

1.2.6.2 *Where avoidance is not possible in accordance with policy 1.2.6.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:*

- a) there is an identified need for the proposed use;*
- b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;*
- c) adverse effects to the proposed sensitive land use are minimized and mitigated; and*
- d) potential impacts to industrial, manufacturing or other uses are minimized and mitigated.*

'Major facilities' is defined in the PPS as: "*facilities which may require separation from sensitive land uses, including but not limited to... manufacturing uses, and..., industries, ...*". Under this definition, the proposed Uppers Quarry is considered under "Major Facilities".

'Sensitive Land Use': means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities.

DRAFT LAND USE COMPATIBILITY GUIDELINES (PROPOSED)

The Ministry of the Environment, Conservation and Parks has proposed new land use compatibility guidelines as an update to a number of existing D-series guidelines for municipalities to use when making land use planning decisions. The Draft Land Use Compatibility Guidelines ("Guidelines") were prepared to implement the land use compatibility policies in the PPS and, specifically have the following objectives:

- protect employment areas (including industrial employment areas) designated for future major facilities from incompatible uses and encroachment by sensitive land uses
- protect existing or planned major facilities from potential impacts from new sensitive land uses
- prevent adverse effects to existing or planned sensitive land uses from new and/or expanding major facilities

From the Niagara Regional Response to the Guidelines, the Niagara Region staff are supportive of the Province revising the approach to land use compatibility to support the Provincial Policy Statement, as amended.

The proposed Guidelines provide a guiding hierarchy for land use compatibility where avoidance of incompatible land uses through adequate separation should be achieved, or if avoidance is not possible, minimizing and mitigating adverse effects. The first step of the hierarchy sets out to **avoid incompatible land uses which includes locating a sensitive land use outside of the Area of Influence (AOI) of a major facility**. Further to this, the Guidelines states that AOI and MSD only applies to new or expanding



sensitive land use proposals near major facility aggregate operations and are not applicable to land use decisions for new or expanding aggregate operations proposed near sensitive land uses.

Area of Influence (AOI) and Minimum Separation Distances (MSD) specific to certain sectors or types of major facilities have been provided in the Draft Guidelines. Mineral Aggregate Operations have an AOI of 1000m and an MSD of 500m under the Proposed Guidelines. Landfill operations has an MSD of 500m, while as the AOI of such operations are determined on a case-by-case basis.

An AOI of 1000m and an MSD of 500m is applicable to both proposed Uppers Quarry site and the existing Walker Brothers Quarry (WBQ). A 500m MSD is also applicable to the existing landfill operation which is adjacent to the existing WBQ operation. The lands subject of the urban area boundary expansion request fall within both the AOI and MSD associated with the proposed Uppers Quarry site, and are also partially within an aggregate resource area.

CONCLUSION

Any consideration of an urban area boundary expansion request must ensure that such a proposal is consistent with the Provincial Policy Statement, including policies relating to the protection of mineral aggregate resources for the long term and ensuring land use compatibility. In our view, this has not been properly demonstrated.

Walker made a general submission to the Region on this very issue (see attached) on March 9, 2020.

Please accept this correspondence as Walker's further request to be notified of any applications, open houses, public meetings and/or decisions relating to this specific request for a proposed urban area boundary expansion.

We appreciate the opportunity to provide input to the Region's Official Plan review process. As always, we would be pleased to meet to review and further discuss our comments.

Yours truly,

A black rectangular redaction box covering the signature of Kevin Kehl.

KEVIN KEHL

Project Manager

Aggregates & Construction Division

C: David Heyworth, Official Plan Policy Consultant, MMAH



Sean Norman, Senior Planner, Planning and Development Services, Niagara Region

Alex Herloritch, Head of Planning and Development, City of Niagara Falls

Attachments:

- Previous letter regarding Urban Area Boundary Expansions (dated. March 9, 2020).



March 9, 2020

Ms. Denise Landry, MCIP, RPP
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Dear Ms. Landry and Mr. Banach:

RE: Proposals for City of Thorold Urban Area Boundary Expansions

It has come to our attention that a number of applications have been submitted to Niagara Region including a proposal to expand the Urban Area boundary near Lundy's Lane, in the City of Thorold.

Walker Aggregates Inc. own land to the northeast of this area and have potential concerns regarding any application that has the potential to introduce new permissions for sensitive land uses in proximity to our lands.

Walker's lands are also identified in the Niagara Region's Official Plan (Schedule D1) as "Potential Resource Areas – Stone".

As discussed in pre-consultation meetings with Region and City Staff, it is Walker's intent to submit applications this Spring for the purpose of developing a stone quarry on Walker's lands.

Walker's concern with any proposed Urban Area boundary expansion in proximity to lands identified as Potential Resource Areas - Stone, including Walker's lands, is that it may introduce land uses which may preclude or hinder establishment of a stone quarry at this location or may conflict with the use of these lands as a stone quarry in the future. If an application serves to preclude or hinder establishment of a quarry on the Walker lands, it would not be consistent with policy 2.5.2.5 of the Provincial Policy Statement (PPS, 2014 and 2020). Nor would it conform to policy B.2.6.3.2 of the City of Thorold's Official Plan.

Please accept this correspondence as Walker's formal request to be notified of any applications, open houses, public meetings and/or decisions relating to any such urban area expansion proposals within two (2) kilometres of an identified "Potential Resource Areas - Stone" (identified in the Region's Official Plan).

Thank you in advance for giving consideration to our concerns.

Sincerely,

A black rectangular redaction box covering the signature of Kevin Kehl.

**Kevin Kehl
Walker Aggregates Inc.**