



City of Port Colborne
Regular Meeting of Committee of the Whole 14-18
Monday, June 25, 2018 – 6:30 p.m.
Council Chambers, 3rd Floor, 66 Charlotte Street

Agenda

1. **Call to Order:** Mayor John Maloney
2. **National Anthem:** Joel Longfellow
3. **Introduction of Addendum and Delegation Items:**
4. **Confirmation of Agenda:**
5. **Disclosures of Interest:**
6. **Adoption of Minutes:**
 - (a) Regular meeting of Committee of the Whole 13-18, held on June 11, 2018.
7. **Determination of Items Requiring Separate Discussion:**
8. **Approval of Items Not Requiring Separate Discussion:**
9. **Presentations:**

Nil.
10. **Delegations (10 Minutes Maximum):**
 - (a) David Heyworth, Official Plan-Policy Consultant, Planning & Development Services, Niagara Region Re: New Official Plan (Page No: 9)
 - (b) Don Gilbert, Manager of Operations, John Sander, Manager of Customer Engagement, Kristine Carmichael, Director of Corporate Services, Canadian Niagara Power Re: Canadian Niagara Power Inc. (Page No. 31)
 - (c) Judith Boroniec Re: Business Licence Fees of Talwood Manor (Page No. 49)
11. **Mayor's Report:**
12. **Regional Councillor's Report:**
13. **Councillors' Items:**
 - (a) Councillors' Issues/Enquiries
 - (b) Staff Responses to Previous Councillors' Enquiries
14. **Consideration of Items Requiring Separate Discussion:**

15. Notice of Motion:

16. Adjournment:

Upcoming Committee of the Whole and Council Meetings	
Monday, July 9, 2018	Committee of the Whole/Council – 6:30 P.M.
Monday, July 23, 2018	Committee of the Whole/Council – 6:30 P.M.
Monday, August 13, 2018	Committee of the Whole/Council – 6:30 P.M.
Monday, August 27, 2018	Committee of the Whole/Council – 6:30 P.M.
Monday, September 10, 2018	Committee of the Whole/Council – 6:30 P.M.
Monday, September 24, 2018	Committee of the Whole/Council – 6:30 P.M.

Note: If not otherwise attached to the staff report, by-laws are published and available for review under the "Consideration of By-laws" section of the Council agenda.

Committee Items:

Notes	Item	Description / Recommendation	Page
JDM BB RB AD FD YD DE BK JM	1.	<p><u>Corporate Services, Clerk's Division, Report No. 2018-93, Subject: Restricted Acts of Council (Lame Duck Periods)</u></p> <p>That the City Clerk be directed to prepare the necessary by-law prior to Nomination Day (July 27, 2018) delegating authority to the Chief Administrative Officer (CAO) from July 27, 2018 to the earliest of December 1, 2018 or when quorum of members of the newly elected Council swear their Declaration of Office, as outlined:</p> <ol style="list-style-type: none"> 1. The CAO be delegated the authority as the financial signing authority for expenditures, outside the current budget, exceeding \$50,000; 2. That the CAO be delegated the authority to execute an Agreement of Purchase and Sale pertaining to the disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal for the acquisition of property; 3. That the CAO be delegated the authority to appoint or remove any officer from or to an office with the City of Port Colborne. 4. That the CAO be delegated the authority to hire or dismiss any employee of the municipality; 5. That the CAO will report to Council if the delegation of authority is exercised under the proposed by-law; and <p>That the by-law shall come into force and effect only in the event that less than seventy-five percent (75%) of the current Members of Council will be returning to sit on the new Council after Nomination Day of the 2018 Municipal Election as determined by the City Clerk.</p>	51
JDM BB RB AD FD YD DE BK JM	2.	<p><u>Corporate Services, Clerk's Division, Report No. 2018-91, Subject: Joint Niagara Compliance Audit Committee</u></p> <p>That The Corporation of the City of Port Colborne continue its participation in the Joint Niagara Compliance Audit Committee; and</p> <p>That the updated Terms of Reference, attached as Appendix A to Corporate Services Department, Clerks Divisions Report 2018-91, be approved; and</p>	55

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				<p>That authority be delegated to the City Clerk to make legislative or administrative changes to the Terms of Reference; and</p> <p>That authority be delegated to the City Clerk to appoint members to the Compliance Audit Committee.</p>	
JDM AD DE	BB FD BK	RB YD JM	3.	<p><u>Corporate Services, Finance Division, Report No. 2018-88, Subject: Grant Funding</u></p> <p>That Corporate Services Department, Finance Division Report 2018-88 with respect to Grant Funding, be received for information.</p>	65
JDM AD DE	BB FD BK	RB YD JM	4.	<p><u>Planning and Development, Planning Division, Report No. 2018-81, Subject: Biodiversity Offsetting</u></p> <p>The Council of The Corporation of the City of Port Colborne requests that the Region of Niagara and Niagara Peninsula Conservation Authority take the following actions with respect to the issues of Biodiversity Offsetting:</p> <ul style="list-style-type: none"> • Defer support of any Biodiversity Offsetting (BDO) Pilot Project until a thorough public discussion is undertaken regarding the purpose, methodology and evaluation procedure to be applied to any case study; and • Allow the involvement of interested members of the public, but also experts from Brock University, Niagara College, and other Universities and Colleges with specialized fields of Ecological and Environmental studies to allow input to specialized biological questions should they arise • Adopt the position that Provincially Significant Wetlands be protected the greatest extent; and <p>That Council's response with respect to Biodiversity Offsetting be forwarded to the Ministry of Natural Resources and Forestry for consideration in their review of the <i>Conservation Authorities Act</i>.</p>	81
JDM AD DE	BB FD BK	RB YD JM	5.	<p><u>Engineering and Operations, Operations Division, Report No. 2018-79, Subject: Energy Consumption and Greenhouse Gas Emissions Report (2016)</u></p> <p>That Engineering and Operations Department, Operations Division Report 2018-79 with respect to Energy Consumption and Greenhouse Gas Emissions Report (2016) be received for information.</p>	95

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JDM	BB	RB	6.	<p><u>Community and Economic, Sugarloaf Marina Division, Report No. 2018-89, Subject: Sugarloaf Marina – Herbicide Application</u></p> <p>That the Director of Community and Economic Development be directed to proceed with issuing a purchase order for applications of herbicides to Sugarloaf Marina.</p> <p>After a thorough evaluation of the success of the project staff request the allocation of \$10,000 annually for herbicide application be included during the 2019 budget deliberations weeds as well as \$12,500 to replace the funds for the LED lights to complete this project in 2019.</p>	103
AD	FD	YD			
DE	BK	JM			

Miscellaneous Correspondence

JDM	BB	RB	7.	<p><u>Email correspondence from Betty Konc dated June 5, 2018 Re: Request for Fireworks Display on August 11, 2018 for an Annual BBQ, located at 831 Highway 3, East, Port Colborne</u></p> <p>That pursuant to Section 6.1.1 of By-law 4989/45/07, the Council of The Corporation of the City of Port Colborne authorize Betty Konc of 831 Highway 3, East, Port Colborne to hold a Display Fireworks Event on August 11, 2018.</p> <p>That such approval be conditional on the issuance of a permit by the Fire Chief, in compliance with By-law 4989/45/07 and payment of the applicable fees.</p> <p>That the following information be submitted to the Port Colborne Fire & Emergency Services a review a minimum of two weeks prior to the holding of the event.</p> <ul style="list-style-type: none"> • A fireworks site plan including but not limited to, separation distances to the public and vulnerable areas, location from where the fireworks are being fired, fallout zone, direction of firing, is to be submitted to this office by the fireworks supervisor for review. • Event description information, including description of fireworks, type size and quantity. <ul style="list-style-type: none"> - firing procedures, manual or electric - emergency procedures - traffic control plans <p>That Betty Konc of 831 Highway 3, East, Port Colborne be advised that as the Authority having jurisdiction, Port Colborne Fire and Emergency Services conduct spot site inspections and may revoke approval for any</p>	107
AD	FD	YD			
DE	BK	JM			

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				violation of the <i>Ontario Fire Code</i> or the <i>Explosives Act</i> prior to or during the scheduled event. **Note** If a fire ban due to dry conditions occur prior to the event, Port Colborne Fire and Emergency Services reserves the right to revoke consent.	
JDM AD DE	BB FD BK	RB YD JM	8.	<u>Region of Niagara Re: State of Aggregate Resources in Niagara Region – Technical Addendum (PDS Report 12-2018)</u> That the correspondence received from the Region of Niagara Re: State of Aggregate Resources in Niagara Region – Technical Addendum (PDS Report 12-2018), be received for information.	109
JDM AD DE	BB FD BK	RB YD JM	9.	<u>Region of Niagara Re: Waterfront Investment Program 2018 Funding Recommendations (PDS Report 16-2018)</u> That the correspondence received from the Region of Niagara Re: Waterfront Investment Program 2018 Funding Recommendations (PDS Report 16-2018), be received for information.	225
JDM AD DE	BB FD BK	RB YD JM	10.	<u>Region of Niagara Re: New Regional Official Plan and Growth Management Program (PDS Report 21-2018)</u> That the correspondence received from the Region of Niagara Re: New Regional Official Plan and Growth Management Program (PDS Report 21-2018), be received for information.	233
JDM AD DE	BB FD BK	RB YD JM	11.	<u>Region of Niagara Re: Climate Change Framework (PDS Report 22-2018)</u> That the correspondence received from the Region of Niagara Re: Climate Change Framework (PDS Report 22-2018), be received for information.	245
JDM AD DE	BB FD BK	RB YD JM	12.	<u>Region of Niagara Re: Development Applications Monitoring Report – 2017 Year End (PDS Report 23-2018)</u> That the correspondence received from the Region of Niagara Re: Development Applications Monitoring Report – 2017 Year End (PDS Report 23-2018), be received for information.	259

