposed Official Plan Amendment and Zoning By-law Amendment to facilitate the expansion of the existing Pit 3 lands.

## **Background:**

### **Applications**

The City of Port Colborne (the “City”) received applications for the proposed Official Plan and Zoning By-law Amendments on March 17, 2021. The applications were deemed complete on July 8, 2021. A public open house was held jointly with the Niagara Region (the “Region”) on September 9, 2021, to hear comments from interested members of the public. Port Colborne Quarries Inc. (“PCQ”) is represented by their authorized agent, David Sisco of IBI/Arcadis Group (the “applicant”).

A statutory public meeting was held by the City on March 7, 2023, to hear further comments from members of the public and City Council. The Region held a statutory public meeting for the Regional Official Plan Amendment (“ROPA”) the following day on March 8, 2023.

The application for the Official Plan Amendment (“OPA”) proposes to change the designation of the subject lands from Agricultural to Mineral Aggregate Operation. The application also proposes to add a Special Policy Area to permit the proposed expansion of the quarry.

The application for the Zoning By-law Amendment (“ZBA”) proposes to change the zoning of the subject lands from Agricultural (“A”) to Mineral Aggregate Operation (“MAO”), as well as reduce the minimum setback from a Provincial Highway from 90 metres to 30 metres.

### **Location**

The lands subject to the applications are located immediately adjacent to the existing PCQ operation to the west along Highway 3. Legally, the lands are described as Part of Lot 17, 18, 19, Concession 2, and located on the north side of Main Street East/Highway 3, south of Second Concession Road, and west of Miller Road. The total area to be licensed is 100.2 hectares, of which 68.7 hectares is proposed to be extracted. The remaining lands not subject to extraction have been included within the licensed boundary to ensure applicable environmental conditions and mitigation measures will be maintained. The lands subject to the applications (in red) are shown below (figure 1).



Figure 1 Subject Lands

## Associated Applications

In addition to the Local OPA and ZBA, the applicant has also submitted a complete application for a ROPA to the Region to permit the proposed quarry expansion. As referenced above, a separate statutory public meeting for the ROPA application was held at the Regional Planning and Economic Development Committee on March 8, 2023.

The applicant has also applied for a Category 2 (Below Water Quarry) – Class A Licence to the Ministry of Natural Resources and Forestry (MNRF) under the *Aggregate Resources Act* (ARA). The ARA application process includes a separate public consultation and notification process. The comments and objections submitted to the City with respect to the Planning Act applications, along with this report have also been submitted to the MNRF referencing the ARA application,

## JART Process

To coordinate the technical review of the applications - a Joint Agency Review Team (JART) was formed. The JART is a team of planning staff from the Region, the City, and the Niagara Peninsula Conservation Authority (NPCA). The purpose of the JART is to share information, resources, and expertise so that the applications and the associated studies are reviewed in a streamlined and coordinated manner. Staff from applicable provincial ministries have been engaged through the JART process as well.

The JART does not make a recommendation on the application, rather the JART works to:

- ensure that the required range of studies and work is completed by the applicant;
- ensure that the studies are sufficient in terms of their technical content;
- 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 are complete.

The JART report attached as Appendix C has been prepared by the JART's Aggregate Advisor, Melanie Horton of Esher Planning Inc. The report summarizes the background work, analysis, and findings of the JART's review of the application and associated materials.

### **Materials Submitted in Support of the Applications**

In support of the applications, the applicant has provided numerous technical studies and reports. The Region, on behalf of the JART has retained an Aggregate Advisor and several third-party peer reviewers to assist with the review of many of the technical studies.

In addition to the technical studies/reports, the ARA Site Plans have been reviewed by the JART through the application process. If approved, the ARA Site Plans are the primary tool used by the Province to enforce the conditions and other aspects of the quarry's ongoing operations. The mitigation measures and recommendations of each of the technical studies/reports are included as part of the Site Plans and/or associated Site Plan Notes. Once/if the application is approved under the ARA, the enforcement of the quarry's operation remains with the province.

An index of all materials submitted to date has been attached as Appendix D. The materials can be accessed via the Port Colborne Quarries website at [www.portcolbornequarries.ca](http://www.portcolbornequarries.ca).

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### **Discussion:**

These applications have been reviewed with consideration of applicable policies under the *Provincial Policy Statement (2020)*, *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)*, the *Regional Official Plan (2014)*, the *City of Port Colborne Official Plan* and the *City of Port Colborne Comprehensive Zoning By-law 6575/30/18*.

## Provincial Policy Statement (2020)

The *Provincial Policy Statement* (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS 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 is the predominant section the applications are evaluated against, it is important to note that the policies of the PPS are to be read in their entirety and applied on a situational basis. The relevant PPS policies have been analyzed below.

Section 1.6.8 of the PPS sets out the policies for protection of transportation and infrastructure corridors. With respect to transportation corridors, the policies require that developments shall not negatively affect the use of the corridor for the purpose for which it was identified. As Highway 3 is a Provincial Highway, the Ministry of Transportation (MTO) has been involved in the application review. The MTO has not raised any concerns with respect to the proposed quarry's location in relation to their highway corridor. Typically, developments are required to maintain a minimum of a 14m setback from MTO right-of-way. The Pit 3 expansion is proposed to be setback a minimum of 30m to the MTO right-of-way, which exceeds the minimum setback as established by the MTO for any potential highway upgrades.

Section 1.7 of the PPS states the following with respect to long-term economic prosperity (Note: only the relevant policies have been included below):

*Long-term economic prosperity should be supported by:*

- a) promoting opportunities for economic development and community investment-readiness;*
- c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;*
- e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;*
- i) sustaining and enhancing the viability of the agricultural system through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the agrifood network;*

The above policies have been satisfied through the numerous technical reports and studies. Specifically, the Financial Impact Assessment and Economic Benefits report was reviewed internally by the City Treasurer to confirm that the proposal will benefit the City financially, through new tax assessment, and aggregate levies. The proposal

optimizes the long-term availability of the aggregate resources, which will be integral for Port Colborne and the Region's expected growth potential, being as close to market as possible. The proposed quarry will help maintain Niagara stone reserves to ensure this close proximity to market is maintained. The Archaeological Assessments and Cultural Heritage Screening Report have identified cultural and heritage resources within the study area. The studies conclude with recommendations for additional work to be undertaken in certain areas prior to extraction. The proposal will mitigate and conserve any cultural heritage, or archaeological resources through the recommendations of the final archaeological work. The impacts on the agricultural system will be further analyzed through sections 2.3 and 2.5 below. The PPS provides limited opportunities for non-agricultural uses in prime agricultural areas. Mineral aggregate extraction is recognized as a non-agricultural use that is permitted to be located within an agricultural area.

