

City of Port Colborne

Public Meeting Addendum

Date: Tuesday, July 19, 2022
Time: 6:30 pm
Location: Council Chambers, 3rd Floor, City Hall
 66 Charlotte Street, Port Colborne

Pages

4. Statutory Public Meetings

4.1. Public Meeting Report for Proposed Zoning By-law Amendment at 409 Davis Street, D14-05-22, 2022-162

- *a. Delegation from Steven Rivers, applicant 1
- *b. Delegation from Judy Kramer, resident

4.2. Public Meeting Report for Official Plan and Zoning By-law Amendments to the Mineral Aggregate Operation Policies, Files D09-01-20 and D14-03-20, 2022-157

- *a. Delegation from Mary Lou Tanner and Aaron Butler, NPG Planning Solutions Inc., applicant 10
- *b. Delegation from Jack Hellinga, resident 20
- *c. Delegation from Gary Gaverluk, resident 23
- *d. Delegation from Melissa Bigford, resident 25
- *e. Delegation material from Carol Siemiginowski, Senior Land Manager, Southwest Ontario and Atlantic, Lafarge Canada Inc. 26
- *f. Niagara Region -Planning and Development Services 28

Proposed Zoning By-law Amendment File D14-0522 409 Davis Street



2022-07-19



Introduction

Steven Rivers, MCIP, RPP
South Coast Consulting

Land Use Planning and Development Project Management

189 Clare Avenue
Port Colborne
905-733-8843
info@southcoastconsulting.ca

Summary

- Zoning By-law Amendments to permit conversion of an existing building to accommodate 4 apartment units

Apartment Unit	Gross Floor Area (sqm)
Ground Floor Front – existing	80
Ground Floor Back – proposes	78
First Floor Front – existing	103
First Floor Back – proposed	67

Existing Parcel

The parcel is a corner lot with about 10 metres frontage on Davis Street and 60 metres on Bell Street



Advantages of Proposal

- Consistent with Provincial, Regional and City Policy encouraging infilling and intensification
- Efficient use infrastructure
- Increases City tax base and resilience
- Development constitutes good planning

Planning Considerations

- Planning reviews are undertaken by myself and City Planning Staff planning policies Planning Policies expressed in:
 - Planning Act
 - Provincial Policy Statement
 - Growth Plan for the Greater Golden Horseshoe
 - Niagara Region Official Plan
 - City of Port Colborne Official Plan
 - City of Port Colborne Zoning By-Law



QUESTIONS?



THANK YOU

Proposed Official Plan & Zoning By-law Amendments

Public Meeting

Mineral Aggregate & Petroleum Resources
Mineral Aggregate Operations

File No: D09-01-20 & D14-03-20

July 19th, 2022

Prepared by NPG Planning Solutions Inc.

Background



Regulatory Framework

Planning Act & Aggregate Resources Act

- Both provide direction on the protection of aggregates in Ontario
- Amendments to the City's Official Plan and Zoning By-law are made under the Planning Act, and must be consistent with Provincial Land Use Planning Policy and conform to Provincial and Regional Plans
 - Provincial Policy Statement requires municipalities to protect aggregate resources and provide opportunities for mineral aggregate extraction
 - Provincial Policy Statement also requires municipalities to protect natural environment
- Ability of municipality to exclude extraction is highly limited

Summary of Issues

Protection of the South Niagara Aquifer

- Initial concerns from the community were related to the potential impact of elements of Mineral Aggregate Operations on the South Niagara Aquifer
- Source Protection Plan only applies to municipally provided drinking water
- Protection of the aquifer as a natural heritage feature will be addressed as part of new Niagara Region Official Plan

Summary of Issues

Soil Management & Site Alteration

- Issues related to how sites are managed outside of an active extraction process or a development process are matters that are typically addressed through a Site Alteration By-law.
- City can establish requirements for sites – ensuring soil is appropriately managed, drainage issues are addressed, and that neighbours are not impacted by earth movement/placement.

Summary of Issues

Complexity

- Aggregate Resources is one of the most complex areas of planning in Ontario. There is significant provincial interest in protecting aggregates.
- The nature of aggregates, water resources, soil management, and the policy regime can appear to be so complex that community concerns are not able to be resolved. That is not the case, but there are limits to what the municipality can do.