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JDM	BB	RB	13.	<u>Region of Niagara Re: Taxpayer Affordability Guidelines</u>	267
AD	FD	YD		That the correspondence received from the Region of Niagara Re: Taxpayer Affordability Guidelines be referred to the Director of Corporate Services.	
DE	BK	JM			
Outside Resolutions – Requests for Endorsement					
JDM	BB	RB	14.	<u>City of Quinte West Re: Cannabis Grace Period Request</u>	269
AD	FD	YD		That the resolution received from the City of Quinte Re: Cannabis Grace Period Request, be supported.	
DE	BK	JM			
Responses to City of Port Colborne Resolutions					
JDM	BB	RB	15.	<u>Town of Pelham Re: Provincial Funding for Local Public Libraries</u>	271
AD	FD	YD		That the resolution received from the Town of Pelham regarding the City of Port Colborne's support for Provincial Funding for Local Public Libraries, be received for information.	
DE	BK	JM			
JDM	BB	RB	16.	<u>Town of Pelham Re: Safe Drinking Water Training – Elected Municipal Officials</u>	272
AD	FD	YD		That the resolution received from the Town of Pelham regarding City of Port Colborne's support of Safe Drinking Water Training for Elected Municipal Officials, be received for information.	
DE	BK	JM			
JDM	BB	RB	17.	<u>City of St. Catharines Re: Niagara Central Dorothy Rungeling Airport – Position regarding Niagara Region Uptake of Control and Governance of NCDRA and NDA</u>	273
AD	FD	YD		That the resolution received from the City of St. Catharines regarding City of Port Colborne's resolution regarding Niagara Central Dorothy Rungeling Airport – Niagara Region Uptake of Control of NCDRA and NDA, be received for information.	
DE	BK	JM			

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From: "Heyworth, David" <david.heyworth@niagararegion.ca>
To: Group-Plan & Dev-Area Planning Directors/Managers
<grou-plan&dev-areaplanningdirectors-managers@niagararegion.ca>
Cc: "Giles, Doug" <Doug.Giles@niagararegion.ca>, "DeFields,
Danielle" <Danielle.DeFields@niagararegion.ca>, "Dick, Brian"
<brian.dick@niagararegion.ca>
Date: 2018-04-18 02:30 PM
Subject: New Official Plan - Presentation to Local Councils

Hi:

I would like to schedule presentations to your local Council or Planning Committee on the New Official Plan (OP) during May or June outlining why a New OP is being done, time frame and frameworks for priority background studies to inform the New OP. This is to be a high level presentation to indicate work has been initiated and that Area Planners and local councils as well as other stakeholders and public will be involved throughout the process as it unfolds.

Kind Regards

Dave Heyworth, MCIP, RPP
Official Plan-Policy Consultant
Planning and Development Services
Niagara Region
Phone: 905-980-6000 ext. 3476 Toll-free: 1-800-263-7215 www.niagararegion.ca

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NEW REGIONAL OFFICIAL PLAN

HIGH LEVEL PROCESS & FRAMEWORK

Why A New Official Plan

- Originally the role of Regionally Planning and content of Regional Official Plan (1970s) primarily focused on protecting agricultural lands and establishing urban (settlement area) boundaries.
- Over the years, amendments have been made to this outdated platform (Plan) to reflect the Region's increased planning functions under an evolving provincial planning system.
- Now an opportunity to ensure that it remains current with changes to Provincial plans and policies, and reflects and supports the strategic goals and priorities of the community and Regional Council in a comprehensive manner.

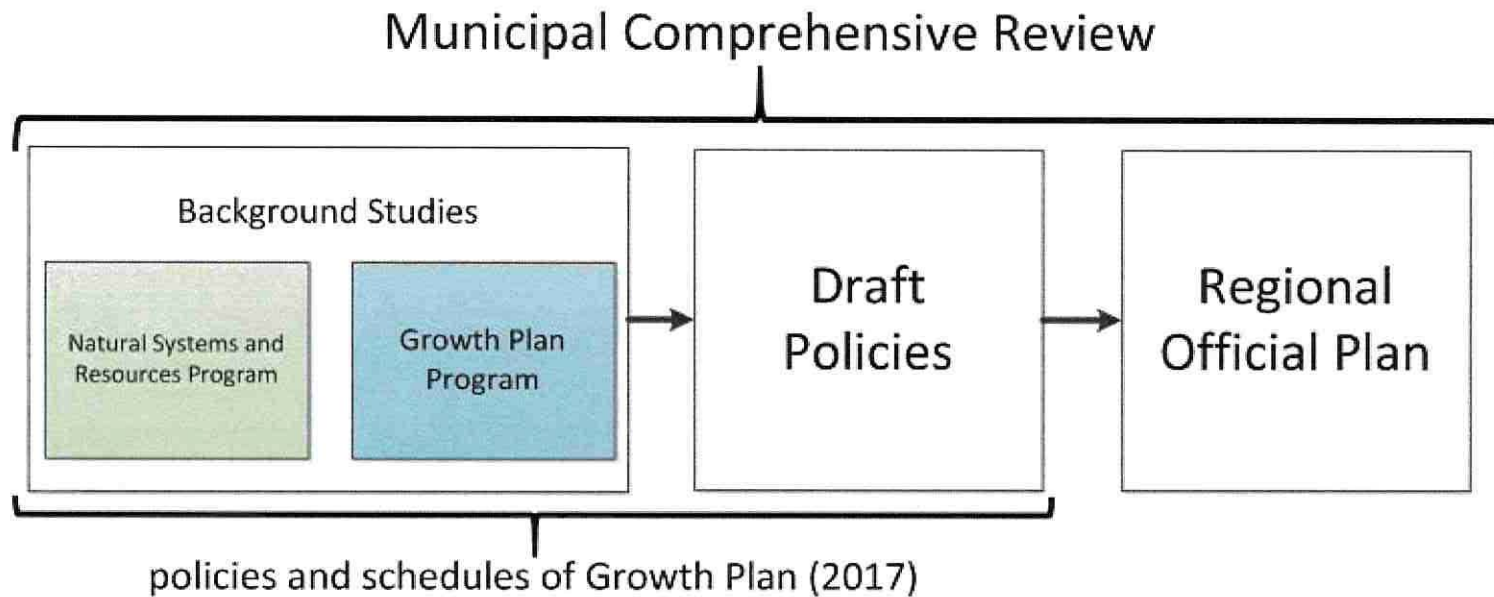
Initiation

- Late 2016, the Region allocated staff resources and budget to complete the Regional Official Plan over the next 5 years.
- A Special Meeting of Council will be held on July 5th, 2018 to hear how the public visions Niagara growing and developing till 2041.
- In the meantime, the Region, with the input of Area Planners, has been framing required priority background studies (required work) to inform the new Official Plan.

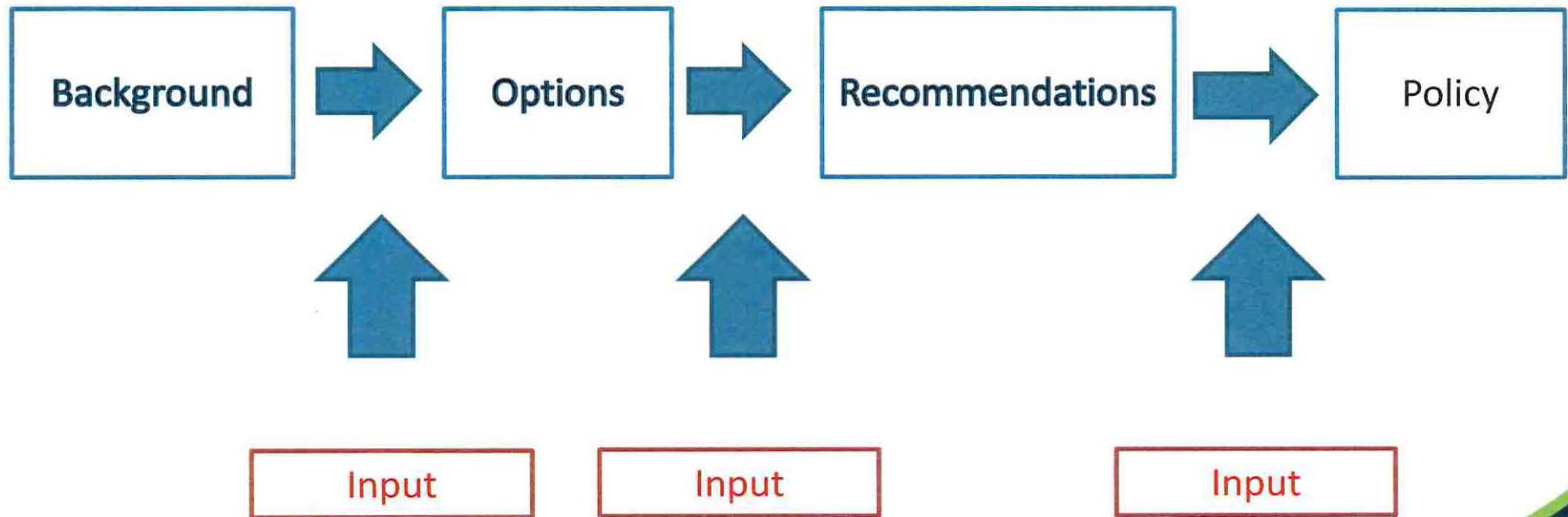
Preliminary Objectives

- Promote and achieve great development outcomes that contribute to complete community solutions and a quality urban experience.
- Facilitate opportunities for economic growth.
- Protect Regional Natural and Agricultural Resources and adequately respond to the challenges of Climate Change
- Provide clear policy direction where necessary and discretion where appropriate.
- Address Provincial requirements, Regional mandate matters and provide guidance to LAMs.
- The New Official Plan will be processed under Section 26 of the *Planning Act*