Section 2.1 of the PPS provides policies relating to the protection of Natural Heritage features as follows:

*2.1.1 Natural features and areas shall be protected for the long term.*

*2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.*

*2.1.3 Natural heritage systems shall be identified in Ecoregions 6E & 7E, recognizing that natural heritage systems will vary in size and form in settlement areas, rural areas, and prime agricultural areas.*

*2.1.4 Development and site alteration shall not be permitted in:*

- a) significant wetlands in Ecoregions 5E, 6E and 7E; and*
- b) significant coastal wetlands.*

*2.1.5 Development and site alteration shall not be permitted in:*

- a) significant wetlands in the Canadian Shield north of Ecoregions 5E, 6E and 7E;*
- b) significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River);*
- c) significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River);*
- d) significant wildlife habitat;*
- e) significant areas of natural and scientific interest; and*

*f) coastal wetlands in Ecoregions 5E, 6E and 7E that are not subject to policy 2.1.4(b) unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.*

*2.1.6 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.*

*2.1.7 Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.*

*2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.*

*2.1.9 Nothing in policy 2.1 is intended to limit the ability of agricultural uses to continue.*

Based on the findings of the Environmental Impact Study (EIS), it has been confirmed that no negative impacts will occur with respect to natural heritage. The EIS has been peer reviewed by the JART to confirm the study meets the requirements and intent of the PPS. The ARA site plans will contain relevant, enforceable clauses to ensure the long-term monitoring of the natural heritage features adjacent to the area being extracted.

Policy 2.2.2 of the PPS deals with the protection of water resources through development applications. Policy 2.2.2 states the following:

*2.2.2 Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored.*

*Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore sensitive surface water features, sensitive ground water features, and their hydrologic functions.*

In addition to the EIS as referenced above, the applicant has also provided both Hydrological and Hydrogeological studies (surface and groundwater, respectively) to review the proposal's impact on the surface and groundwater features. Applicable mitigation measures have been recommended through the studies and included within the enforceable ARA site plan clauses to ensure the hydrological and hydrogeological features are adequately monitored, protected, improved and/or restored. These above-referenced studies have been peer reviewed by the JART to ensure the recommendations are adequate.

Policy 2.3.6.1 provides policy direction with respect to non-agricultural uses within an agricultural area. The policy states:

*2.3.6.1 Planning authorities may only permit non-agricultural uses in prime agricultural areas for:*

*a) extraction of minerals, petroleum resources and mineral aggregate resources;*

As part of the complete application, the applicant has submitted an Agricultural Impact Assessment (AIA), which confirms the lands are located within a prime agricultural area. The AIA was reviewed by the JART to confirm its findings.

Section 2.5 of the PPS recognizes the importance of mineral aggregate resources. Specifically, policy 2.5.2.1 states that:

*2.5.2.1 As much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible.*

*Demonstration of need for mineral aggregate resources, including any type of supply/demand analysis, shall not be required, notwithstanding the availability, designation or licensing for extraction of mineral aggregate resources locally or elsewhere.*

Other relevant policies under section 2.5 include the following:

*2.5.2.2 Extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts.*

*2.5.2.3 Mineral aggregate resource conservation shall be undertaken, including through the use of accessory aggregate recycling facilities within operations, wherever feasible.*

*2.5.3.1 Progressive and final rehabilitation shall be required to accommodate subsequent land uses, to promote land use compatibility, to recognize the interim nature of extraction, and to mitigate negative impacts to the extent possible. Final rehabilitation shall take surrounding land use and approved land use designations into consideration.*

*2.5.3.2 Comprehensive rehabilitation planning is encouraged where there is a concentration of mineral aggregate operations.*

*2.5.4.1 In prime agricultural areas, on prime agricultural land, extraction of mineral aggregate resources is permitted as an interim use provided that the site will be rehabilitated back to an agricultural condition.*

*Complete rehabilitation to an agricultural condition is not required if:*

*a) outside of a specialty crop area, there is a substantial quantity of mineral aggregate resources below the water table warranting extraction,*



*or the depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible;*

*c) other alternatives have been considered by the applicant and found unsuitable. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 through 7 lands, resources on lands identified as designated growth areas, and resources on prime agricultural lands where rehabilitation is feasible. Where no other alternatives are found, prime agricultural lands shall be protected in this order of priority: specialty crop areas, Canada Land Inventory Class 1, 2 and 3 lands; and*

*d) agricultural rehabilitation in remaining areas is maximized.*

The policies referenced under section 2.5 of the PPS above have been analyzed at length by the applicant and their consultants, the JART, and the peer reviewers. As noted in the JART report, policy 2.5.2.4 of the PPS clarifies that the depth of extraction of a proposed mineral aggregate operation is a matter that is addressed at the Ministry level, through the ARA process.

Section 2.6 of the PPS outlines policies with respect to cultural heritage and archaeological resources. The policies state that cultural heritage resources shall be protected, and that development is not permitted on sites containing archaeological resources unless the resources have been conserved. As referenced previously, the Archaeological Assessments and Cultural Heritage Screening Report submitted with the applications have identified cultural and heritage resources within the study area. The studies conclude with recommendations for additional work to be undertaken in certain areas prior to extraction. Conditions will be enforced under the ARA site plans which prevent any disturbance of these areas and 70m buffer until such a time that the Ministry of Citizenship and Multiculturalism has provided their clearance of the areas. The province will remain the enforcement agency to ensure this is completed. The proposal will mitigate and conserve any cultural heritage, or archaeological resources through the recommendations of the final archaeological work.