Summary of Issues

Complexity

- The City can:
 1. Support the protection of the South Niagara Aquifer through the new Regional Official Plan
 2. Ensure a robust planning process for aggregate uses with broad based community feedback
 3. Address the appropriate location for mineral aggregate operations and uses, including standards of development (Official Plan and Zoning)

Proposed Official Plan Amendment

- Adds policy to require a site-specific Zoning By-law Amendment when the following are proposed as the principal use of a property:
 - Asphalt Plants
 - Concrete Plants
 - Aggregate Plants
 - Aggregate Depots
 - Aggregate Recycling
- Site-specific Zoning By-law Amendments evaluated against such as their distance from residential uses, impact on environment (including groundwater), municipal servicing, transportation, and impacts from noise, dust and odour
- These uses are directed to Industrial Areas when proposed as principal use of property
- As required by the Provincial Policy Statement, the above uses are permitted if they are accessory to a Mineral Aggregate Operation

Proposed Zoning By-law Amendment

- June 2022 Draft Amendment does not include previously proposed 'Mineral Aggregate Ancillary Use' Zone. These uses are permitted as accessory uses to a Mineral Aggregate Operation
- Site-specific Zoning By-law Amendment required when proposed as principal use of property. General provisions added to the Zoning By-law related to:
 - Minimum distance from residential use (300 metres)
 - Use enclosed by security fence or fireproof building
 - Subject to site plan control where other matters are addressed, such as:
 - Site design
 - Landscaping
 - Mitigation of environmental impacts
 - Drainage
 - Transportation
 - Noise and odour

Next Steps

- Feedback received at Open House, Public Meeting and agency comments will be considered and incorporated into final By-laws as necessary, which will return to Council for consideration

Mayor and members of Council, Staff, and public members,

The issue of Mineral Aggregate Operations (MAO) zoning goes back to 2017, and before. When the latest zoning bylaw was passed in 2018, it was accompanied with an interim control bylaw for MAO zoning, which was to be addressed by 2019. Here we are once again in 2022 with a proposal that raises some of the same concerns.

Mineral Aggregate Operations seems to have become a catch-all designation. Prior zoning bylaws designated the operation of a quarry as an Extractive Industrial (EI) use. The EI designation is much more appropriate for quarrying operations. It is specific, and appropriately limiting.

The Province of Ontario has designated Mineral Extractive Resource areas, and most of the Onandaga Escarpment falls in this designated area. These must be protected for quarrying, but they do not have to be reserved for **Mineral Aggregate Related Uses (MARU)** as defined in the proposed OP and ZBL amendments.

The terms associated uses, accessory uses, and ancillary uses are used interchangeably in the proposed documents. These terms should be appropriately defined, as each, respectively, has a more restrictive meaning when describing the relationship to extractive industrial operations:

Ancillary: necessary support to the primary use

Accessory: related activities to make the product more useful

Associated: uses of the primary product in other products

Utilizing the appropriate definitions of these terms, the definition of MARU should be amended as follows:

Mineral Aggregate Related Use: means associated uses such as Asphalt Plant, Permanent; Asphalt Plant, Portable; Concrete Plants; Aggregate Depots; Recycling of Asphalt; and/or Aggregate Plants. A Mineral Aggregate Related Use does not include the blending, recycling, and stockpiling activities that are secondary and ~~accessory~~ ancillary uses to a typical existing and new Mineral Aggregate Operation.

MARU are not just heavy industries. MARU are extra heavy industries. This is evidenced by the fact that they are treated with their own policies and restrictions in the City of Port Colborne proposed OP and ZBL amendments. The separation distances in the latest versions have been reduced from a minimum of 500 m to 300 m, supposedly to conform to MECP guidelines for D-6 separation distances. However, D-6 refers to Heavy Industrial Uses, and it is clear that MARU are Extra Heavy Industries. Upon seeking clarification, the Planning Department confirmed that the 300m was from property line to property line between the MARU zone and sensitive receptor zone, but that is not clearly stated in the proposed amendments. There are also suggestions that the amendment should allow for a reduction of the 300 m, which is already a minimum separation according to the D-6 guidelines.