Municipal Comprehensive Review Process



General Background Studies Process Housing & Rural & Natural Systems Planning Background



Priority Background Studies

Growth Management Program

Land Budget

Employment Lands Strategy

Urban Structure

Housing Strategy

Natural Systems and Resources Program

Agriculture

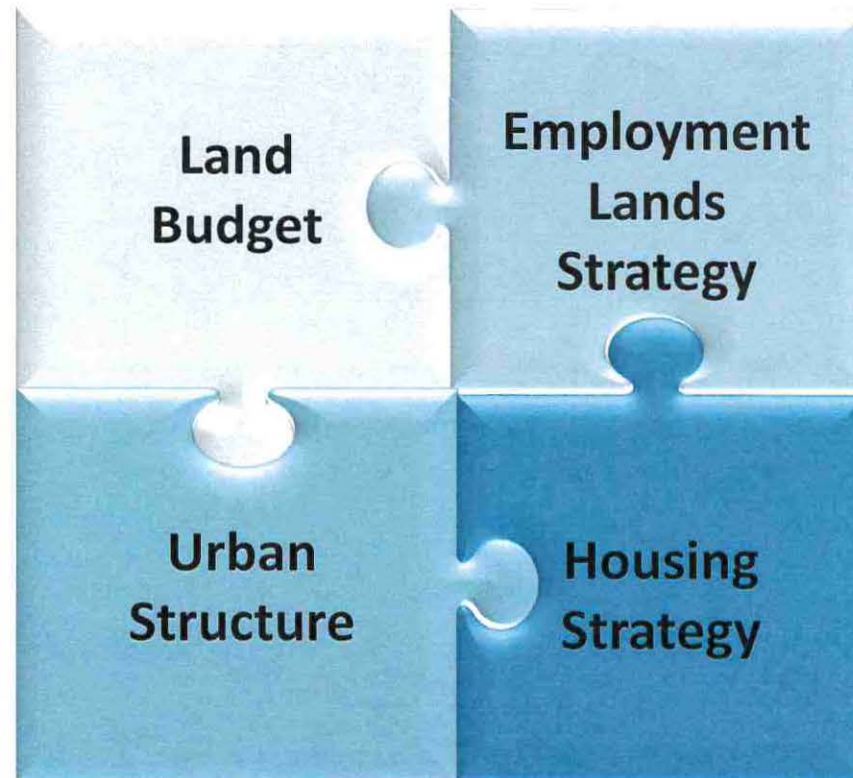
Natural Environment

Aggregate Resources

Climate Change

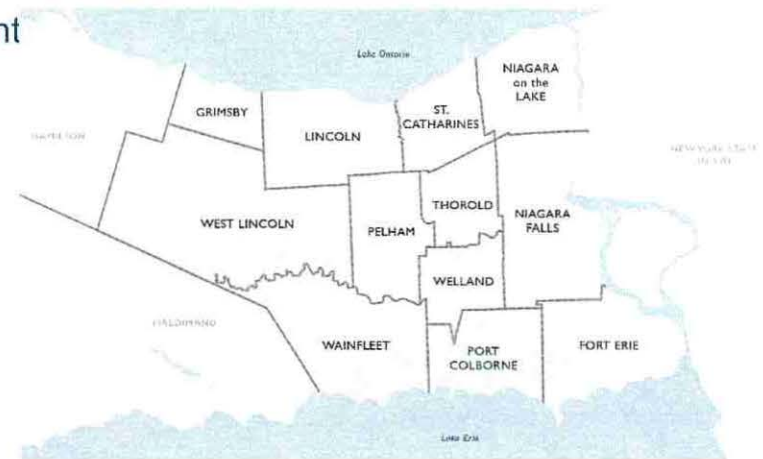
Growth Management Program

Goal- Completion Q2-2019



Land Needs Assessment

- The amount of developable urban land needed for residential and employment purposes to 2041
- Identify any excess lands. (not developable by 2041)
Excess lands will need to be designated for development post 2041
- Alternative greenfield density targets to the required 80 people and jobs per hectare can be requested to the Province
- Opportunity to rationalize urban area boundaries and ensure that sufficient lands are in the proper location to accommodate growth.
- Urban area boundary expansions can take place, even if there are excess lands, provided there is a de-designation of lands.



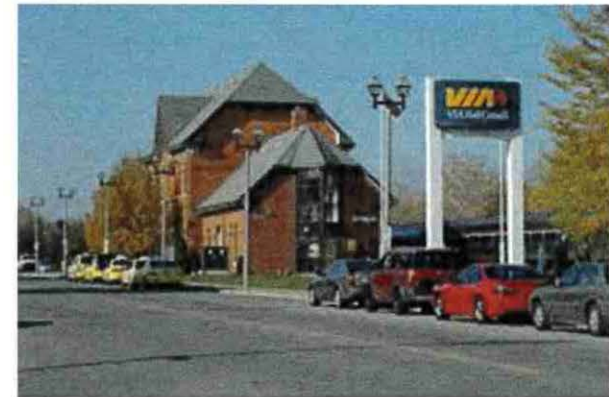
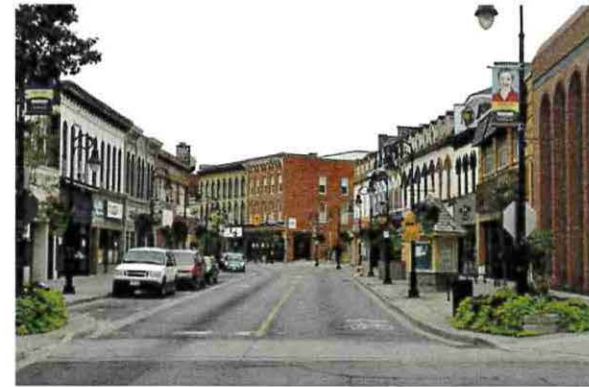
Employment Lands Strategy

- Ensure sufficient and marketable supply for traditional industrial employment
- Identify *Regional Employment Areas* - areas of business and economic activity for long term employment development which are to be protected from conversion
- The Region is currently working with the local municipalities, specifically area planners at this stage.
- This project will be informed by the Region's annual Employment Inventory.



Urban Structure

- The urban structure is a significant component for the Region to achieve an eventual 60% intensification rate under the Growth Plan while protecting established neighbourhoods.
- Identify a hierarchy of settlement areas
- Identify important strategic regional intensification areas to direct growth to areas best served by a combination of transportation/transit, public works and community infrastructure and services
- Assign population and density accordingly



Draft Urban Structure Major Components For Intensification Areas

Downtown St. Catharines Urban Growth Centre (UGC)

- The Downtown St. Catharines Urban Growth Centre is the Region's main mixed use node with the highest densities and broadest range of uses. The Downtown St. Catharines UGC, whose boundaries are defined, has a minimum density target of 150 residents and jobs combined per hectare by 2031 or earlier.

Downtown Niagara Falls and Downtown Welland Emerging Urban Centres

- Downtown Niagara Falls (incorporating the Niagara Falls GO Major Transit Station Area) and Downtown Welland Emerging Urban Centres are regional focal points that have potential for accommodating population and employment growth. These two emerging urban centres, in the horizon of the Regional Plan (2041), will grow to become as close as possible to become vibrant and dense, transit supportive urban cores.

Major GO Transit Station Areas

- With the pending arrival of GO Rail service, the Region in co-operation with the municipalities of Grimsby, Lincoln, St. Catharines and Niagara Falls through secondary plans, are creating vibrant and dense mixed use nodes around the major transit station areas. The proposed urban structure would recognize this work.

Other Regional Growth Areas

- Other Regional Growth Areas span multiple jurisdictions that have the potential to become iconic in nature and have the potential to attract new investment, people, jobs and development. The District Plan process is a key process for identifying these significant Regional areas.