Finally, Section 3.2 sets out the policy direction for dealing with human-made hazards, specifically on sites with contaminants in land or water. Significant concerns were raised at the Public Meeting with the site's inclusion of the Humberstone Speedway lands. While the applicant did submit a Conceptual Soil Management Plan with the application, the JART has ensured that the required Phase Two Environmental Site Assessment (ESA) has been included as a condition within the ARA Site Plan notes. This clause will ensure the ESA is completed prior to any extraction taking place on the land. The ESA will determine whether there will be any soil materials that can be reused within the site, any processing that may be required, and/or which soils may require to be deposited at a licensed landfill site.

Based on the above, Planning staff are of the opinion that the proposed Official Plan and Zoning By-law Amendments are consistent with the *Provincial Policy Statement*.

### **Growth Plan for the Greater Golden Horseshoe (2019)**

The *Growth Plan for the Greater Golden Horseshoe* (Growth Plan), much like the PPS, directs municipalities to implement and maintain policies and other strategies to conserve mineral aggregate resources.

While the proposal will be predominantly evaluated under section 4.2.8 – Mineral Aggregate Resources, there are a number of policies under the Growth Plan that apply to this application.

Policies under section 4.2.2, 4.2.3 and 4.2.4 of the Growth Plan set out the natural heritage direction for new developments. The main goal of these policies is to ensure there is no negative impact on key natural heritage features, or key hydrologic features and/or their functions. The key natural heritage and key hydrologic features have been identified through the EIS, hydrological and hydrogeological studies prepared by the applicant's consultants. These areas along with their associated buffers have been intentionally excluded from the limit of extraction.

Section 4.2.6 provides policies related to the agricultural system. Much like the PPS, the Growth Plan states that prime agricultural uses are to be protected for long-term use. However, the Growth Plan further states under policy 4.2.8 (3.) that applications for new mineral aggregate operations are permitted provided the applications are supported by an Agricultural Impact Assessment (AIA). The AIA has demonstrated that the proposed mitigation measures have minimized any negative impacts to the surrounding agricultural system.

Section 4.2.8 provides direction on mineral aggregate resources. More specifically, policy 2 under this section states the following with respect to mineral aggregate operations:

*Notwithstanding the policies in subsections 4.2.1, 4.2.2, 4.2.3 and 4.2.4, within the Natural Heritage System for the Growth Plan, mineral aggregate operations and wayside pits and quarries are subject to the following:*

*a) no new mineral aggregate operation and no new wayside pits and quarries, or any ancillary or accessory use thereto, will be permitted in the following key natural heritage features and key hydrologic features:*

*i. significant wetlands;*

*ii. habitat of endangered species and threatened species; and*

*iii. significant woodlands unless the woodland is occupied by young plantation or early successional habitat, as defined by the Province, in which case, the application must demonstrate that policies 4.2.8.4 b) and c) and 4.2.8.5 c) have been addressed and that they will be met by the operation;*

*b) any application for a new mineral aggregate operation will be required to demonstrate:*

*i. how the connectivity between key natural heritage features and key hydrologic features will be maintained before, during, and after the extraction of mineral aggregate resources;*

*ii. how the operator could replace key natural heritage features and key hydrologic features that would be lost from the site with equivalent features on another part of the site or on adjacent lands;*

*iii. how the water resource system will be protected or enhanced; and*

*iv. how any key natural heritage features and key hydrologic features and their associated vegetation protection zones not identified in policy 4.2.8.2 a) will be addressed in accordance with policies 4.2.8.4 b) and c) and 4.2.8.5 c); and*

*c) an application requiring a new approval under the Aggregate Resources Act to expand an existing mineral aggregate operation may be permitted in the Natural Heritage System for the Growth Plan, including in key natural heritage features, key hydrologic features and any associated vegetation protection zones, only if the related decision is consistent with the PPS and satisfies the rehabilitation requirements of the policies in this subsection.*

The EIS submitted with the application has confirmed that the proposed operation will be outside of significant wetlands, habitat of endangered species, and significant woodlands. The JART has peer reviewed the materials to confirm the findings. Monitoring programs will be implemented through the ARA site plans that will ensure there will be no negative impact to these features.

Based on the submitted materials and review of the Growth Plan policies, Planning staff are of the opinion that the proposed application conforms with the Growth Plan.

### **Niagara Region Official Plan (2014)**

The new Niagara Official Plan (NOP) was approved on November 4, 2022, with modifications by the Ministry of Municipal Affairs and Housing. Policy 7.12.2.5 of the NOP states that development applications deemed complete prior to the date of the

NOP approval shall be permitted to be processed under the 2014 Regional Official Plan (ROP) policy regime. As the applications for ROPA, Local OPA, and ZBA were all deemed complete on July 8, 2021, the applications will be reviewed under the 2014 ROP.

The applications have been predominantly reviewed under Chapter 6 of the ROP, however other relevant policies have been referenced below. An amendment to the ROP is required because the proposed PCQ Pit 3 Extension is not identified on Schedule D4 as a Possible Aggregate Area, pursuant to ROP Policy 6.C.13.

Section 5.B of the ROP provides the framework for how the Region and City are to evaluate proposals to change the land use designation of a property from Good General Agricultural to another use. Policy 5.B.7 sets out criteria in which an application must meet in order for the change in land use to be supported by the ROP. Policy 5.B.7 states that:

- a) Non-agricultural uses are not permitted in Unique Agricultural Areas - Good Tender Fruit and Good Grape Areas.*
- b) Non-farm residential lots and uses are not permitted in Good General Agricultural Areas or in Rural Areas in close proximity to agricultural activity.*
- c) A demonstrated need for additional land to be designated within the municipality and the desirability of the proposed use to the community.*
- d) There are no reasonable alternatives in Rural Areas or in Urban Areas.*
- e) There are no reasonable alternative locations in other Good General Agricultural Areas with lower priority agricultural land.*
- f) The degree of conflict with surrounding agricultural uses. Any conflict should be mitigated to the extent feasible. This would depend on the size and nature of the proposed use, the existing agricultural uses, and on any buffering factors between them. For example, creeks, roadways and other prominent features would be helpful in defining and screening a non-agricultural use from surrounding farms;*
- g) Compliance with policies contained in Chapters 6 and 7, Environmental Policies including the Natural Heritage and Aggregate Resource Policies.*
- h) Applications must be supported by adequate technical assessment to ensure that private water supply and private sewage services can be provided.*
- i) Compliance with other policies contained in the Regional Official Plan.*

The applicant has demonstrated that the proposal meets the above criteria. The Planning Justification Report (PJR) and AIA demonstrate that there are no reasonable alternatives for the location of the proposed expansion and that the proposal will provide

mitigation measures in accordance with the technical reports/studies to ensure its compatibility with surrounding lands.