The Aggregate Resources Act 466/20 (part of which is copied below) includes restrictions on the establishment of asphalt storage within 2 m of the ground water table, and within 30 m of a surface water body. The same restriction should be included in the OP and ZBL amendments for all MARU facilities.

ONTARIO REGULATION 466/20

made under the

AGGREGATE RESOURCES ACT

(2) Subsection 0.13 (1) of the Regulation, as made by subsection (1), is amended by adding the following paragraphs:

26. Only scrap generated directly as a result of the aggregate operation may be stored on the site.
27. All fluid shall be drained from any discarded equipment, machinery or motor vehicle prior to storage and disposed of in accordance with the *Environmental Protection Act*.
28. A licensee or permittee shall take all reasonable measures to prevent fly rock from leaving the site during blasting if a sensitive receptor is located within 500 metres of the boundary of the site.
29. Recyclable asphalt shall not be stored within 30 metres of a body of water or within two metres of the groundwater table.
30. Recyclable asphalt and recyclable concrete shall not be stored on a site where the site plan does not permit processing of materials.
31. Rebar or other structural metal shall be separated from recyclable aggregate material during processing.
32. Recycling activities on the site shall not interfere with the operational phases of the site or with the rehabilitation of the site.

The Province has defined MAO, and included some MARU in the definition. This definition is also used in the proposed Port Colborne OP and ZBL amendments. The MARU OP and ZBL definition is also supplemented defining the industries included, such as Asphalt and Cement plants. However, there are different definitions for Permanent and Temporary plants other than the identification that a temporary plant must be removed when a project is completed. The difference is included in the following cut sections of the proposed wording with the recommended definition revisions:

b) Asphalt Plant, Permanent: ~~A facility for the mixing of asphalt components, including hot mix asphalt,~~ A facility with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process, for transfer to a job site.

c) Asphalt Plant, Portable: Equipment that is used to produce asphalt and which is capable of being readily drawn by a motor vehicle and which is not permanently affixed to the ground. A facility with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to

produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process, which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

d) **Cement Concrete Plant, Permanent:** A facility manufacturing concrete from any combination of cement, cement supplement, fine aggregate, coarse aggregate and water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process. The concrete plant includes associated bins, weigh hoppers, and cement silos.

e) **Concrete Plant, Portable:** A ~~building or structure~~ facility with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

In conclusion, an Extractive Industrial zoning rather than Mineral Aggregate Operations would eliminate much or all of the confusion of what operations can be conducted in a Mineral Aggregate Resource area. It supports the Provincial objective of protecting the non-renewable aggregate resources.

As a last resort, consideration of the above comments and amendments will be appreciated.

Respectfully,

Jack S Hellinga

770 Highway 3, Port Colborne

David Schulz

From: Gary Gaverluk [REDACTED]
Sent: July 5, 2022 11:53 AM
To: David Schulz
Subject: D09-01-20 & D14-03-20 Notice of Open House & Public Meeting - Mineral Aggregate and Petroleum Resources - Proposed OPA & ZBA - City of Port Colborne - June 27, 2022

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good morning David:

Thank you for forwarding copies of the presentation from the June 27th open house.

Questions for clarification:

RE: As per the information provided the next version of the OPA will use the D-6 guidelines, 300 meters separation from sensitive land uses / residential uses.

How is the statement of 300 meters separation defined or to be interpreted?

- Property line to adjacent property line? (Sensitive land uses / residential uses)
- Property line to adjacent existing out buildings and or principal use dwelling? (Sensitive land uses / residential uses)
- Mining operations rock face to adjacent property line? (Sensitive land uses / residential uses)
- Mining operations rock face to adjacent existing out buildings and or principal use dwelling? (Sensitive land uses / residential uses)

Comments specific to "Principal Uses / Ancillary Uses" Permitted under the proposed amendments: Noting "ancillary" has been changed to "accessory".

In previous submissions and oral discussions I have provided specific information to the above.

Based on lessons learned, I feel that specific language **must** be included as part of the "Proposed OPA & ZBA" as those comments are supported by ONTARIO REGULATION 466/20 made under the AGGREGATE RESOURCES ACT.