Regional Corridors

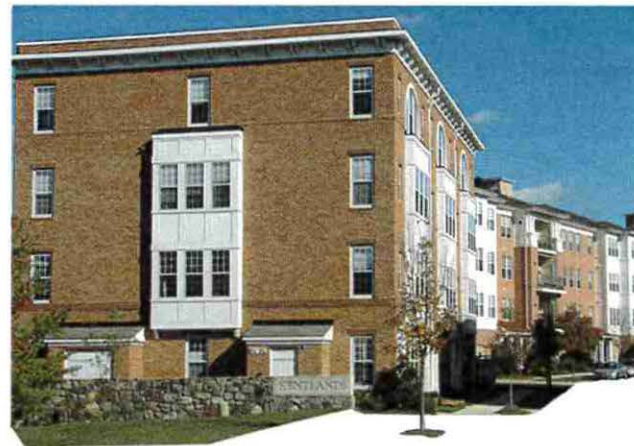
- Regional corridors are the multi-modal linkages that connect Strategic Growth Areas and urban areas across Niagara. The design of Regional Corridors will complement and benefit the landscape they travel through. It is envisioned that lands along Regional Corridors will be intensified with denser forms of higher residential development. The delineation of Regional corridors is still being discussed with local planners.

Local Centres & Local Corridors

- Local centres and corridors are strategic areas of growth and investment for the local municipality such as the downtown cores or key mixed use areas.

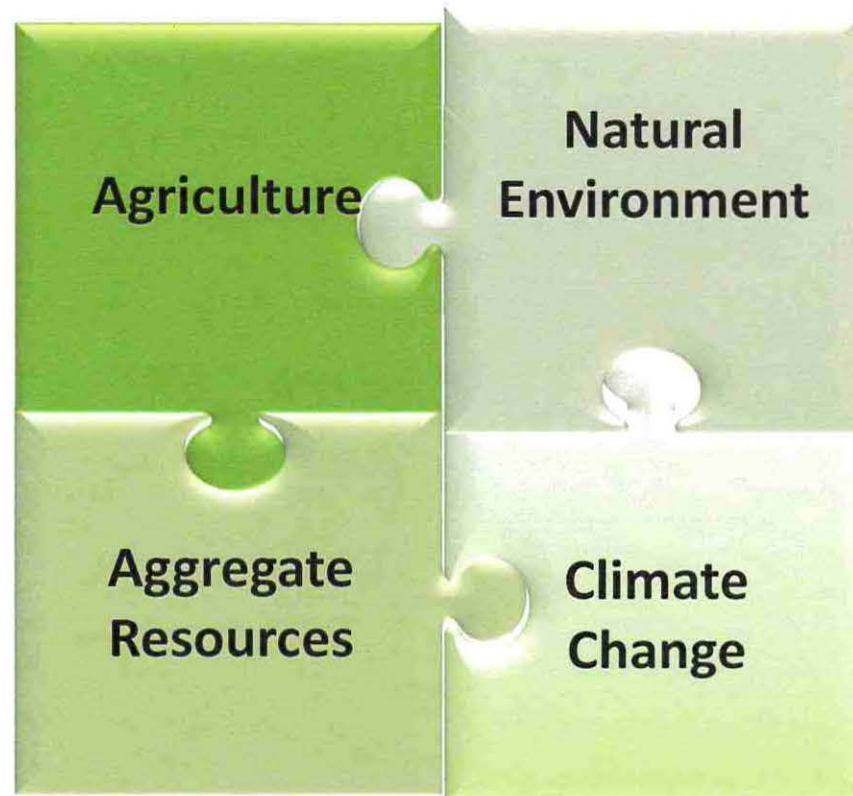
Housing Strategy

- Promote an appropriate range and mix of housing forms
- Promote choice, aging in place opportunities and affordability
- Set affordable ownership and rental housing targets
- Identify tools to support affordable housing
- Align with Housing and Homelessness Action Plan
- Support complete communities



Rural and Natural Systems Management Program

Framework completions- Q2-2018



Agriculture Framework

Recognize agriculture is a primary driver of the regional economy

Protect the unique land

Update specific policy, such as agricultural- related and on-farm diversified uses.

Consider Area Planners concerns regarding:

- viability of certain agricultural lands
- refinements to Province's agricultural system mapping
- how wineries are addressed in NEP and Province's Permitted Uses Guidelines
- importance of Agricultural Impact Assessment
- importance of compatibility between the Regional Natural Heritage System and Agricultural System
- concerns about use of greenhouses for cannabis



Natural Environment & Water Systems Planning

- Will be a significant component of the new ROP to meet Provincial policy direction
- It is recognized that accurate mapping and appropriate methods to interpret and update mapping is critical and is planned to be discussed early.
- Establish criteria and identify features for provincial compliance (ex. woodlands).
- Develop watershed planning policy framework
- Specific topics for consideration – offsetting, shorelines, watercourse mapping
- Education is a priority component of the engagement process



Aggregate Resources

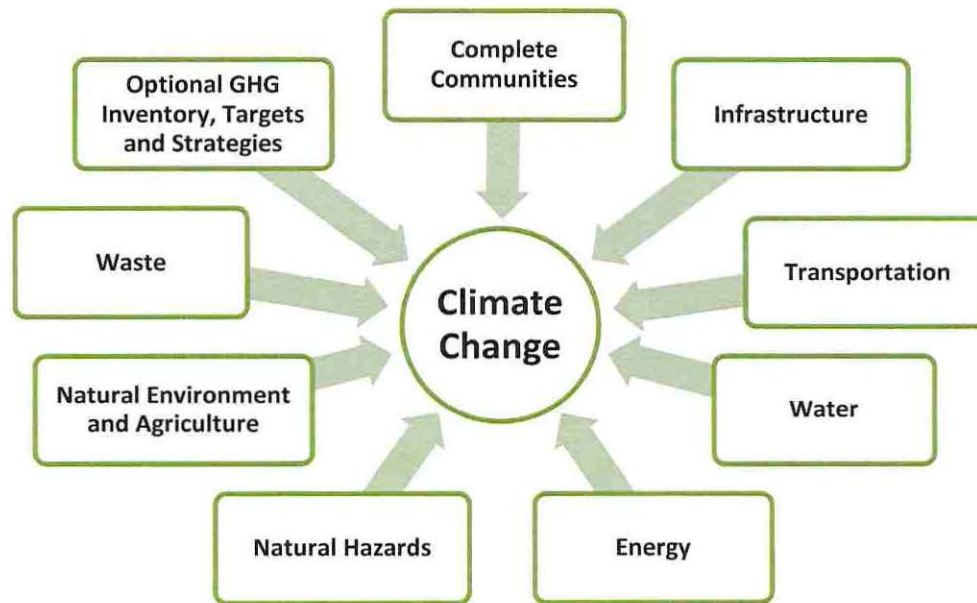
- Aggregate resources are located throughout the region.
- Extraction of the resource is necessary - a need to address land use compatibility
- “State of Aggregates in Niagara Region: Background Report” was brought to Committee and Council in 2016
- A Technical addendum has just been completed to supplement the Background Report as a result of changes to Provincial Plans, *Aggregate Resources Act*, and Bill 139
- Draft policies will be presented to the TAG, planning advisory committee, industry stakeholders, Provincial ministries, and public



Climate Change

Opportunities for climate change adaption and mitigation

A climate change study will assess obligations and options on the region's role relative to GHG targets.



Engagement Process Considerations

- Engagement of Indigenous Peoples early
- Carry forward essential information and direction
- Clear understanding that one policy decision impacts another
- Opportunities for Council members feel involved
- Consideration and identification of the “Regional mandate”
- Broad based and personal consultation
- Provide strategic facilitation where necessary

Moving Forward

- Comply With Planning Act Requirements - Special Council Meeting & Open Houses
- Provide for broad consultation in the development of Background Studies and Official Plan Policy Sections
- Present to Local Council's to highlight approach and invite involvement
- Use *Imagine Niagara* to theme public topics, visioning and engagement
- Complete ROP in Sections for endorsement and consolidate endorsed sections for Council adoption
- Complete by 2021

QUESTIONS?



FW: CNPI Presentation for Council meeting on June 25 Carmichael, Kristine to:
 'brendaheidebrecht@portcolborne.ca' 06/18/2018 03:27 PM
 From: "Carmichael, Kristine" <Kristine.Carmichael@FortisOntario.com>
 To: "'brendaheidebrecht@portcolborne.ca'" <brendaheidebrecht@portcolborne.ca>

1 Attachment



CNPI Port Colborne Presentation - June 2018.pdf

Hi Brenda,

Attached is our presentation.

The following representatives from Canadian Niagara Power will be in attendance:

Don Gilbert, Manager of Operations
 John Sander, Manager of Customer Engagement
 Kristine Carmichael, Director of Corporate and Customer Services

Kindest Regards,

Kristine Carmichael
 Director of Corporate and Customer Services
 Canadian Niagara Power, a FortisOntario Company
 ✉ E-Mail: Kristine.Carmichael@FortisOntario.com
 ☎ Phone: (905) 994-3637
 📠 Fax: (905) 871-8772

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Canadian Niagara Power Inc. Port Colborne Reliability Discussion

The City of Port Colborne
Council Meeting
June 25, 2018



CANADIAN NIAGARA POWER INC.