Chapter 6 of the ROP provides policy direction on Mineral Aggregate Operations in order to implement Provincial objectives. It is also noted that Schedules D1, D2, and D3 of the ROP identify potential resource areas across the Region and local municipal official plans are required to conform to the schedules and policies of the ROP.

Specifically, Policy 6.C.4 states that:

*Only those uses permitted under Chapter 5.B, Policies for Agriculture, and Niagara Escarpment Plan policies within the Niagara Escarpment Plan area, should be considered for areas adjacent to either licensed pits and quarries or possible aggregate areas which are outside the urban areas boundaries of local municipalities as shown in this Plan.*

*Also, in areas adjacent to or in known deposits of mineral aggregate resources, development and activities which would preclude or hinder the establishment of new operations or the expansion of existing operations or access to the resources shall only be permitted if:*

- a) Resource use would not be feasible; or*
- b) The proposed land use or development serves a greater long-term public interest; and*
- c) Issues of public health, public safety and environmental impact are addressed.*

The above section demonstrates that areas with known mineral aggregate deposits are to be protected, and that expansions are generally supported, provided the criteria under section 5.B have been met.

Other pertinent policies from Chapter 6 have been provided below.

***Policy 6.C.6*** *The Region desires full consultation among the Ministry of Natural Resources, the Region, the area municipalities and pit and quarry applicants before the licenses are issued or changed, to ensure that proposed new or expanded pit and quarry operations are found to be on satisfactory sites and that the rehabilitation plans are found suitable. Policies of local official plans and comments by area municipalities will be taken into account. In addition, within the Niagara Escarpment Plan area any pit and quarry application shall conform with the Niagara Escarpment Plan policies.*

The JART and applicant have been in full contact with the Ministry of Natural Resources and Forestry (MNRF) since the beginning of the application process. To date, comments have been provided to MNRF on the ARA application.

***Policy 6.C.7*** *The Region encourages progressive rehabilitation of operating pits and quarries, that is, the simultaneous stripping, extraction, and rehabilitation of licensed areas. The rehabilitation of the pit or quarry should be compatible with the surrounding land uses.*

Through the application process, the JART has reviewed the comprehensive rehabilitation plans for the proposed expansion. The expansion lands will be rehabilitated to a lake following the pit's exhaustion. Additionally, the technical studies/reports have confirmed that the quarry will be compatible with the surrounding land uses.

***Policy 6.C.8*** *In the case of adjacent pit or quarry operations, the Region will, wherever practical, encourage the removal of all economically viable material between the pits, and encourage continuous and harmonious rehabilitation.*

The proposed Pit 3 expansion will be a direct extension of the existing Pit 3 lands which will allow the existing and expansion lands to be rehabilitated to a passive lake simultaneously.

***Policy 6.C.13*** *Where a new pit or quarry or an extension to an existing licensed pit or quarry are to be located outside a possible aggregate area, an amendment to this Plan is required.*

The proposed Pit 3 expansion lands are located outside of the "possible aggregate area" as indicated on Schedule D4 of the ROP. Therefore, a Regional Official Plan Amendment (ROPA) is required to facilitate the proposal.

Policies within Chapter 7 of the ROP outline the natural environment policy direction for areas containing environmental features. The policies include the protection of key hydrologic features (streams, lakes, ponds, wetlands etc.). It is recognized that existing hydrologic features could contain fish habitat. The EIS has identified that if any fish are present, the fish will be collected through a permit with the MNRF under the Fisheries Act. Any native fish will be relocated to a suitable habitat and non-native fish will be euthanized. Additionally, there is currently a municipal drain located on the proposed expansion lands that will need to be temporarily realigned. The applicant has been in contact with the City's Drainage Superintendent who, through the assigned drainage engineer, will have formal drawings prepared to reflect the realignment. Without the realignment, the northeastern portion of the site, along with the eastern tab cannot be extracted.

As referenced previously, the applicant has submitted an Environmental Impact Study (EIS), along with hydrological, hydrogeological, and tree preservation plans to demonstrate the applications conformity with all Provincial, Regional and City environmental policies. The ARA site plan notes contain a number of monitoring programs that will ensure the protection of the features for the life of the quarry. The EIS

has been peer reviewed by the JART to confirm that there will be no negative impact to the environmental features.

The ROPA submitted by the applicant will need to be approved before the City Official Plan and Zoning By-law Amendments can be officially approved and implemented. Should Regional Council approve of the ROPA, City Planning staff are of the opinion that the proposed applications will conform to the Niagara Region Official Plan (ROP, 2014) as confirmed by the submitted materials and JART.

The steps for the application to reach approval are as follows:

- Local Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) considered at City Council - November 14, 2023;
- Notices of Decision will follow;
- If approved, the amendments will be provided to the Niagara Region;
- Niagara Region Council will consider the application for the Regional Official Plan Amendment (ROPA), along with the City-adopted Local OPA - date is to be determined;
- Following a decision, a 20-day appeal period will follow, beginning on the day the Notice of Decision(s) is circulated.