ASPHALT: Not permitted

- Asphalt Plant Permanent
- Asphalt Plant Portable
- The manufacturing (Permanent or Portable) of Asphalt and or Asphalt products shall not be done within 30 meters of a body of water or within two meters of the ground water table.
- Recyclable Asphalt shall not be stored within 30 meters of a body of water or within two meters of the ground water table.
- Recycling Operations of Asphalt shall not be done within 30 meters of a body of water or with two meters of the

ground water table.

CONCRETE: Not permitted

- Concrete / Cement plant (Permanent or Portable)
- The manufacturing of Concrete Cement and or Concrete Cement Product shall not be done with 30 meters of a body of water or within two meters of the water table.
- Recyclable Concrete shall not be stored within 30 meters of a body of water or within 2 meters of the ground water table.
- Recycling operations of Concrete Cement products shall not be done within 30 meters of a body of water or within two meters of the ground water table.

AGGREGATE DEPOT / STORAGE OPERATION: Not permitted

- An aggregate depot / storage operation where gravel, rock, sand, earth, clay and or fill be stored prior to sales and or distribution. May include the blending with salt.
- An aggregate depot / storage operation where gravel, rock, sand, earth, clay and or fill be stored prior to sales and or distribution. May include the blending of salt shall not be done within 30 meters of a body of water or within 2 meters of the ground water table.

REFERENCING: "Ontario Regulation 466/20

ONTARIO REGULATION 466/20

made under the

AGGREGATE RESOURCES ACT

(2) Subsection 0.13 (1) of the Regulation, as made by subsection (1), is amended by adding the following paragraphs:

26. Only scrap generated directly as a result of the aggregate operation may be stored on the site.
27. All fluid shall be drained from any discarded equipment, machinery or motor vehicle prior to storage and disposed of in accordance with the *Environmental Protection Act*.
28. A licensee or permittee shall take all reasonable measures to prevent fly rock from leaving the site during blasting if a sensitive receptor is located within 500 metres of the boundary of the site.
29. Recyclable asphalt shall not be stored within 30 metres of a body of water or within two metres of the groundwater table.
30. Recyclable asphalt and recyclable concrete shall not be stored on a site where the site plan does not permit processing of materials.
31. Rebar or other structural metal shall be separated from recyclable aggregate material during processing.
32. Recycling activities on the site shall not interfere with the operational phases of the site or with the rehabilitation of the site.

Sincerely,

Gary B. Gaverluk
Vice President - The NWPA

[Redacted Signature]

From: [Melissa Bigford-Lofquist](#)
To: [Deputy Clerk](#)
Subject: Public Meeting
Date: July 19, 2022 10:14:15 AM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good morning,

I am writing this email to inform you of my intention to delegate in person at tonight's public meeting.

Also, if you could explain why we have to inform you of ones delegation status before the meeting. Previous one would just be able to attend the public meeting and speak to the subject when the floor was opened up to the public?

Please confirm receipt of this email.

Thank you,

Melissa Bigford



July 15, 2022

City of Port Colborne
66 Charlotte Street
Port Colborne, ON,
L3L 3C8

ATTN: Amber LaPointe, Manager of Legislative Services/City Clerk
cityclerk@portcolborne.ca

**RE: Comments on Draft Zoning By-Law Amendment and Official Plan Amendment –
File D09-01-20 and D14-03-20
Mineral Aggregate Operations**

In April 2018, March 2021, and January 2022 Lafarge submitted comments related to the City's review of Mineral Aggregate Operation Zone (MAO) and related uses.

We have reviewed the Project Update Memo (NPG Solutions, June 2022) as well as the Proposed Draft OPA and ZBLA (June 2022). We recognize that significant work has gone into the most recent version of the proposed Official Plan and Zoning By-Law (June 2022) and would like to thank Staff for these efforts.

