

Application to Amend the Regional Official Plan

This application form is to be used by persons or public bodies wishing to apply to amend the Niagara Region Official Plan. If your application also requires an amendment to a local municipal official plan and/or zoning by-law, a separate application must be made to the affected local municipality.

Pre-Consultation

As provided for by the Regional Official Plan, the Planning Act requires that applicants meet with local, Regional and, if necessary, Provincial planning officials before formally submitting an application. Where local and Regional amendments are required, joint pre-consultation meetings will be required. Staff from the Niagara Peninsula Conservation Authority (NPCA) should be involved in pre-consultation discussions when that agency's policies and regulations are involved. Pre-consultation is intended to determine what is required to be submitted for a complete application and will provide the opportunity to discuss:

- the nature of the application;
- development and planning issues;
- the need for additional information and/or reports to be submitted with the application; and
- the planning approval process.

Contact the Planning and Development Services Department at 905-980-6000 to arrange a pre-consultation meeting before completing this application form.

Completeness of the Application

The information in this application form that must be provided by the applicant includes information prescribed by Ontario Regulation 543/06 under the Planning Act. **The prescribed information must be provided along with the required application fee.**

The Planning Act also enables municipalities to include within their official plans, provisions that an application for an amendment to a planning document include information or materials that Council considers necessary as part of a "complete" application. Failure to provide this required information or material will result in the application being deemed to be incomplete and it will not be reviewed until such time as all required information is received. Policies 14.G.1 and 14.G.2 of the Regional Official Plan set out policies with regard to pre-consultation and complete application requirements.

Submission of the Application

The Region and the appropriate local municipalities should be consulted at the pre-consultation stage regarding the number of copies required of any information or justification materials. Applicants are also required to provide digital or CD copies of all materials submitted. Only one copy of the application form is required along with the applicable application fee. The fee schedule is attached as Appendix I to the application form. The Region also collects fees for the review of applications on behalf of the Niagara Peninsula Conservation Authority at the time of application. Reports and studies prepared in

support of the application may be subject to a “Peer Review” report by a consultant of the Region’s choosing. All costs of that Peer Review report are the responsibility of the applicant.

All application to amend the Regional Official Plan are required to address the policies contained within the Plan itself, the Provincial Policy Statement (2014), applicable Provincial Plans, and the policies and regulations of the Niagara Peninsula Conservation Authority (NPCA).

Fees Associated to an Application to Amend the Regional Official Plan

Applicants are responsible for paying the full cost of advertising. The owner/applicant is required to sign a cost acknowledgement agreement which must be signed and submitted as part of the application. In addition to the application fees listed below, the owner/applicant will pay any costs relating to Peer Reviews of information submitted in support of an application at the discretion of Regional staff.

In the case of an application to establish or expand a new pit or quarry, the owner or applicant will also be responsible for the costs for an Aggregate Advisor, if required. The owner or applicant is required to sign a cost acknowledgement agreement which must be signed and submitted as part of the application.

The below amendment fee (effective April 2014) does not include advertising costs or NPCA review fees:

- All amendments except pits and quarries (\$15,000)
- Amendment to establish a new pit or quarry (\$100,000)
- Amendment to expand a pit or quarry (\$100,000)

Disclosure of Information

Personal information on this form is collected under the authority of the Planning Act, R.S.O. 1990, CHAPTER P.13, and will be used by the Region in the processing of this amendment application. The information may be used by other departments and agencies for the purpose of assessing the proposal and preparing comments to the Region or to the approval authority. It is the policy of the Niagara Region to provide public access to all development applications and supporting documentation (including studies and drawings) and it is understood that any document submitted in support of an application forms part of the public record and may be copied, reproduced or supplied to third parties as part of the application review process.

Authority to Enter

Submission of this application constitutes actual consent for authorized Niagara Region staff to enter upon the subject lands to conduct an inspection as part of the review of the application. Regional staff may, but are not required to, contact the applicant to arrange an inspection.

Application to Amend the Niagara Regional Official Plan

PART 1: Applicant Information

A. Registered Owner Information *(If a corporation, provide registered Head Office address)*

Name: Walker Aggregates Inc., Walker Community Development Corporation, Walker Industries Holding Ltd.
 Address: 2800 Thorold Townline Road, Niagara Falls Postal Code: L2E 6S4 see enclosed
 Telephone: 905-227-4142 Fax: N/A deeds
 Email: KKeHL@walkerind.com

B. Applicant Information: *(All correspondence will be sent to both applicant and agent)*

Name: Walker Aggregates Inc.
 Address: 2800 Thorold Townline Road, Niagara Falls Postal Code: L2E 6S4
 Telephone: 905-227-4142 Fax: N/A
 Email: KKeHL@walkerind.com