A **FORTIS** ONTARIO
Company

Agenda

- Canadian Niagara Power System Overview
- System Reliability
- Capital Investment
- System Enhancement
- Communication Improvements



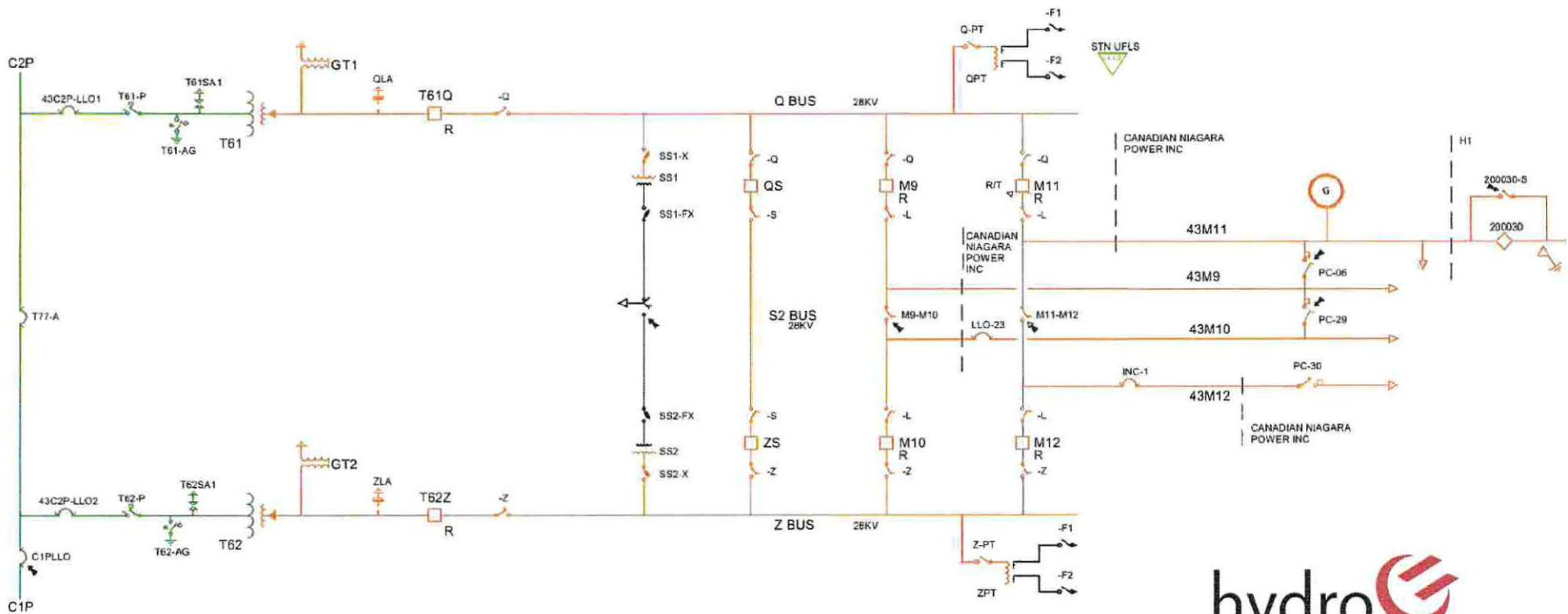
CANADIAN NIAGARA POWER INC.

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System Overview Transmission Fed Port Colborne TS



CANADIAN NIAGARA POWER INC.
A FORTIS ONTARIO Company



SYSTEM RELIABILITY

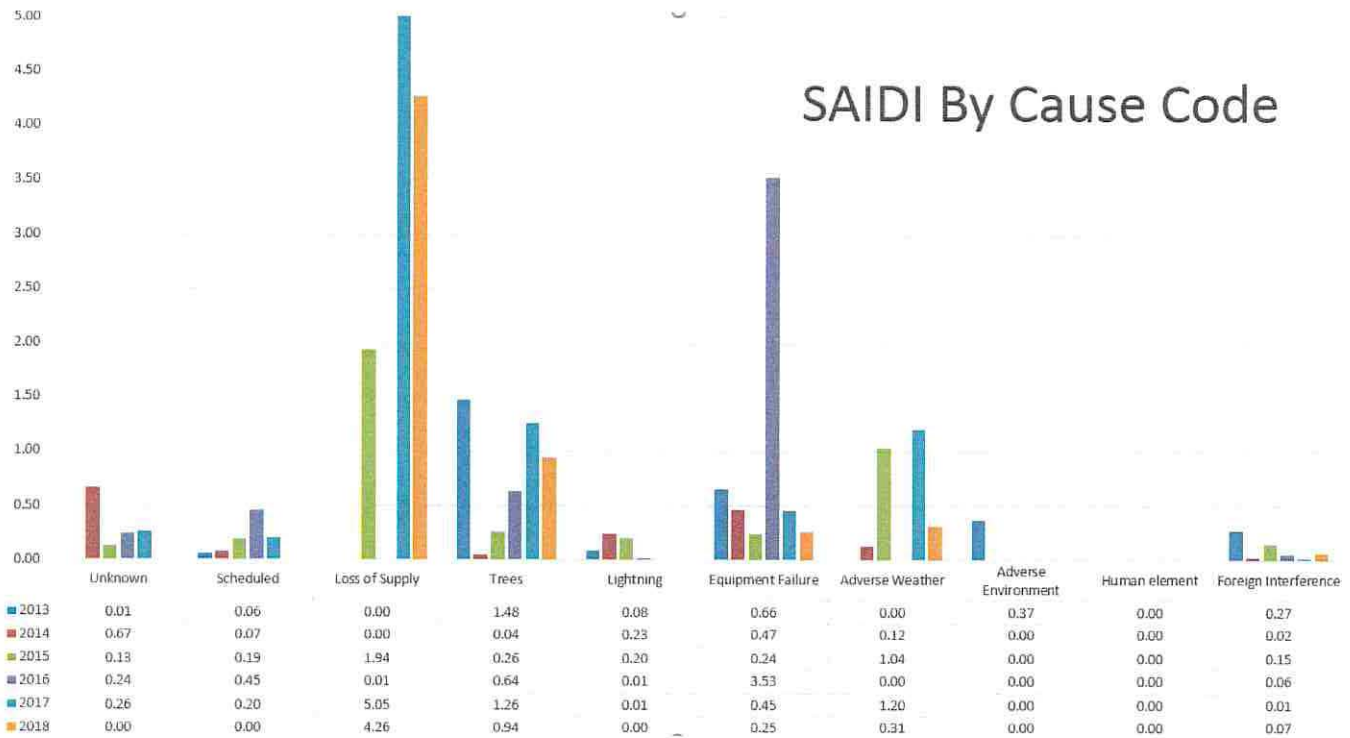
Without loss of supply and Major Outages					
Customer Affected	Customer Hours	TheYear	Customer count	SAIFI YTD	SAIDI YTD
12671	14,233.27	2013	9211	1.38	1.55
24122	15,043.46	2014	9210	2.62	1.63
15127	20,145.32	2015	9191	1.65	2.19
26372	45,335.86	2016	9196	2.87	4.93
21152	29,246.45	2017	9205	2.30	3.18
14819	9,151.33	2018	9210	1.61	0.99



CANADIAN NIAGARA POWER INC.

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Company

SYSTEM RELIABILITY



CANADIAN NIAGARA POWER INC.

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System Improvements



CANADIAN NIAGARA POWER INC.
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Capital Investment

- **Port Colborne Hydro**
Annual Average Approximately – \$1.0 million
- **Canadian Niagara Power Inc.**
Annual Average Approximately – \$1.8 million

System Improvements



CANADIAN NIAGARA POWER INC.
A FORTIS ONTARIO
Company

Capital Investments – Substation Specific

- 2004 Fielden Station – Renewal
- 2009 Beach Road Station – New
- 2015 Fielden Station – Redundancy
- 2018 Jefferson Station – Renewal
- 2019 Catherine Station – Renewal

System Improvements



CANADIAN NIAGARA POWER INC.
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Company

Capital Investments – Line Rebuilds

- Killaly South
- Royal
- Elm
- Barrick
- Sugarloaf
- Main

System Improvement



CANADIAN NIAGARA POWER INC.

A FORTIS ONTARIO
Company

Capital Investments – Distribution Automation

- Auto reclosing installations (Hydro One currently in the process of updating legacy relaying)
- Automated switching placement
- Enhancement of fault indicating devices
- Updated system protection and control review

Maintenance Activities

- Annual inspections
- Critical switch maintenance
- Vegetation management



CANADIAN NIAGARA POWER INC.
A FORTIS ONTARIO Company

Transmission



System Enhancements

- Review reinstatement of second transmission line feeding Port Colborne
- Accelerated renewal of Port Colborne TS

Communication Improvements



CANADIAN NIAGARA POWER INC.
A FORTIS ONTARIO
Company

- What we have heard from you:
 - Need more information

- Areas of focus:
 - Communication channels
 - Content
 - Frequency

Communication Improvements



CANADIAN NIAGARA POWER INC.
A FORTIS ONTARIO
Company

- Channels
 - Social media based
 - Website
 - Council/community sessions
 - Surveys
- Content
 - Ongoing system projects
 - Completed projects
 - Planned outages
- Frequency
 - Annually
 - Quarterly
 - Monthly

Thank you!



CANADIAN NIAGARA POWER INC.

A **FORTIS** ONTARIO
Company

Questions?

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From: "Judith Boroniec" <[REDACTED]>
To: <amberlapointe@portcolborne.ca>
Date: 2018-06-20 10:19 AM
Subject: Fire Inspection Fees in Niagara Region

Good Evening Mr. Mayor and Councillors,

I am here once again to review with you my concerns regarding the ever increasing fire inspection fees which are conducted yearly to operate Port Colborne's last remaining B&B.