The revised OPA and ZBLA (June 2022) addresses the majority of comments Lafarge outlined in our most recent letter. We support the new approach that recognizes Mineral Aggregate Related Uses be permitted when accessory to a Mineral Aggregate Operation, without the need for a Zoning by-law Amendment, and that stand-alone Mineral Aggregate Related Uses would require a Zoning By-Law Amendment. For clarification purposes, we suggest the additional underlined wording be added to the proposed OPA and ZBLA:

OPA 3.16.10 "Outside of Mineral Aggregate Operations, Mineral Aggregate Related Uses are permitted as a principal use of a lot and generally be directed to Industrial Areas. The use shall be subject to a site-specific zoning by-law amendment which shall address the following:"

ZBLA 2.27 "Aggregate Depot, Permanent Asphalt Plant, Permanent Concrete Plant and Mineral Aggregate Resource Conservation Use, as a principal use on a lot outside of a Mineral Aggregate Operation, shall be subject to a site-specific amendment to the Zoning By-law and to the following provisions":

LAFARGE CANADA INC.
6509 Airport Road, Mississauga, ON L4V 1S7
Phone: (905) 738-7070 Fax: (905) 738-0224
www.lafarge.ca





However, we are concerned with the minimum “300m setback from residential uses” that is proposed for new stand-alone *Mineral Aggregate Related Uses* (i.e. uses not accessory to a Licenced Pit or Quarry). The blanket application of the 300m setback distance from residential uses to all stand-alone *Mineral Aggregate Related Uses* is arbitrary and not appropriate land use planning for the following reasons:

- The proposed required 300m setback distance is based on the recommended separation distances for Class III industrial uses, as outlined in the Province’s D6 Guidelines. Not all Mineral Aggregate Related Uses are appropriately categorized as Class III industrial uses. For example, we are aware of several municipalities in Southern Ontario that classify Concrete Plants as Class II Industrial Uses for land use compatibility assessment purposes. The industrial categorization of a proposed Mineral Aggregate Related Uses should be site-specific depending on the operational aspects of the proposed use. D6 Guidelines Objective 1.1 states that industrial classification should be “*according to the objectionable nature of their emissions, their physical size/scale, production volumes and/or the intensity and scheduling of operations*” and the D6 Industrial Categorization Criteria recognizes that “*the categorization of a particular industry will vary with the specifics of the case*” (D6 Appendix A). Therefore, appropriate setback distances should be determined on a site-specific basis and should be based on the recommendations of supporting technical reports and studies.
- The proposed Official Plan Amendment includes a policy that directs Mineral Aggregate Related Uses to Industrial Areas. However, there are limited industrial zoned lands in the City that are not located within 300m of a residential use.
- It is unclear how the term “residential use” would be defined and interpreted, and how the setback distance would be measured.

For the above reasons, Lafarge believes this policy/provision should be deleted.

Thank you again for the opportunity to review. Lafarge would be happy to meet with City Staff and their Consultant to discuss the comments outlined in this letter. Please continue to notify us of any updates, Council meetings, or decisions regarding this matter.

Yours truly,

LAFARGE CANADA INC.

Carol Siemiginowski, P.Eng
Senior Land Manager, Southwest Ontario & Atlantic

cc. Caitlin Port, MHBC
David Schulz, City of Port Colborne Senior Planner David.Schulz@portcolborne.ca
Sharon Rew, MMAH sharon.rew@ontario.ca
Erin Cotnam, NDMNRF erin.cotnam@ontario.ca

LAFARGE CANADA INC.

6509 Airport Road, Mississauga, ON L4V 1S7
Phone: (905) 738-7070 Fax: (905) 738-0224
www.lafarge.ca



Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free: 1-800-263-7215

Via Email Only

July 6, 2022

Region File: D.10.07.OPA-21-0046
D.18.07.ZA-21-0107

David Schulz, MCIP, RPP
Senior Planner
City of Port Colborne
66 Charlotte Street
Port Colborne, ON L3K 3C8

Dear Mr. Schulz:

**Re: Regional and Provincial Comments
Amendments to the City of Port Colborne Official Plan and Zoning By-law
City Files: D09-01-20, D14-03-20
City Initiated Amendments- Mineral Aggregate and Petroleum Resources
City of Port Colborne**

Regional Planning and Development Services staff has reviewed the above-mentioned City-initiated Official Plan Amendment (“OPA”) and Zoning By-law Amendment (“ZBLA”), which proposes changes to the Mineral Aggregate and Petroleum Resources and Mineral Aggregate Operations land use policies in the City of Port Colborne. Regional staff provided comments on the first draft of the amendments on January 18, 2022.