### **Port Colborne Official Plan (2017)**

The application for Official Plan Amendment (OPA) proposes to change the land use designation of the subject lands from Agricultural to Mineral Aggregate Operation, along with a special policy area to permit the expansion of the quarry. The application has been predominantly reviewed against the policies provided in Section 10 - Mineral Aggregate and Petroleum Resources of the Official Plan. Policy 10.1 of the Official Plan (OP) states:

*With respect to identified or potential Mineral aggregate resources the City shall:*

- a) Ensure that Mineral aggregate resources are protected for long term future use;*
- b) Minimize the long term impact of the disturbed area by encouraging and promoting the timely, progressing and final rehabilitation of aggregate operations;*
- c) Ensure that land use compatibility issues are addressed;*
- d) Minimize the impact of mineral aggregate operations related traffic on the community and the City's road infrastructure; and*
- e) Provide criteria for evaluating applications for mineral aggregate operations which are consistent with the goals and objectives of this Plan.*

Much like the ROP, the policies above have been addressed through the technical studies and reports which have been peer reviewed by the JART. The criteria referenced above states that applications for an OP and Zoning By-law Amendment will be evaluated based on the submitted studies and the following:

- i) *Compatibility with adjacent, existing and planned land uses with respect to noise, dust, blasting, vibration and truck traffic;*

The applicant has submitted technical studies with respect to land use compatibility, dust, air quality, noise, blasting, vibration and traffic. Peer reviews have confirmed the findings of the studies and recommendations are adequate.

- ii) *Potential impacts on the natural environment, including measures required to minimize or avoid adverse impacts;*

The Environmental Impact Study (EIS), hydrological, and hydrogeological studies have all confirmed that potential impacts have been sufficiently minimized.

- iii) *Potential impacts on the quality and quantity of surface and groundwater systems;*

The Environmental Impact Study (EIS), hydrological, and hydrogeological studies have all confirmed that potential impacts have been sufficiently minimized.

- iv) *Potential impacts on surrounding agricultural operations and lands, including measures to mitigate these impacts;*

The submitted Agricultural Impact Assessment (AIA) has confirmed that any impacts to the surrounding agricultural operations have been mitigated through the recommendations of the technical studies.

- v) *Potential impacts on the transportation system which will require truck routes and points of site access to be established;*

The Traffic Impact Study (TIS) has investigated the impacts of the proposed truck traffic on the existing roads. The MTO has been consulted throughout the process to confirm the access point to the Pit 3 expansion lands can be supported directly from Highway 3.

- vi) *The manner in which the mineral aggregate resource extraction and processing operations will be carried out including hours of operation;*

The hours of operation and manner in which the operations are carried out are matters reviewed through the ARA process. The ARA site plan notes, as reviewed by the JART indicate that “The hours of operation shall be from 7:00a.m. to 7:00p.m. Monday to Friday excluding statutory holidays and 8:00a.m. to 3:00p.m. on Saturdays. At no time shall crushing, rock breaking or blasting take place on a Saturday, Sunday or Statutory Holiday, nor any blasting between the hours of 6:00p.m. and 8:00a.m. Maintenance and, where required for highway construction night contracts, only loading and scale operations may take place outside of normal operating hours.”



*vii) If applicable, the capability of the land for agricultural uses;*

The AIA has reviewed the lands' capability for agricultural uses. The AIA concluded that the lands have the lowest priority lands for preservation within the prime agricultural area. The lands will be rehabilitated to a passive lake following the quarry's exhaustion, in alignment with the PPS and ARA.

*viii) Proposed progressive rehabilitation plan; and*

As referenced above, the lands will be rehabilitated to a passive lake following the quarry's exhaustion, in alignment with the PPS and ARA.

*ix) Any other matters as the City deems necessary.*

The City, along with the JART is satisfied that the applicable matters have been addressed through the application process.

Policies 10.2.2 c) and d) of the OP state the following:

- c) For applications on Prime agricultural land, the site will be progressively rehabilitated to agriculture so that substantially the same area and average soil capability for agriculture are restored. Complete agricultural rehabilitation shall not be required if:
  - i) There is a substantial quantity of aggregate resource below the water table warranting extraction;*
  - ii) The depth of planned extraction makes restoration of pre-extraction agricultural capacity unfeasible and other alternatives have been considered by the applicant and found unsuitable. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 to 7 soils, resources on lands identified as greenfield area, and resources on prime agricultural lands where rehabilitation is feasible. Where no other alternatives are found, prime agricultural lands shall be protected in this order of priority. Canada Land Inventory Classes 1, 2 and 3; and*
  - iii) Agricultural rehabilitation in remaining areas will be maximized**
- d) Outside the prime agricultural areas or where agricultural rehabilitation is not required, the City will require progressive rehabilitation of pits and quarries to an appropriate after use as determined by the City that is in conformity with the adjoining land use designation and policies, the surrounding natural environment and existing uses.*

As noted in the PJR and AIA, the quarry proposes to extract a substantial amount of aggregate from below the water table. The lands will be rehabilitated to a passive lake, rather than an agricultural use, which is considered a compatible use in alignment with the PPS and ARA.

Based on the review of the applicable policies and submitted materials, Planning staff are of the opinion that the proposed application conforms to the Official Plan.

## **JART Report**

The Aggregate Advisor (Melanie Horton – Esher Planning Inc.) retained on behalf of the JART has prepared a final JART report (attached as Appendix C). The report summarizes the findings of the technical materials and review process to date.

## **Proposed Applications**

As referenced above, this recommendation report is for the applications to the City to amend the City's Official Plan and Zoning By-law 6575/30/18.

The JART Report (Appendix C) outlines the required amendments to the City OP and Zoning By-law. Both the Official Plan Amendment and Zoning By-law Amendments have been attached as Appendices A and B, respectively. Specifically, the amendments to the OP are as follows:

- Add a special policy to permit the proposed quarry.
- Change the designation from Agricultural to Mineral Aggregate Operation on Schedule A: City-Wide Land Use.
- Add on Schedule A: "City-Wide Land Use":
  - 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 ECA (Environmental Conservation Area).
  - Updated final location of the EPA (Environmental Protection Area) following the conclusion of the Wignell Drain realignment report. Any further refinement to the final location of the EPA associated with the natural hazard lands will not require an amendment to the Official Plan.
- Add on Schedule B: "Natural Heritage":
  - 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 ECA (Environmental Conservation Area).
- Add on Schedule B1: "Environmental Protection Area":
  - Updated final location of "Streams" and "Natural Hazard Lands" following the conclusion of the Wignell Drain realignment report. Any further

refinement to the final location of the “Streams” and “Natural Hazard Lands” will not require an amendment to the Official Plan.