Below I've compiled information around the Niagara Region. Some rates in the region have changed since 2017 and inspections are completed by the Fire Prevention Officers with the exception of NOTL. I have spoken directly with fire prevention officers in each city in the Niagara Region and the following requirements are follows:

Grimsby -

Inspection Conducted by: Fire Department.

Fee: No inspections for B&B's.

For residential homes under < 3000 square feet, \$322.05 HST, onetime fee only.

Frequency: No re-inspection.

Admin. Fee: \$0

St. Catharines -

Inspection Conducted by: Fire Department.

Fee: No fee for B&B

Frequency: No re-inspection

Admin Fee - \$0

Niagara Falls -

Inspection Conducted by: Fire Department.

Fee: B&B's onetime inspection only, \$254.25 HST included.

Frequency: No re-inspection.

Adm. Fee- \$0

N-O-T-L -

Fire Inspection: Completed by By-Law Officer.

Fee: \$108.00 / room

Frequency: Annually

Adm. Fee: \$0

Fort Erie -

Inspection Conducted by: Fire Department

Fee: \$176.00 HST included.

Frequency: Once every two years

Adm. Fee: \$0

Pelham –

Inspection Conducted by: None.

Fee: N/A

Frequency: N/A

Adm. fee: \$0

Lincoln –

Inspection Conducted by: Fire Department

Fee: No fees for B&B's. Onetime inspection fee for residential homes, \$250.00, HST included.

Frequency: N/A

Adm. Fee: \$0

Welland –

Inspection Conducted by: Fire Department

Fee: \$271.20, HST included. Onetime inspection for B&B.

Frequency: N/A

Adm. Fee: \$0

Thorold –

Inspection Conducted by: Fire Department

Fee: \$100.00 for Business Application only.

Frequency: N/A

Adm. Fee: \$0

Wainfleet –

Inspection Conducted by: Fire Department

Fee:\$150.00

Frequency: Currently under review.

Adm. Fee: \$0

Port Colborne –

Inspection Conducted by: Fire department

Fee: \$367.25 including HST for B&B's

Frequency: Yearly

Adm. Fee: \$50.00

Regards,

Judith Boroniec

Owner/Operator

Talwood Manor B&B

1905-348-5411



Report Number: 2018-93

Date: June 25, 2018

SUBJECT: Restricted Acts of Council (Lame Duck Periods)

1) PURPOSE

The purpose of this report is to establish delegated authority for prohibited actions if Council falls into a lame duck Council during the 2018 Election period.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

Section 275 of the *Municipal Act*, provides that a Council's actions may be restricted during an election year if after Nomination Day (July 27, 2018), or Election Day (October 22, 2018) less than 75% of sitting Council members may possibly be part of the next sitting Council. If this occurs, the period is commonly known as lame duck.

Changes to the *Municipal Elections Act, 1996* through Bill 181 (*The Municipal Elections Modernization Act, 2016*) have impacted the nomination period for candidates for the 2018 Municipal Election moving it from September to July. This amendment to the *Act* means that Council could be in a lame duck position longer than in previous elections.

Lame duck status will be assessed on two separate dates to determine if any restrictions will take place under the *Municipal Act*. On Nomination Day (July 27) if fewer than 75% of current members of Council are running for re-election then it will be determined that the Council is in a lame duck position from that point until the new Council is sworn in.

Also on Voting Day (October 22) if less than 75% of incumbents are re-elected, then Council will fall into a lame duck period as well.

During a lame duck period, actions of Council are limited or restricted as follows:

1. Making any expenditures or incurring any other liability which exceeds \$50,000;
2. The disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal;
3. The appointment or removal from office of any officer of the municipality and;
4. The hiring or dismissal of any employee of the municipality.

Exceptions are provided during the lame duck period under Section 275(4) if the amount was previously approved in the budget and also Council may take all necessary and appropriate actions in the event of an emergency.

Under Section 275(6) of *The Municipal Act*, certain powers can be delegated to a person or body prior to Nomination Day.

3) STAFF COMMENTS AND DISCUSSIONS

As the City of Port Colborne has nine members of Council, in order to spare the lame duck period at least seven members would need to be running for re-election and at least seven incumbents would need to be re-elected.

As there is a possibility that Council will fall into lame duck status after Nomination Day, a provision for delegated authority is being recommended. The intention of the delegated authority is to give the Chief Administrative Officer the ability to act in the best interest of the City to ensure that business continues to operate as usual until a new Council is sworn in. If the delegated authority is used, the CAO will report to Council providing information on the approval.

If put into motion, the by-law delegating authority to the CAO would expire at the inaugural meeting of the new Council.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Do Nothing

If Council does not establish delegated authority under the lame duck provisions and they fall into a lame duck Council then the City may be prevented from moving forward with certain business.

b) Other Options

It is recommended that Council establish a delegated authority to ensure that City business is advanced if necessary during a possible lame duck period.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Not applicable.

6) ATTACHMENTS

None.

7) RECOMMENDATION

That the City Clerk be directed to prepare the necessary by-law prior to Nomination Day (July 27, 2018) delegating authority to the Chief Administrative Officer (CAO) from July 27, 2018 to the earliest of December 1, 2018 or when quorum of members of the newly elected Council swear their Declaration of Office, as outlined:

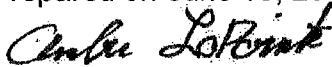
1. The CAO be delegated authority as the financial signing authority for expenditures, outside the current budget, exceeding \$50,000;
2. That the CAO be delegated the authority to execute an Agreement of Purchase and Sale pertaining to the disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal for the acquisition of property;

3. That the CAO be delegated the authority to appoint or remove any officer from or to an office with the City of Port Colborne;
4. That the CAO be delegated the authority to hire or dismiss any employee of the municipality;
5. That the CAO will report to Council if the delegation of authority is exercised under the proposed by-law; and

That the by-law shall come into force and effect only in the event that less than seventy-five percent (75%) of the current Members of Council will be returning to sit on the new Council after Nomination Day of the 2018 Municipal Election as determined by the City Clerk.


8) SIGNATURES

Prepared on June 15, 2018 by:



Amber LaPointe
Manager of Legislative Services/City Clerk

Reviewed by:



Peter Senese
Director of Corporate Services

Reviewed and respectfully submitted by:



C. Scott Luey
Chief Administrative Officer

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Report Number: 2018-91

Date: June 25, 2018

SUBJECT: Joint Niagara Compliance Audit Committee

1) PURPOSE

The purpose of this report is to update the terms of reference and practices of the previously approved Joint Niagara Compliance Audit Committee.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

The *Municipal Elections Act, 1996* (the "Act") requires municipalities and local boards to establish a Compliance Audit Committee before October 1 of an election year.

A qualified elector who believes on reasonable grounds that a candidate or registered third party advertiser has contravened the campaign finance provisions of the Act may apply to the compliance audit committee for a compliance audit.

Since 2010, the Region, the Local Area Municipalities (LAMS) and the Niagara Public and Catholic School Boards (the "Joint Participants"), have continued with the joint Niagara Compliance Audit Committee (the "Committee") under identical terms of reference. Staff are recommending continued participation in the joint Committee.

Due to legislative changes to the Act, it is necessary to update the terms of reference.

3) STAFF COMMENTS AND DISCUSSIONS

Since the Committee was first established in 2010, the Joint Participants have continued with the Committee under identical terms of reference, including recruitment and selection of members for appointment by councils/boards.

As a result of legislative changes to the Act, it is necessary to update the terms of reference for the Committee to include provisions for registered third party advertisers (local responsibility), over-contributor reports from the Clerk as well as housekeeping improvements. A copy of the updated terms of reference are attached as Appendix A. The updated terms of reference have been reviewed and agreed to by the Area Clerks Election Task Force. It is expected the Councils/Boards will have considered and finalized this matter within the month of June.

The updated terms of reference include a provision for delegated authority to the Clerk to make any future changes thereto as a result of legislative or administrative requirements, as well as delegated authority to the Joint Clerks for the appointment of the committee members, and to inform Council accordingly. It is becoming common for Council to delegate the appointment authority to the Clerks of the Committee in order to remove any perception of bias and to keep the statutory committee at arms-length, given Members of Council who seek re-election for the 2018-2022 term may be the subject of a compliance audit committee. Examples of such delegated authority include the Regions of Durham, Halton, Peel, Waterloo and York.

Compliance Audit Committee Highlights

- Each municipality and local board must establish a compliance audit committee before October 1 in an election year.
- The committee shall be composed of not less than 3 and not more than 7 members. Ineligible for appointment: employees or officers of municipality or local board, members of council or local board, candidates or registered third party advertisers in the election for which the committee is established.
- When appointing persons to the committee, regard shall be had to professionals with a background in law, auditing, accounting, administration and/or public administration. Preference will be given to those with an understanding of municipal campaign finance rules, analytical and decision-making skills, and previous experience with or as a member of government boards, task forces and/or quasi-judicial bodies.
- Term of office of the committee is concurrent with the term of council or local board.
- The council or local board shall pay all costs in relation to the committee's operation and activities.
- The committee is responsible for considering applications from eligible electors that believe, on reasonable grounds, that a candidate or a registered third party has contravened a provision of the Act relating to election campaign finances even if a financial statement has not yet been filed under Section 88.25 of the Act.
- The Region will be responsible for processing and covering the costs for any application for the Chair and Regional Councillors. LAMS are responsible for registered third party advertiser applications. School Boards are responsible for any trustee application.