The revised draft proposes to amend the City’s Official Plan in order to require a Zoning By-law Amendment to permit Mineral Aggregate Related Uses (including Asphalt/Concrete Plants, Aggregate Plants/Depots and Asphalt Recycling) when proposed as a principal use only. Zoning By-law Amendment applications to facilitate Mineral Aggregate Related Uses as a principal use would be evaluated against new criteria established in the Official Plan, including the protection of the environment, ground water, and separation from sensitive land uses.

The revised draft Zoning By-law Amendment proposes to:

- Amend the existing Mineral Aggregate Operation (“MAO”) zone to include a specific list of permitted accessory uses (new subsection 28.4);
- Add definitions for each accessory use; and

- Add a new 'General Provision' (subsection 2.27- Uses Related to Mineral Aggregate Operation) to incorporate provisions which apply to this category of uses as a principal use of a property.

Provincial Direction on Aggregate Resources

The Ministry of Northern Development, Mines, Natural Resources, and Forestry regulates pits and quarries under the *Aggregate Resources Act* ("ARA"). The ARA oversees the rules governing aggregate management, issues licenses, permits and changes to existing approvals, inspects operations and responds to complaints, enforces compliance, and ensures rehabilitation is carried out on site.

While the ARA focusses on the licensing of pits and quarries, the *Planning Act*, *Provincial Policy Statement, 2020* ("PPS"), and Provincial and Regional plans focus on land use approvals related to aggregate resources. The *Planning Act* identifies the conservation and management of aggregate resources as a matter of Provincial interest.

Section 2.5 of the PPS identifies that mineral aggregate resources shall be protected for long-term use, and is to be made available as close to markets as possible.

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

Further, mineral aggregate operations are to be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety, or environmental impact. Existing mineral aggregate operations shall be permitted to continue without the need for an official plan amendment, rezoning or development permit under the *Planning Act*.

The PPS defines mineral aggregate operations as:

- a) lands under license or permit, other than for wayside pits and quarries, issued in accordance with the *Aggregate Resources Act*;
- b) for lands not designated under the *Aggregate Resources Act*, established pits and quarries that are not in contravention of municipal zoning by-laws and including adjacent land under agreement with or owned by the operator to permit continuation of the operation; and
- c) associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products.

Regional staff observe that the proposed OPA and ZBLA applications would require a Zoning By-law Amendment for associated or secondary facilities, such as Asphalt/Concrete Plants, Aggregate Plants/Depots and Asphalt Recycling only when

proposed as a principal use, as the PPS permits these associated or secondary facilities as part of mineral aggregate operations.

Section 2.5.5 of the PPS states that wayside pits and quarries, portable asphalt plants and portable concrete plants used on public authority contracts shall be permitted, without the need for an official plan amendment, zoning by-law amendment, rezoning, or development permit. Regional staff observe through the revised amendment that wayside pits and quarries, portable asphalt plants, and portable concrete plants used on public authority contracts have been excluded from requiring a Zoning By-law Amendment, consistent with the PPS.

Regional Official Plan

Chapter 3 of the *Regional Official Plan* (ROP) states that lands within the Niagara Economic Gateway Zone, which applies to the Settlement Areas of the City of Port Colborne, are to be a focus for employment uses and development within the region. The ROP Policy 6.C.1 acknowledges that all of the currently licensed pits and quarries within Niagara may continue within the limits of the land areas presently licensed, and subject to continuing satisfactory operating and rehabilitation procedures. In considering changes to existing licensed pits/quarries, the ROP states that full consultation with the Province, the Region, the area municipalities and pit and quarry applicants is required before the licenses are issued or changed.

Within Settlement Areas, the ROP requires that municipalities maintain and protect employment lands and promote economic development and competitiveness by providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.

Regional staff observe the proposed OPA application directs mineral aggregate related uses as a principal use to Industrial Areas within the City of Port Colborne. Subject to the below comments, this is in conformity to the ROP.