C. Agent Information: *(e.g. planning consultant, solicitor if not applicant)*

Name: MHBC Planning (Attn: Debra Walker)
 Address: 7050 Weston Road, Woodbridge, ON Postal Code: L4L 8G7
 Telephone: 905-761-5588 (x210) Fax: 905-761-5589
 Email: dwalker@mhbcplan.com

PART 2: Site Description

A. Legal Description: *(lot number, registered plan number, concession, reference plan, etc.)*

Part Lots 119, 120, 136 and 137 in the former Township of Stamford, now in the City of Niagara Falls, in Niagara Region. Roads (continue to be owned by City): Upper's Lane and the unopened Road Allowance between Lot 120 and Lot 136 in the former Township of Stamford

B. Site Address:

Street Address: Please see full list of addresses below

Municipality: Site Area (hectares): 106.3 ha

10033 Uppers Lane, Niagara Falls
 9903 Uppers Lane, Niagara Falls
 PIN 642650014 (No municipal address)
 PIN 642650016 (No municipal address)
 PIN642650741 (No municipal address)
 5417, Beechwood Road, Niagara Falls
 PIN 642650019 (No municipal address)

5497 Beechwood Rd, Niagara Falls
 5545, Beechwood Rd, Niagara Falls
 PIN 642650015 (No municipal address)
 PIN 642650077 (No municipal address)
 PIN 642650024 (No municipal address)
 5872, Thorold Town Line Rd, Niagara Falls

PART 3: Nature and Purpose of the Amendment

A. Type of Amendment:

- Land Use Change Policy Change Addition of New Policy

B. Description of amendment:

To amend Schedule D4 to identify the subject lands, as described in this application, as “Licensed Pits and Quarries” and add a Site Specific Policy to section 13.D of the Niagara Region Official Plan that reflects and supports the approval of the proposed Upper’s Quarry.

C. Description of proposed use for subject lands:

The establishment of a new mineral aggregate operation.

D. Current land use designation of subject lands:

Good General Agriculture Area

E. Land uses permitted by existing designation on subject lands: Agriculture of all types, including livestock operations as well as value retention uses. Compatible uses such as forestry and conservation of plant and wildlife.

PART 4: Existing Uses of Subject Lands and Abutting Properties

A. Description of the current use of the subject lands:

The subject lands are primarily agricultural in nature. Three (3) dwellings with accessory structures remain situated on the lands to be extracted and will be removed if the proposed licence is approved.

B. Indicate the land uses on abutting properties:

North: Residential dwellings, agricultural lands, a golf course and natural open space. The Trans Canada Pipeline (TCP) is situated north and west of the subject lands.

South: Directly south is a hydro corridor. Agricultural uses, rural residential dwellings and a social club exist south of the hydro corridor and Lundy’s Lane is beyond.

East: A rural community church lies adjacent to the east. Otherwise, uses are primarily agricultural together with rural residential dwellings.

West: Directly west of the proposed quarry site is Thorold Townline Road. Within the City of Thorold, future employment lands within the Rolling Meadows Secondary Plan are planned immediately west of Thorold Townline Road. Currently, immediately west of the proposed quarry site on the west side of Thorold Townline Road, there is a paintball facility and a cricket club.

C. Is the subject property (land or building) subject to Part 4 or 5 of the Ontario Heritage Act?

- Yes No

D. Are there any easements, restrictions, or other covenants applicable to the lands?

- Yes No

PART 5: Previous Uses of the Subject Lands

A. What were the previous uses of the subject lands?

The subject lands are used for agricultural purposes, which primarily consist of crop production, rural residential uses and former church.

B. Has there been an industrial or commercial use of the site or adjacent land?

*Yes No

*Please specify the type of use:

*Last year of use on subject lands:

C. Has there been fill placed on the site?

*Yes No

*Please specify the type of fill:

*Time period of fill placement:

D. Is there reason to believe the site may have been contaminated by former uses, either on the site or on adjacent sites? (e.g. former industrial use, agricultural use, commercial use, gas station, petroleum or other fuel stored on site or adjacent site.)

*Yes No

*If “yes”, an environmental site assessment of all former uses of the site and, if appropriate, an adjacent site, to the satisfaction of the Ministry of Environment and Climate Change and/or the Region is required. This study must be prepared in accordance with O.R. 153/04 by a qualified consultant.

Is the environmental site assessment report attached to this application submission?

Yes *No

If “no”, on what basis did you come to this determination?

Pre-consultation with the Region did not require one.

PART 6: Status of Other Planning Applications

Have there been any previous applications submitted under the Planning Act or the Niagara Escarpment Planning and Development Act for the approval of an official plan amendment, zoning by-law, plan of subdivision, a minor variance, a site plan or for a consent that involves the land; or lands within 120 metres of the subject lands?