- Add on Schedule B2: “Environmental Conservation Area”:
  - the refined limits of the evaluated, non-significant wetlands and 30 metre buffer as “Non-Provincially Significant Wetlands”;
  - the significant woodland and 10 metre buffer as “Significant Woodlands”.
  - Updated final location of the “Fish Habitat” and “Streams” following the conclusion of the Wignell Drain realignment report. Any further refinement to the final location of the “Fish Habitat” and “Streams” will not require an amendment to the Official Plan.
- Add the subject lands to Schedule C: Mineral Aggregate and Petroleum Resources as a Mineral Aggregate Operation.

Further, the City’s Zoning By-law 6575/30/18 is proposed to be amended with the following site-specific provisions:

- On Schedule A4 - Change the zoning from Agriculture (A) to Mineral Aggregate Operation special (MAO-75) and refine the limits of the Environmental Conservation Overlay to align with 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).
- On Schedule A5 - Change the zoning from Agriculture (A) to Mineral Aggregate Operation special (MAO-75) and refine the limits of the Environmental Conservation Overlay to align with 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).
- Amend Section 37 entitled “Special Provisions” of Zoning By-law 6575/30/18, to include:

MAO-75 (Mineral Aggregate Operation – Special)

Notwithstanding the provisions of Section 28.3 of the Zoning By-law 6575/30/18, the following regulations shall apply:

- a) No pit, quarry or excavation shall be made or established within 15 metres of any lot line which does not abut a public street or 30 metres of any lot

line which abuts a Provincial Highway or 30 metres of any lot line which abuts any other public street.

With respect to the above Zoning By-law Amendment, concerns have been raised by members of the public for the reduction of the setback from the Provincial Highway from 90 metres to 30 metres. Planning staff note that policy 2.5.2.1 of the PPS states that “as much of the mineral aggregate resource as is realistically possible shall be made available as close to market as possible”. It is recognized that the southern portion of the site, where the reduced setback would apply, contains the deepest portion of the aggregate on the site. Additionally, the Aggregate Resource Act and regulations set the minimum setback from a highway at 30 metres.

Planning staff are of the opinion that the above-referenced Official Plan and Zoning By-law Amendments are consistent with the Provincial Policy Statement, conform with the Growth Plan, as well as will conform with the Regional Official Plan, should Regional Council approve of the Regional Official Plan Amendment (ROPA), and will conform to the City Official Plan.

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### **Internal Consultations:**

The applicable internal departments and agencies have been involved throughout the JART’s review of the application. While the majority of the City’s departments did not have any specific concerns or comments on the application, the City’s Drainage Superintendent has been integral to the review of the applications. Comments throughout the process have been provided with respect to the Wignell Drain realignment from both the Drainage Superintendent and the approved Drainage Engineer responsible for the drain report, Paul Marsh. The proposed phasing of the extraction has been planned in accordance with both the ongoing and future municipal drain realignment process. The ARA site plans acknowledge that the drain realignment process will need to be finalized (including any appeals under the Drainage Act), prior to certain phases on the operational plan to be accessible for extraction.

The summaries of each of the technical studies and their review from the JART, peer reviews and internal departments and agencies have been provided in the JART Report (Appendix C).

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### **Financial Implications:**

The applicant has submitted a Financial Impact Assessment (FIA) with the proposed applications. The assessment concluded that:

- The proposed quarry use is anticipated to increase the tax revenue generated from the Pit 3 Extension lands when compared to the existing uses.
- 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.
- Annual production of 1 million tonnes is expected to generate \$31,200 for the Region and \$126,880 for the City in TOARC (The Ontario Aggregate Resource Corporation) fees.

The FIA along with its conclusions were reviewed by the JART. It has been confirmed that the analysis has been completed in accordance with the terms of reference, and that all matters have been addressed.

In addition to the City, Region and NPCA application fees for the proposed amendments, the applicant has also entered into an agreement with the Niagara Region which ensures that all peer reviews on behalf of the JART and all associated fees are the responsibility of the applicant. The JART's fees for the retained Aggregate Advisor are also the financial responsibility of the applicant. This ensures that all costs associated with the JART's review of the application have been recovered by the City, Region and NPCA.

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## Public Engagement:

All public comments have been provided within the final JART Report and associated appendices. Responses to the comments received have been provided in the chart below:

Comment	Response
Concerns were raised that if Babion Road was included as part of the proposed extraction it would further delay the rehabilitation of the existing quarry to a passive lake.	<p>The extraction of Babion Road is not part of the PCQ application. PCQ does not own the Babion Road right-of-way. The initial application provided a conceptual rehabilitation scheme which considered the possible removal of the road; however, the Site Plans were revised to remove this option.</p> <p>The JART confirms that the sale and closure or extraction of the Babion Road allowance is not part of the current</p>