Land Use Compatibility

The PPS calls for a coordinated, integrated and comprehensive approach to land use planning matters. Specifically, major facilities (including the specified accessory uses) and sensitive land uses are to be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise, and other contaminants and minimize risk to public health and safety. To implement this policy, the Ministry of Environment Conservation and Parks ("MECP") Land Use Planning Policy guidelines are to be applied in the land use planning process to prevent or minimize future land use problems due to the encroachment of sensitive land uses on industrial uses.

Guideline D-1 “Land Use Compatibility Guidelines” and Guideline D-6 “Compatibility between Industrial Facilities and Sensitive Land Uses” indicate that industrial land uses and sensitive land uses are normally incompatible due to possible adverse effects on sensitive land uses created by industrial operations in close proximity. The guidelines indicate that industrial uses and sensitive uses should be located with a minimum separation distance, unless impacts from industrial activities can be mitigated to the level of “trivial impact (i.e. no adverse effects)”. Guideline D-6 identifies potential influence areas for industrial land uses, ranging from 70 metres for Class I (e.g. light) industries to 1,000 metres for Class III (e.g. heavy) industries, within which adverse effects may be experienced. The guideline also recommends minimum separation distances, ranging from 20 metres to 300 metres, where no incompatible development should occur (other than redevelopment, infilling and in mixed use areas).

Regional staff note that the proposed OPA application directs mineral aggregate related uses as a principal use to Industrial Areas in the City of Port Colborne, with specific criteria for which the application will need to address. Staff observe through the revised OPA and ZBLA applications, that the separation distance between proposed mineral aggregate accessory uses and residential uses is 300 m, in alignment with the recommended minimum separation distance within the D-6 Guidelines. With respect to the additional criteria, Staff require information as to what requirements would be needed to satisfy section 3.16.10, subsection c) and e) (e.g. noise and/or land use compatibility assessments, Functional Servicing Report, etc.).

Conclusion

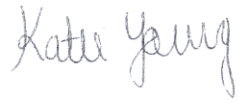
Regional Planning and Development Services staff is supportive of the amendments from a Provincial and Regional perspective, subject to consideration of the comments contained in the attached Appendix. On this basis the amendments would be consistent with the PPS and conform to Provincial and Regional plans.

Further, providing the comments contained in the Appendix are addressed, staff notes that in accordance with the policies 14.E.7 and 14.E.8 of the ROP, the Memorandum of Understanding, and Regional By-law No. 2019-73, the reviewed Official Plan Amendment can be exempt from Regional Council Approval.

Should you have any questions related to the above comments, please contact the undersigned at Katie.Young@niagararegion.ca or Pat Busnello, Acting Director of Development Approvals at Pat.Busnello@niagararegion.ca

Please send notice of Council’s decision on this amendment.

Kind regards,

A handwritten signature in cursive script that reads "Katie Young".

Development Planner
Niagara Region

cc: Pat Busnello, MCIP, RPP, Acting Director, Development Approvals
Erik Acs, MCIP, RPP, Manager, Community Planning

Appendix: Regional Staff Comments on Proposed Amendments

Proposed Official Plan Amendment	Regional Staff Comments
3.16.10 c) & e) Uses Related to Mineral Aggregate Operations	Regional staff require additional information with respect to what would be required to satisfy criteria c) and e)
Mineral aggregate related use definition	Suggest removing the words “a typical” and replace with “an” such that this reads as follows: “...and accessory to an existing and new Mineral Aggregate Operation”.
Proposed Zoning By-law Amendment	Regional Staff Comments
2.2 Uses Permitted in All Zones	<u>Spelling error of “concrete plant” under Section 2.2 a)</u>
2.27 Uses Related to Mineral Aggregate Operations	The proposed OPA identifies that “mineral aggregate related uses” shall be subject to a site-specific ZBLA application as a principal use. The definition for ‘mineral aggregate related uses’ includes Asphalt Plant, Portable and Concrete Plant, Portable. It appears these are missing within the Zoning By-law section 2.27 a).
28.4 Permitted Uses – Accessory	Recommend “Asphalt Plant, Temporary” and “Concrete Plant, Temporary” be changed to “Portable” to reflect the provided definitions.
Definitions added to Section 39:	It appears the Section should be <u>38</u> : Definitions.