*Yes No

If “yes”, please specify the information of each planning application below:

Application 1

Type: Official Plan Amendment	Application Status: Approved
File Number: OPA No. 119	
Affected Lands: 9764 Upper's Lane	
Purposed of Application: To permit the development of a new place of worship and facilitate the severance of the property.	

Application 2

Application Type: Zoning By-law Amendment	Application Status: Approved
File Number: AM-2015-006	
Affected Lands: 9764 Upper's Lane	
Purposed of Application: To permit the development of a new place of worship and facilitate the severance of the property.	

Application 3

Application Type: Site Plan Approval	Application Status: Approved
File Number: 2016-146/ SPC-2016-002	
Affected Lands: 9764 Upper's Lane	
Purposed of Application: To permit the development of a new place of worship	

Application 4

Application Type:	Application Status:
File Number:	
Affected Lands:	
Purposed of Application:	

PART 7: Servicing

A. Indicate the proposed water supply servicing type for the subject lands:

- Municipal piped water Private well Communal
 Other (specify): Not applicable

Is the subject lands water supply servicing new or existing?

B. Indicate the proposed sewage disposal servicing type for the subject lands:

- Municipal sanitary sewer Septic tank/system Communal
 Other (specify): Not applicable

Is the subject lands sewage disposal servicing new or existing? Any existing systems will be decommissioned upon approval of proposed Aggregate Resource Act licence.

C. Indicate the proposed road access and/or frontage for the subject lands:

Please specify the road type (e.g. open municipal road, regional road, provincial highway, private road):

Municipal road

Name of access and/or frontage road(s): Upper's Lane (to Thorold Townline Road)

D. Indicate the proposed storm drainage servicing for the subject lands (e.g. sewers, swales, ditches):

Within the subject lands, a network of internal ditches will be constructed to direct water to the existing watercourse, realigned watercourse or into the quarry (and a sump).

Is the subject lands storm drainage servicing new or existing? see above

PART 8: Justification

The applicant is required to provide complete planning evidence outlining the justification for this amendment application. This should address but not be limited to why the proposed change is desirable and how it relates to the objectives and policies in the Regional Official Plan, the Provincial Policy Statement (2014), applicable Provincial Plans, and the policies and regulations of the NPCA. The necessary justification report(s) must be provided with this application.

The applicant should refer to the Region's pre-consultation letter as well as Policy 14.G.2 and corresponding Table 14.2 of the Regional Official Plan for a description of possible additional information requirements for a complete application.

As required under Schedule 1 of Ontario Regulation 543/06, if the requested amendment would permit development on a privately owned and operated septic system and more than 4,500 litres of effluent would be produced per day as a result of the development, the following reports must be provided:

- a servicing options report, and
- a hydrogeological report.

Indicate what report(s) or other information is being provided with this application to justify this amendment in terms of the provisions and policies in the Regional Official Plan.

Report Title: _____ **Date:** _____
Prepared by: A FULL LIST OF REPORTS ENCLOSED WITH THIS APPLICATION IS ATTACHED

Report Title: _____ **Date:** _____
Prepared by: _____

Report Title: _____ **Date:** _____
Prepared by: _____

Report Title: _____ **Date:** _____
Prepared by: _____

Report Title: _____ **Date:** _____
Prepared by: _____

Report Title: _____ **Date:** _____
Prepared by: _____

Report Title: _____ **Date:** _____
Prepared by: _____

Report Title: _____ **Date:** _____
Prepared by: _____

PART 9: Provincial Policy Statement and Provincial Plans

In making decisions regarding applications under the Planning Act, planning authorities including Regional Council are required to “be consistent” with the policies contained in the Provincial Policy Statement (2014) and to “conform with” Provincial Plans (Greenbelt Plan, Niagara Escarpment Plan, Growth Plan for the Greater Golden Horseshoe, etc.). The preparation of background information and studies by the applicant must address how the proposal will affect the Provincial interest as defined by the Provincial Policy Statement and Provincial Plans. This information must be provided at the time the application is made. **IT IS A REQUIREMENT THAT APPLICANTS MEET WITH LOCAL, REGIONAL, AND IF NECESSARY PROVINCIAL PLANNING OFFICIALS PRIOR TO MAKING AN APPLICATION IN ORDER TO DETERMINE THE NATURE AND CONTENTS OF THIS INFORMATION.**

A. Identify the Provincial Policy affected and indicate what information has been provided to address the Provincial Policy. If additional space is required, attach a separate page.

The Planning Justification Report outlines the Provincial Policy relative to the proposed quarry and presents how such policy is addressed by the proposal through reference to a number of studies undertaken in support of the application. Furthermore, a detailed analysis of Provincial Policy is also provided in Appendix G (Growth Plan) and H (Provincial Policy Statement) of the Planning Justification Report which accomodates this application.