	Planning Act or Aggregate Resource Act applications by PCQ.
<p>Several comments included historical complaints from the public regarding:</p> <ul style="list-style-type: none"> <li>• Blasting</li> <li>• Domestic Wells</li> <li>• Well Interference</li> <li>• Pumping Discharge</li> </ul> <p>Comments were received from the public that the quarry operator has a poor track-record addressing complaints from the public relating to operational standards including but not limited to blasting, noise, dust, and water discharge.</p>	<p>PCQ acknowledges there were past issues with how the previous quarry owner handled public-relations and how the quarry was operated.</p> <p>However, since Rankin Construction Inc. has owned/operated the quarry (July 2007), PCQ has advised that it has not received any complaints related to any operational issues including, blasting, flyrock or over-pressure property damage, noise, dust or any domestic water well interference. In addition, PCQ has advised that they have not received any formal complaints related to 'chalky discharge' from the quarry pumping.</p>
<p>Numerous comments from the public that the Pit 1 is subject to a 1982 Site Plan Agreement between the quarry operator and the City of Port Colborne. That the conditions of this Site Plan agreement should be enforced as part of the proposed Pit 3 extension.</p>	<p>The proposed application is for the extension of PCQ Pit 3. Pit 2, Pit 3, and the proposed expansion of Pit 3 would be licensed under the Aggregate Resources Act. The 1982 Site Plan Agreement relates to unlicensed Pit 1 and its conditions cannot be enforced through the Pit 3 extension applications. Ongoing discussions with the City will be required regarding the long-term use of the Pit 1 lands.</p>
<p>Many comments noted the need for timely progressive rehabilitation and a comment that there has not been enough progress on rehabilitation in the existing "pits".</p>	<p>The JART agrees that there is a need for timely rehabilitation, especially regarding PCQ Pit 2.</p> <p>Pit 2 cannot move to 'final rehabilitation' (creation of the lake) since PCQ must continue to transport material from the current Pit 3 through Pit 2 to Pit 1 for processing (crushing, screening,</p>

	<p>washing, loading) and trucked via their Highway 140 entrance/exit.</p> <p>As specified in the Site Plans, once the processing plant is relocated to Pit 3, and a new entrance/exit constructed onto Highway 3, then the Pit 2 dewatering pumps can be removed, and water will begin to fill the lands and the passive lake/final rehabilitation will occur.</p> <p>PCQ has advised that if the Pit 3 extension is approved, the timeline to open the new Highway 3 entrance and construct the necessary infrastructure to support the new processing plant would be about 5 years after the Pit 3 extension begins operations.</p>
<p>Comments from the public that the proposal is not consistent with the Provincial Policy Statement (PPS) because the subject lands are designated as 'prime agricultural land'.</p>	<p>S. 2.5.4.1 of the PPS allows for the extraction of mineral aggregate resources on Prime Agricultural Land provided that the land is rehabilitated back to an agricultural condition. There is an exemption that does not require rehabilitation to an agricultural condition when extraction is below the water table provided the policy tests in the PPS are met. The Planning review of the application confirmed that the application meets the tests of the PPS with respect to extraction on prime agricultural lands. It is also important to consider that the policies of the PPS are to be read in their entirety rather than isolating individual sections.</p>
<p>Comments from the public that the proposed Pit 3 extension has the potential to impact the south Niagara aquifer and other important water resources, and that through dewatering,</p>	<p>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</p>

<p>the drawdown or 'cone of influence' will result in domestic well interference.</p>	<p>important consideration of both the Planning Act and Aggregate Resource Act processes.</p> <p>The hydrogeological and hydrological assessments were both subject to technical peer reviews.</p> <p>Included as part of the 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. The conditions also include a Private Well Water Complaint Response protocol.</p>
<p>Comments from the public that the proposed Pit 3 extension has the potential to impact the natural environment.</p>	<p>A Natural Environment Report (NER) / Environmental Impact Study was completed as part of the ARA and Planning Act applications. The purpose of the NER was to evaluate the proposed quarry expansion in consideration of provincial, regional, local, and NPCA environmental policies and other requirements. The report was peer reviewed in addition to being reviewed by the MNRF and MECP Species at Risk Branch and JART.</p> <p>Based on the analysis and conclusions of the NER a range of mitigation measures were developed. These mitigation measures are included as part of the ARA Site Plan drawings. If approved, the mitigation measures would be enforced through the Provincial license and other secondary ARA approvals that would be required. Examples of the range of environmental mitigation measures include:</p>



	<ul style="list-style-type: none"> <li>• All surface water discharge to be regulated by an Environmental Compliance Approval (ECA) prior to any dewatering.</li> <li>• Conditions requiring the avoidance of bird breeding habitat.</li> <li>• Conditions requiring protection of fish habitat and/or relocation of fish species. Additional approvals from the Department of Fisheries and Oceans (DFO) would be required.</li> <li>• A requirement to implement wetland vegetation monitoring program.</li> <li>• A requirement to implement groundwater monitoring program.</li> <li>• A monitoring program for breeding bird and anuran (frog) call count surveys within the deciduous swamp.</li> <li>• Vegetation planting / restoration at several locations across the site.</li> <li>• A requirement to remove invasive shrubs prior to the planting and restoration of the Carl Road allowance through the northern wetland area.</li> <li>• Land set aside and conditions requiring PCQ to provide compensation habitat for Blanding's Turtle.</li> </ul>
<p>Concern/opposition regarding the reduction of the setback along Highway 3 from 90 metres to 30 metres. The need to protect the Highway 3 corridor.</p>	<p>PCQ has advised that they intend to move forward with application for the required zoning by-law amendment for the proposed reduction of the setback of the buffer from 90 metres to 30 metres.</p>

	<p>The following was cited by PCQ as the primary justification.</p> <ul style="list-style-type: none"> <li>• S. 2.5.2.1 of the PPS requires “as much of the mineral aggregate resource as is realistically possible shall be made available as close to market as possible. PCQ estimates that there are approximately 1.7 million tonnes in the setback area. The south end of the site adjacent to Highway 3 also represents the deepest portion of the aggregate on the site.</li> <li>• A 30-metre setback is the Provincial standard setback for aggregate operations and roads.</li> <li>• A landscape berm along Highway 3 is required.</li> </ul>
Concerns related to a new quarry access onto Highway 3 including total number of trucks and queuing of trucks on the public highway.	<p>Since the Statutory Public Meetings in March 2023 updates have been made by PCQ to the Site Plan drawings in attempt address this issue including:</p> <ul style="list-style-type: none"> <li>• Redesigning the new entrance on Highway 3 to accommodate the queuing of up to 11 trucks inside the quarry property, including moving the entrance gate and lengthening the berm.</li> <li>• Updating to Site Plan notes to clarify that any costs for a deceleration lane or other improvements to Highway 3 are at the cost of PCQ.</li> </ul>
Questions regarding the status of MTO approvals for the proposed entrance/exit onto Highway 3.	<p>MTO were involved in initial discussions with the Region, City, and PCQ and have expressed support for a new entrance onto Highway 3. MTO’s support was</p>

