

The Corporation of the City of Port Colborne

By-law No. _____

Being a By-law to Adopt Amendment No. 7 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;

Now 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. 7 to the Official Plan for the City of Port Colborne Planning Area, consisting of the explanatory text is hereby adopted.
2. That this By-law shall come into force and take effect on the day of passing thereof.

Enacted and passed this 8th day of March, 2021.

William C. Steele
Mayor

Amber LaPointe
City Clerk

**AMENDMENT NO. 7
TO THE
OFFICIAL PLAN
FOR THE
PORT COLBORNE PLANNING AREA**

**PREPARED BY:
CITY OF PORT COLBORNE
DEPARTMENT OF PLANNING & DEVELOPMENT
FEBRUARY 22, 2021**

**AMENDMENT NO. 7
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. 7 to the Official Plan for the City of Port Colborne.

Date: _____

AMENDMENT NO. 7 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, constitutes Amendment No. 7 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 the amendment is to relocate existing policies respecting Source Water Protection, to introduce new policies for the protection of the Highly Vulnerable Aquifer, and to the Mineral Aggregate and Petroleum Resources designation.

Location

The lands that are designated Mineral Aggregate and Petroleum Resources and in the Highly Vulnerable Aquifer are subject to this Amendment.

Basis

The Planning Act, R.S.O. 1990, as amended, provides that amendments may be made to the Official Plan. Policies of the Official Plan have been considered in the preparation of this Amendment and the following factors: 1. the policies will ensure compatibility with the surrounding land uses. 2. This Amendment is consistent with the Provincial Policy Statement, conforms to the Growth Plan for the Greater Golden Horseshoe and the Region of Niagara Official Plan.

PART B – THE AMENDMENT

The Official Plan adopted by By-law 5855/109/12 and approved by the Ontario Municipal Board decision of November 25, 2013, for the Port Colborne Planning Area is hereby amended by doing the following:

Amend Section 8.3 Source Water Protection by relocating it to Section 4.1.3.2.

Amend Section 4 Natural Heritage by adding 4.1.3.3 Highly Vulnerable Aquifer policies a) to f)

- a) Many owners of land outside of the Urban Service Boundary rely on groundwater sources from deep aquifers through a number of active wells for private water supply.
- b) A boundary of one of these aquifers is shown on Schedule B3 as a Highly Vulnerable Aquifer.
- c) An application for development on lands within the highly vulnerable aquifer are to be regulated by the Zoning By-law.
- d) Site alteration shall be restricted when not related to a Building Permit or Planning Act application in the vulnerable aquifer and when applicable, subject to requirements of O. Reg 406/19 made under the Environmental Protection Act.
- e) Outside of the Urban Area Boundary, existing land use considered to be a risk to groundwater that are located on Schedule B3 shall become legal non-conforming and shall, in the long-term be encouraged to relocate to the appropriate land use designation.
- f) That owners continue maintaining their private water supply systems in good working condition.

Amend Section 10 by adding the following to Section 10.1.1 Additional Policies:

- d) require site specific Zoning By-Law Amendments to permit ancillary land uses such as asphalt plants, cement/concrete plants, and aggregate depots that blend and stockpile aggregate materials with salt and aggregate transfer except where otherwise prohibited by the policies of this Plan, subject to:
 - i) the protection of adjoining lands from adverse effects of a reduced water supply, noise, dust, odour, lighting and outdoor storage;
 - ii) the protection of the environment from adverse effects of dust, chemical spills, run-off, or contamination of surface or groundwater;
 - iii) access being obtained directly to a road capable of bearing the anticipated loaded truck weights and conveying the cumulative volume of traffic without negative impacts to current traffic flow ; and,
 - iv) ancillary land uses will not be permitted where they are identified as a prohibited use in accordance with the Highly Vulnerable Aquifer policies in Section 4.3.2 of this Plan; and,
 - v) ancillary land uses will not be permitted where they are prohibited in O. Reg. 466/20.

- e) require site specific Zoning By-law amendments to permit ancillary land uses such as asphalt plants, cement/concrete plants and aggregate depots that blend and stockpile aggregate materials with salt and aggregate transfer except where otherwise prohibited by the policies of this Plan, subject to:
 - i) the protection of adjoining lands from the negative effects of a reduced water supply, noise, dust, odour, lighting and outdoor storage;
 - ii) the protection of the environment from negative effects of dust, chemical spills, run-off, or contamination of surface or groundwater;
 - iii) access being obtained directly to a road capable of carrying the anticipated truck traffic; and,
 - iv) notwithstanding b) above, ancillary land uses will not be permitted where they are identified as a prohibited use in accordance with the Source Water Protection policies in Section 8.3 of this Plan.

IMPLEMENTATION AND INTERPRETATION

The implementation and interpretation of this amendment shall be in accordance with the respective policies of the Port Colborne Official Plan.

PART C – THE APPENDICES

The following appendices do not constitute part of Amendment No. 7 but are included as information to support the Amendment.

Appendix I – Minutes of the Public Meeting dated September 28, 2020
Appendix II – Department of Planning & Development Report 2021-63
(recommendation report)