The role of the compliance audit committee includes:

- Receive and determine whether or not to grant or reject application.
- Appoint auditors, when necessary.
- Receive compliance audit report from auditor and make decision with regard to report if it indicates an apparent contravention of the Act and determine whether or not legal proceedings should be commenced against the candidate or registered third party.
- Consider reports submitted by the Clerk where it appears a contributor exceeded the contribution limit and make decisions with regard to such reports.

Joint Clerk's Role

- Acts as secretary to the compliance audit committee (for responding municipality)
- Establishes stipend for committee
- Recruits and appoints committee members.
- Trains committee members
- Establishes administrative practices and procedures

- Ensures a process is in place for the selection and appointment of an auditor
- Ensures legal representation is available to the committee
- Reviews and reports on each contributor that may have exceeded contribution limits

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Do Nothing

Council is required to update the terms of reference so that a Compliance Audit Committee can be established in accordance with the *Municipal Election Act, 1996 (MEA)*.

b) Other Options

This report is driven by amendments to the Act relating to campaign finances. Council may determine to opt out of the Joint Committee, however, it is not recommended since the Committee is a good example of the Region, LAMS and School Boards working together to achieve efficiencies and cost savings. Council may determine to retain authority for the appointment of the Committee members as well as considering any future changes to the terms of reference rather than delegating to the Clerk. However, this change is not recommended in order to keep the Committee at arms-length for the reasons stated earlier and to provide for greater efficiencies in the event further legislative changes occur.

Financial Considerations

The terms of reference include a retainer of \$300 for each member (including training and mileage), and a per diem rate of \$200 per meeting, plus mileage, at the rate of the responding municipality requiring the services of the Committee. The retainer costs will be shared among the Joint Participants while the per diem and mileage costs will be borne by the responding municipality. The proposed rates are in the middle of the range of regions/municipalities surveyed for 2018.

Any auditor or legal costs incurred with a compliance audit application will be the responsibility of the responding municipality.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Not applicable.

6) ATTACHMENTS

Attachment A: Terms of Reference for Niagara Compliance Audit Committee

7) RECOMMENDATION

That The Corporation of the City of Port Colborne continue its participation in the Joint Niagara Compliance Audit Committee; and


That the updated Terms of Reference, attached as Appendix A to Corporate Services Department, Clerks Divisions Report 2018-91, be approved; and

That authority be delegated to the City Clerk to make legislative or administrative changes to the Terms of Reference; and

That authority be delegated to the City Clerk to appoint members to the Compliance Audit Committee.

8) SIGNATURES

Prepared on June 15, 2018 by:


Amber LaPointe
Manager of Legislative Services/City Clerk

Reviewed by:


Peter Senese
Director of Corporate Services

Reviewed and respectfully submitted by:


C. Scott Luey
Chief Administrative Officer

Terms of Reference for Niagara Compliance Audit Committee

1. Authority

1. Sections 88.33 and 88.35 of the *Municipal Elections Act, 1996 (Act)* provides that an elector who is entitled to vote in an election and believes on reasonable grounds that a candidate or a registered third party has contravened a provision of the Act relating to election campaign finances may apply for a compliance audit of the candidate's or registered third party's campaign finances, even if the candidate has not filed a financial statement.
2. Sections 88.34 and 88.36 of the *Act* requires the clerk to review the contributions reported on the financial statements submitted by a candidate or registered third party and report any contraventions of any of the contribution limits to the compliance audit committee.
3. Section 88.37 of the *Act* requires the council or local board, to establish a compliance audit committee before October 1st in an election year for the purposes of Sections 88.33 to 88.36 of the *Act* relative to a possible contravention of the election campaign finance rules.

2. Establishment of Committee

1. A Joint Compliance Audit Committee is established with the potential participants as set out below, and shall be named the "Niagara Compliance Audit Committee" ("Committee"):

Local Area Municipalities: Town of Fort Erie, Town of Grimsby, Town of Lincoln, City of Niagara Falls, Town of Niagara on the Lake, Town of Pelham, City of Port Colborne, City of St. Catharines, City of Thorold, Township of Wainfleet, City of Welland and Township of West Lincoln

Region: Regional Municipality of Niagara

School Boards: District School Board of Niagara and Niagara Catholic District School Board.

2. The potential participants as set out in Section 1 above, shall each determine its participation in the Committee, the results of which shall form the "Joint Participants."
3. The Committee is a statutory committee.

3. References

1. The following municipal terms shall have a corresponding meaning for School Boards: municipality/board, Council/Board, Clerk/Secretary, responding municipality/responding board. Reference to Councils/Boards and Clerks shall be deemed to include those of the Joint Participants.

2. Responding municipality means the municipality/board responsible for the office, with the Region responsible for the offices of Regional Chair and Regional Councillors, municipalities responsible for the office of Mayor and Councillors/Aldermen and School Boards responsible for the office of trustees.
3. The local area municipalities shall receive the compliance audit applications on behalf of the Region and School Boards who will then immediately provide same to the Region or School Board to commence the compliance audit proceedings.

4. Term

1. The term of the Committee shall be concurrent with the term of Council. The term of appointment of the Committee members shall be December 1 of the regular election year to November 14 of the next regular election year, including any by-elections, or until such time as the applicable Committee has disposed of any remaining matters in accordance with the *Act*.

5. Duration

1. The Committee shall be established before October 1st in an election year.
2. The establishment of the Committee and terms of reference shall continue as set out herein from Council term to Council term unless determined otherwise by Council. However, the appointment of the members to the Committee shall be approved by each Council or delegated authority prior to October 1st in each election year.

6. Mandate

1. The mandate of the Committee is to hear and determine all applications filed in accordance with Sections 88.33 to 88.36 of the *Act* pursuant to the procedures established by the Clerks under the *Act*.
2. The powers and functions of the Committee as set out in Sections 88.33 to 88.36 of the *Act* include:
 - (a) within 30 days of receipt of a compliance audit application from an elector, review and decide whether it should be granted or rejected;
 - (b) if the application is granted, appoint an auditor licensed under the *Public Accounting Act, 2004* to conduct a compliance audit of the election campaign finances;
 - (c) receive the auditor's report;
 - (d) within 30 days of receipt of the auditor's report, consider the report and if the report concludes the candidate or registered third party appears to have contravened a provision of the *Act* relating to election campaign finances, decide whether legal proceedings against the candidate or registered third party for the apparent contravention shall be commenced, and

- (e) within 30 days after receipt of a report from any participating municipality's Clerk of any apparent over-contributions to candidates or registered third parties, the Committee shall consider the Clerk's report and decide whether legal proceedings against the contributor should be commenced.

7. Composition

1. The Committee shall be composed of a minimum of three (3) and a maximum of seven (7) members with membership drawn from the following stakeholder groups:
 - (a) accountants or auditors with experience in preparing or auditing the financial statements of municipal candidates;
 - (b) college or university professors with expertise in political science or local government administration;
 - (c) legal profession with experience in municipal law, municipal election law or administrative law;
 - (d) professionals who in the course of their duties are required to adhere to codes or standards of their profession which may be enforced by disciplinary tribunals, and
 - (e) other individuals with knowledge of the campaign finance rules of the Act.
2. The Committee shall not include,
 - (a) employees or officers of the Joint Participants;
 - (b) members of the Council or Board of the Joint Participants;
 - (c) any persons who are candidates in the election for which the Committee is established;
 - (d) any person who is or intends to volunteer or seek employment to assist any candidate or registered third party in the election for which the Committee is established, or
 - (e) any person who is a registered third party in any local area municipality.
3. When an application has been filed under Section 88.33 of the Act, only three (3) of the seven (7) members of the Committee shall comprise the Committee for the purposes of reviewing and considering the application.
4. The Clerk of the responding municipality shall determine the selection of the three (3) sitting members of the Committee from the pool of members based on availability.

8. Member Selection and Appointment

1. At a minimum, the recruitment of committee members shall be advertised in a local newspaper having general circulation and on the websites of the Joint Participants. Other recruitment measures may be initiated by the Clerks.
2. All persons interested in serving on the Committee shall complete an application form prescribed by the Clerks setting out their qualifications and experience.

3. A Nomination Committee consisting of a majority of the Clerks or designates, shall review the applications and submit a joint short list of candidates to the Councils/Boards, or Clerk as the delegated authority, for appointment approval.
4. In the event a vacancy occurs during the term, the municipality may rely on the remaining members to compose a Committee of three (3) members.

9. Selection Criteria

1. Without limiting the foregoing, members shall be selected on the basis of the following:
 - (a) demonstrated knowledge and understanding of municipal election campaign finance rules;
 - (b) proven analytical and decision-making skills;
 - (c) experience working on a committee, administrative tribunal, task force or similar setting;
 - (d) availability and willingness to attend meetings;
 - (e) excellent oral and written communication skills.

10. Chair of Committee

1. The Committee members shall select a Chair from amongst its three (3) sitting members at its first meeting.

11. Secretary to Committee

1. The Clerk of the responding municipality shall act as Secretary to the Committee.

12. Compensation

1. Members of the Committee shall receive a retention honorarium of \$300.00 including mileage, for attendance at a training session the costs of which shall be shared equally amongst the Joint Participants.
2. Members shall receive an honorarium of \$200.00 per meeting, plus mileage, at the rate of the responding municipality.