	<p>subject to the new entrance being across from Weaver Road, and other points of access to the site from Highway 3 (such as the driveway that serves Humberstone Speedway) being decommissioned.</p> <p>If the proposed quarry is approved, PCQ will be required to obtain design approval and a permit from MTO.</p>
<p>Questions from the public asking whether it continues to make sense to extract the 'northern finger/tab' (Phase 3) given its ongoing reduction in size and limited width.</p>	<p>PCQ has advised that there is significant volume of material in the northern tab to make the extraction economically viable. Extraction of the northern tab would need to be done in accordance with Provincial standards and any other conditions of potential approval.</p>
<p>The need to protect the northern significant wetland and significant woodland given the proximity of proposed extraction on two sides. Maintaining the wetland water balance.</p>	<p>Through early iterations of the application, the north-west natural features on the site did not include environmental buffers. Based on comments received from JART and the Province it has been confirmed that a large portion of the feature has been assumed to be a "significant wetland for planning purposes" and a 30 m buffer would be applied (although the feature will continue to be classified as an evaluated, non-significant wetland). The remainder of the feature has been classified as a significant woodland, to which a 10-metre buffer would be applied.</p> <p>Given that the Wignell Drain is proposed to be realigned to accommodate the proposed quarry extension it was necessary to ensure that an appropriate wetland water balance would be maintained (i.e. that the wetland does not become either too wet or too dry).</p>

	Through several iterations, and ongoing discussions with the JART and peer review consultants PCQ and their consulting team are proposing a diversion berm and weir to allow for management of the water levels. This would be supported by a monitoring and mitigation program which would be enforceable through the ARA license.
Comments from the public that the setbacks between extraction and the wetland/woodland should be increased.	Earlier iterations of the application did not include buffers/setbacks to the natural features. A 30-metre setback to the wetland (which has been assumed to be significant for planning purposes), and a 10-metre setback to the significant woodland is now proposed by PCQ and included as part of the Site Plans. Extraction is excluded from the buffer, and the buffer would be designated and zoned the same as the adjacent natural feature.
Comment from the public inquiring about the need for a spills response plan and about the need for a spill's containment pad for vehicles.	<p>In response to this question, PCQ has highlighted the following proposed conditions:</p> <ul style="list-style-type: none"> <li>General Operational Note 12: Fuel Storage: Fuel Storage: There will be no on-site fuel storage. Fuel storage will continue to be located in the Port Colborne Quarries Inc. Pit 1. Portable equipment within the quarry (i.e., crushers, screeners, generators, etc.) will be refueled by a mobile fuel truck or equivalent and follow all applicable Liquid Fuels Handling code requirements.</li> </ul>

	<ul style="list-style-type: none"> <li>• General Operational Note 32 address the need for a Spills Response Plan. <ul style="list-style-type: none"> <li>○ Spill Response Plan: A Spills Response Plan must be posted on-site at all times in the scale house or administration office/trailer.</li> </ul> </li> </ul>
Several questions regarding who is financially responsible for the temporary realignment of the Wignell Drain.	<p>PCQ would be responsible for all costs associated with the temporary realignment of the Wignell Drain. Approval through the Drainage Act would be required as noted by conditions on the Site Plan drawings.</p>
Concern about negative impacts on the surrounding properties from noise, dust, traffic, and blasting.	<p>Technical studies for noise, air quality, and blasting were submitted and peer reviewed to ensure that the methodology, analysis, conclusions, and recommendations were completed in accordance with industry and provincial standards and the conditions of the ARA license.</p> <p>Through the ARA license the quarry would be required to operate in accordance with Provincial standards. A traffic impact study was also submitted with the application. Since the Statutory Public Meetings, changes have been made to the Site Plans to allow for truck queuing on the quarry property.</p>
Potential impacts from contaminated soils on the speedway lands, use of contaminated material for berm construction, and the need for timely clean-up of known and potential contamination.	<p>Through the pre-consultation process it was identified by JART that potential impacts from contaminated soil needed to be addressed through the application process.</p> <p>A Phase 1 Environmental Site Assessment (ESA) and Conceptual Soil</p>

	<p>Management Plan were requirements of a complete application.</p> <p>The Phase 1 ESA identified a number of areas of potential environmental concern (APEC) and concluded that additional investigations through a Phase 2 ESA would be required.</p> <p>Conditions have been included in the Site Plans to require the completion of the Phase 2 ESA, Final Soil Management Plan, and clean-up of contaminated soils.</p>
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A record of all public comments received for the applications can be found within Appendix D of the JART Report (Appendix C).

In 2020, the City of Port Colborne created a Joint Agency Review Team Public Liaison Committee (JART PLC). The purpose of the committee was to allow members of the public to provide input on the review process and comments on the applications. The committee held meetings at various stages of the application process to review the technical reports and studies. Following the vacancy of some members, staff have provided updates on the application at key junctures.

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### **Strategic Plan Alignment:**

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Environment and Climate Change
- Welcoming, Livable, Healthy Community
- Economic Prosperity
- Increased Housing Options

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### **Conclusion:**

This recommendation report follows an extensive review process across multiple disciplines. The recommendation report is meant to expand on the JART Report prepared by the JART's Aggregate Advisor. Following the review of all applicable materials submitted for the application, along with conclusions made by the JART and applicable peer reviewers, Planning staff confirm that all matters to date on this

application have been sufficiently addressed by the application. Planning staff conclude that the proposed Official Plan and Zoning By-law Amendments are consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe, Regional Official Plan (2014), City of Port Colborne Official Plan, and will comply with the provisions of City of Port Colborne Zoning By-law 6575/30/18. The proposal represents good planning and Planning staff recommend that Council approve the applications. Should Council adopt the Official Plan Amendment, the file will be forwarded to the Niagara Region Council for final approval and implementation.

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## **Appendices:**

- a. Appendix A: Official Plan Amendment
- b. Appendix B: Zoning By-law Amendment
- c. Appendix C: Joint Agency Review Team (JART) Report
- d. Appendix D: List of All Materials Submitted

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## **Report Approval:**

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.