B. Is the requested amendment consistent with the policy statements issued under subsection 3(1) of the Planning Act (i.e. Provincial Policy Statement, 2020)?

*Yes No

If “yes”, provide detailed statement through a Planning Justification Report.

C. Are the subject lands within an area of land designated under any provincial plan or plans?

*Yes No

If “yes”, please identify below and/or in a Planning Justification Report (prepared by a Registered Professional Planner, or similarly qualified Planner) and indicate whether the requested amendment conforms to or does not conflict with the provincial plan or plans.

The Subject Lands are located in the Growth Plan. Please see the Planning Justification Report which accompanies the application for further details.

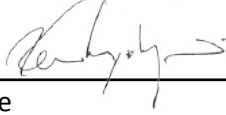
PART 10: Other Information

Is there any other information that may be useful to the Region or to other agencies in reviewing this proposed Official Plan Amendment, (e.g., efforts made to resolve outstanding objections or concerns)?

A full list of reports prepared in support of the proposed quarry are attached to this application.

Applicant Declaration

I, Ken Lucyshyn (authorized to sign on behalf of owner) declare that the information contained in this Application is true and accurate to the best of my knowledge and belief. I have authority at law (including applicable corporate authorization, if required) to bring this application to amend the Niagara Region Official Plan, including where applicable the consent of the registered owner of the affected lands.



Applicant's Signature
(original signature required)

Applicant's Consent

Submission of this application constitutes tacit consent for authorized Regional staff to inspect the subject lands or premises and to enter upon the lands in order to undertake the inspection.

In accordance with the Planning Act, it is the policy of Niagara Region to provide public access to all development applications and supporting documentation.

Debra Walker (MHBC Planning) (print name of applicant or agent)
agrees and acknowledges that this application and any supporting material, including studies and drawings, filed with the application is public information, and forms part of the public record.

As public information, Debra Walker (MHBC Planning) (the applicant or agent) hereby consents to the Region photocopying and releasing the application and supporting materials for either its own use in the processing of the application or at the request of any third party.

_____	15	November	2021
Signature	Day	Month	Year

THIS APPLICATION PACKAGE MUST BE SUBMITTED TO:

ATTN: Planning and Development Services Department
Niagara Region
1815 Sir Isaac Brock Way
PO Box 1042
Thorold, ON L2V 4T7

Telephone: 905-980-6000
Toll-free: 1-800-263-7215
Fax: 905-641-5208
Website: <http://www.niagararegion.ca>

Proposed Uppers Quarry - Report(s) or other information being provided with this application to amend the Regional Official Plan:

- Planning Justification Report and Summary Statement, prepared by MHBC, dated October 2021
- Alternative Site Analysis, prepared by MHBC, dated October 2021
- Level 2 Water Study Report, prepared by WSP, dated October 2021
- Level 1 and Level 2 Natural Environment Technical Report and Environmental Impact Study, prepared by Stantec, dated October 2021
- Agricultural Impact Assessment, prepared by Colville Consulting, dated October 2021
- Acoustic Assessment Report, prepared by RWDI, dated October 2021
- Air Quality Assessment Report, prepared by RWDI, dated October 2021
- Blasting Impact Assessment, prepared by Explotech Engineering Ltd., dated October 2021
- Traffic Impact Study, prepared by TMIG, dated October 2021
- Cultural Heritage Impact Assessment, prepared by MHBC, dated October 2021
- Visual Impact Assessment, prepared by MHBC, dated October 2021
- Economic Benefits Analysis, prepared by Prism, dated October 2021
- Aggregate Resource Act Site Plan drawings (full-size)
- The following Archaeological Assessments:

	Report Name	Author	Date of Report
1	Stage 1 Archaeological Resource Assessment of Walker Aggregates Proposed South Niagara Quarry, Part of Lots 102, 119, 120, 136 & 137	Archaeological Services Inc.	December 2008
2	Stage 1-2 Archaeological Assessment of Part 9764 Uppers Lane, Part of Lots 119 & 120	Archaeological Assessments Ltd.	November 3, 2005
3	Stage 2-3 Archaeological Assessment, Part of Lots 102, 119, 120, 136 & 137	Archaeological Assessments Ltd.	November 21, 2012
4	Stage 1-2 Archaeological Assessments, Upper's Quarry Additional Lands, Part of Lots 119 & 120*	Archaeological Research Associates Ltd.	April 20, 2020
5	Stage 3 Mitigation of Development Impacts, Final Excavation Report, Walker XI (AgGt-411), Upper's Quarry	Archaeological Research Associates Ltd.	May 26 2021

6	Stage 4 Mitigation of Development Impacts, Final Excavation Report, Walker IX (AgGt-178), Upper's Quarry	Archaeological Research Associates Ltd.	July 22, 2021
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