

The Corporation of the City of Port Colborne

By-law no. _____

Being a by-law to adopt amendment no. 13 to the
Official Plan for the City of Port Colborne

Whereas it is deemed expedient to further amend the Official Plan, heretofore adopted by Council for the City of Port Colborne Planning Area;

Therefore the Council of The Corporation of the City of Port Colborne under Section 17(22) of the Planning Act, hereby enacts as follows:

- 1. That Official Plan Amendment No. 13 to the Official Plan for the City of Port Colborne Planning Area, consisting of the attached map and explanatory text is hereby adopted.
- 2. That the City Clerk is hereby authorized and directed to forward the adopted Official Plan Amendment 13 to the Regional Municipality of Niagara for final approval of the aforementioned amendment to the Official Plan for the Port Colborne Planning Area.
- 3. That this By-law shall come into force and take effect upon the final approval of Official Plan Amendment 13, by the Council of the Regional Municipality of Niagara.

Enacted and passed this ____ day of _____, 2023.

William C Steele
Mayor

Saima Tufail
Acting City Clerk

AMENDMENT NO. 13
TO THE
OFFICIAL PLAN
FOR THE
PORT COLBORNE PLANNING AREA

PREPARED BY:
CITY OF PORT COLBORNE DEPARTMENT OF
DEVELOPMENT AND LEGISLATIVE SERVICES

November 2023

AMENDMENT NO. 13
TO THE
OFFICIAL PLAN
FOR THE
PORT COLBORNE PLANNING AREA

AMENDMENT NO. 13
TO THE OFFICIAL PLAN
FOR THE
CITY OF PORT COLBORNE

This Amendment to the Official Plan for the City of Port Colborne, which has been adopted by the Council of the Corporation of the City of Port Colborne, is hereby approved in accordance with Sections 17 and 21 of the Planning Act R.S.O. 1990, c. P.13, as Amendment No. 13 to the Official Plan for the City of Port Colborne.

Date: _____

**AMENDMENT NO. 13 TO THE OFFICIAL PLAN
FOR THE
PORT COLBORNE PLANNING AREA**

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STATEMENT OF COMPONENTS

PART A

The Preamble does not constitute part of this Amendment.

PART B

The Amendment, consisting of the following text and Schedule “A”, constitutes Amendment No. 13 to the Official Plan for the Port Colborne Planning Area.

Also attached is **PART C** – The Appendices, which do not constitute part of this Amendment. These appendices contain the background data, planning considerations and public involvement associated with this Amendment.

PART A - THE PREAMBLE

Purpose

The purpose of this amendment is to add a Special Policy Area to permit the proposed Port Colborne Quarries Inc. – Pit 3 Expansion. The amendment also includes amendments to Schedule A – City-Wide Land Use, Schedule B – Natural Heritage, Schedule B1 – Environmental Protection Area, Schedule B2 – Environmental Conservation Area, and Schedule C – Mineral Aggregate and Petroleum Resources.

Location

The lands affected by this amendment are legally described as Part of Lots 17, 18 and 19, Concession 2, formerly in the Geographic Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara. A detailed map of the subject lands is attached as Schedule “A” to this Official Plan Amendment No. 13.

Basis

- a) The Amendment was the subject of a Public Meeting held under the Planning Act, 1990 on March 7, 2023. Public and agency comments were addressed as part of the preparation of this Amendment.
- b) The Amendment will allow the Council of the City of Port Colborne to make a decision on the rezoning from Agriculture to Mineral Aggregate Operation and subsequently allow the Minister of Natural Resources and Forestry to make a decision to issue a quarry license under the Aggregate Resources Act.
- c) Based on the City's review of the Planning Act, 1990, the Provincial Policy Statement (2020), the Growth Plan (2020), the Regional Official Plan, the City's Official Plan and public and agency consultation, City staff is of the opinion that the Amendment is consistent, or does not conflict, with Provincial, Regional policies and City policies plans and, therefore, represents good planning.

Currently, the subject lands are designated “Agricultural”. An application has been made to initiate amendments to the City of Port Colborne's Official Plan and Zoning By-law as they relate to these lands in order to facilitate the development of 114 residential stacked townhouse dwelling units. The proposed density is 87.3 units per hectare.

The proposed development provides an opportunity for residential intensification at a location that is serviced by existing services and infrastructure. The subject lands are surrounded by residential, commercial and institutional land uses making them a highly suitable location for the proposed intensification.

It is intended to concurrently approve an Amendment to the City's Zoning By-law 6575/30/18, rezoning of the lands from the existing "CP- Commercial Plaza" zone to "R4-72-H – Site-specific Fourth Density Residential Zone with Holding (H) provision". The proposal is consistent/conforms with:

- The Provincial Policy Statement (2020) by promoting growth within a settlement area;

- A Place To Grow (2020) by contributing to the minimum intensification targets and utilizing existing municipal services;
- Niagara Official Plan through the promotion of growth in urban areas; and
- Port Colborne Official Plan by introducing residential uses at an appropriate location, while meeting the City's intensification target and promoting growth within the Built-Up Area.

PART B - THE AMENDMENT

Introductory Statement

All of this part of the document entitled Part B – The Amendment, consisting of the following text and map designated Schedule “A”, constitutes Amendment No. 13 to the Official Plan for the City of Port Colborne.

The Official Plan for the Port Colborne Planning Area is hereby amended as follows:

Details of the Amendment

1. That lands shown on "Schedule A to Official Plan Amendment No. 13", shall consist of the following Schedule changes:

a) Change the land use designation from Agricultural to Mineral Aggregate Operation on Schedule A: City-Wide Land Use.

b) 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.

c) 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).

d) 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.

e) 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”.
- the habitat of endangered and threatened species (0.6 hectare Blanding's Turtle habitat compensation area) as “Significant Wildlife Habitat”.
- 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.

f) Add the subject lands to Schedule C: Mineral Aggregate and Petroleum Resources as a Mineral Aggregate Operation.

2. Notwithstanding Section 10 of the Official Plan for the City of Port Colborne,

the lands referenced on Schedule “A” of this amendment be permitted to be developed as a Mineral Aggregate Operation and the following Special Policy be added:

- An expansion to the existing Port Colborne Quarries Inc. quarry is permitted and referred to as Pit 3 Extension being eastwardly on approximately 100.2-hectare site located on the lands bounded by Regional Road 84 (Miller Road), Provincial Highway 3 (Main Street East) and Second Concession Road, on Part Lot 17, 18, 19 Concession 2 and Plan 59R-16702 in the City of Port Colborne.

Implementation and Interpretation

The implementation and interpretation of this amendment shall be in accordance with the respective policies of the Port Colborne Official Plan and an amendment to the City Zoning By-law to rezone the subject lands.

PART C – THE APPENDICES

The following appendices do not constitute part of Amendment No. 13 but are included as information to support the Amendment.

APPENDIX I – Department of Development and Legislative Services Report 2023-229

Schedule “A” to Official Plan Amendment No. 13.