13. Costs and Funding

1. The responding municipality shall fund and pay all costs associated with the Committee, including the retention of an auditor and any costs incurred as a result of a decision of the Committee being challenged to the Ontario Superior Court of Justice.
2. The Joint Participants shall equally share in the costs associated with advertising and training.

14. Auditor

1. The Area Clerks shall issue a joint RFP for auditor services and the Committee shall appoint an auditor.

15. Meetings

1. The Committee shall conduct its meetings in public but may deliberate in private.
2. The responding municipality's website shall be used to communicate meeting notices, agendas, minutes and decisions.
3. The Committee shall conduct its meetings in accordance with the responding municipality's Council Rules of Procedure By-law and the *Statutory Powers Procedures Act*, with modifications as deemed necessary.

16. Conflicts

1. Committee members shall comply with the *Municipal Conflict of Interest Act* and shall disclose a pecuniary interest to the Secretary in advance of any meeting, where possible or absent him/herself from meetings for the duration of the consideration of the application, discussion and voting with respect to the matter.
2. In the event a member discloses a pecuniary interest to the application in advance of the meeting, the Clerk of the responding municipality shall select another member to replace him/her on the Committee.
3. To avoid possible conflict of interest, an auditor or accountant appointed to the Committee must agree, in writing, not to undertake the audits or preparation of the financial statements of any candidate or registered third party seeking election to the Councils/Boards. Failure to adhere to this requirement shall result in the individual being removed from the Committee.
4. All Committee members shall agree, in writing, they will not work or volunteer for, or contribute to, any candidate or registered third party in any capacity in an election to the Councils/Boards. If upon being made aware that a member has participated or contributed to a campaign or registered third party, the Clerks or designates, by majority vote, shall remove the member from the roster or recommend to the Councils/Boards, or the delegated authority, to rescind the appointment to the Committee.

17. Practices and Procedures

1. The Clerk shall establish administrative practices and procedures for the Committee and shall carry out any other duties required under the *Act* to implement the Committee's decisions.

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Report Number: 2018-88

Date: June 25, 2018

SUBJECT: Grant Funding

1) PURPOSE

At the request of Council, staff have prepared this report to provide information about grant funding received by the City of Port Colborne over the last term of Council.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

Council has inquired on many occasions about what grant funding programs staff have applied for and the amounts of funding that the City has been successful in receiving approvals.

3) STAFF COMMENTS AND DISCUSSIONS

Every year, staff from each department apply for various grants from different levels of governments and other agencies depending on the programs available, the criteria to be eligible for the grant and the amount of funding required by the City which may or may not have been budgeted.

The City does not have a designated staff person to concentrate on availability of grants nor does it have designated staff to write grant applications. Each department is responsible to write the applications for grants pertaining to their specific department and needs. Most grant notifications are provided by different organizations to which each department may be a member. Staff then investigate the details and criteria of the grant to determine if any programs or infrastructure projects fit into the criteria provided from the granting organization. In addition, any grant announcements are discussed Directors meetings to determine if the City has any projects or programs that may fit the grant criteria.

Staff often encounter issues with the timing of when grant programs are announced as most times it is later in the year after Council has approved its annual budget. In most cases the grant application deadlines are very narrow, requiring a quick turnaround to apply. Also, most grants require some sort of matching funds from the City, which may not be budgeted for in the current year, and come with application criteria which the City cannot meet. In addition, staff may not have received notification of grants as they become available as it depends on the receipt of such emails from granting authorities. These matters have been brought forward with Ministry of Municipal Affairs representatives to address with the granting Ministries.

Staff recently used the services of Public Sector Digest (PSD) to help write applications for some grants. PSD completed an application to the Federation of Canadian Municipalities Municipal Asset Management Plan grant for \$50,000 to continue the City's efforts to meet regulations in updating the Asset Management Plan.

The CAO, Director of Engineering and Operations and the Director of Corporate Services met with personnel of PSD to discuss the City's top priority project of the Downtown Community Improvement Plan (CIP) and to review available grants and application criteria. Staff has been advised by PSD that the Federal/Provincial Agreements and current funding announcements do not provide funding that can be used for the CIP. PSD also advised that there are many different grants which have their own criteria and not all grants will meet the City's needs for the Downtown CIP. This means that the CIP will most likely have to be phased in, depending on the grant funding available and how the City can leverage any funding with the City's Infrastructure Reserve. All options of available grants are being reviewed by PSD for the Downtown CIP project.

Moving forward, the City has registered with PSD for their Municipal Grant Inventory Service. This provides all staff access to the online inventory and descriptions of all grants available and deadlines for applying. In addition, PSD sends out weekly emails to those registered informing of any new grants which have been announced and/or grants with deadlines approaching. PSD also provides webinars to explain some of the grants and their criteria and deadlines for applying. Staff feel that this service will be most beneficial moving forward and will ensure staff are aware of what grants are available.

Grants Received

Over the last 4 years, the City of Port Colborne has received funding from many different grant programs administered by the Federal and Provincial governments, the Region of Niagara and other agencies such as Canadian Niagara Power. It is noted that some grant programs are pre-established with amounts available to the municipality on an annual basis, some require application approval and some require the City to enter into and follow an agreement. All grant funding has different levels of reporting either quarterly, semiannual or annual reports on the use of the funding provided.

A listing of grants received and the projects pertaining to the grants can be found in the attached Appendix 1. The City has received the following amounts of grant funding over the last 4 years:

- Federal \$3,124,561
- Provincial \$6,397,303
- Other \$1,729,807
- Pending \$1,389,361

Total grants received or pending amount to \$12,641,032.

Not included in the above amounts is the annual Ontario Municipal Partnership Fund (OMPF) received from the Province as follows:

- 2015 \$2,687,700
- 2016 \$2,772,100
- 2017 \$2,800,100
- 2018 \$2,786,200

Total OMPF grants received amount to \$11,046,100.

The OMPF is provided as an Assessment Equalization Grant of which \$2,345,900 is applied to reduce the tax levy and the balance allocated to one time expenditures or projects.

With regard to Federal funding, it was released that approximately \$45,700,203 was received in 2017 by municipalities and other organizations in the Niagara Region. Funding was provided to municipalities for Canada 150, Gas Tax, CIP 150, Celebrate Canada, Clean Water Wastewater Fund (CWWF) and Public transit Infrastructure Fund (PTIF). The City of Port Colborne received all of the eligible funding from these grant programs amounting to \$1,347,853.

The following is a summary of the Federal funding provided:

Funding	Port Colborne	Welland	Thorold	St. Cath	Niagara Region	Niagara College	Brock Univ	Other Agencies
CWWF	509,655	464,286	540,063	690,000	2,339,999			
PTIF	96,500	1,498,572	626,909	8,728,500	344,143			
Gas Tax	560,148	1,539,344	545,160	3,994,978	13,114,292			
Canada 150	22,800	50,950			50,000			
CIP 150	140,000	276,667						
Celebrate Canada	18,750	1,500	6,000					
Other						1,000,000	7,627,221	913,766
Total	1,347,853	3,831,319	1,718,132	13,413,478	15,848,434	1,000,000	7,627,221	913,766

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Do nothing.

Not Applicable - report is for information only.

b) Other options

Not Applicable - report is for information only.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Not applicable.

6) ATTACHMENTS

Appendix 1 – Summary of Grants 2015-2018

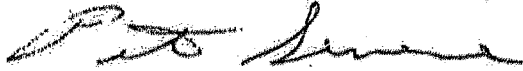
Appendix 2 – Memo from Director of Corporate Services

7) **RECOMMENDATION**

That Corporate Services Department, Finance Division Report 2018-88 with respect to Grant Funding, be received for information.

8) **SIGNATURES**

Prepared on June 12, 2018 by:



Peter Senese
Director of Corporate Services

Reviewed and respectfully submitted by:



C. Scott Luey
Chief Administrative Officer

**Summary of Grants
2015 to 2018**

Appendix 1

Program Name	Program Provider	Project Description	Project Cost	Amount Applied For	Amount Approved	Year	City Cost
Celebrate Canada	Federal	Canada Day Celebrations		42,950	18,750	2015	
Celebrate Canada	Federal	Canada Day Celebrations		39,500	18,750	2016	
Celebrate Canada	Federal	Canada Day Celebrations		59,500	18,750	2017	
Enabling Accessibility Fund 2016	Federal	Vale Health & Wellness Centre Community Room	75,000	40,000	0	2016	
Celebration and Commemoration Program-Canada 150 Fund	Federal	Port Colborne Heritage Days - 12 Days Celebration	52,800	22,800	22,800	2016-2018	30,000
Federation of Canadian Municipalities MAMP	Federal	Continued Asset Management Plan		50,000	pending	2018	
Federal Gas Tax Program	Federal	Roads and Various projects		N/A	586,822	2018	
Federal Gas Tax Program	Federal	Roads and Various projects		N/A	570,065	2017	
Federal Gas Tax Program	Federal	Roads and Various projects		N/A	560,148	2016	
Federal Gas Tax Program	Federal	Roads and Various projects		N/A	533,474	2015	
Canada Summer Jobs/SEED Funding	Federal	Students			10,080	2018	
Canada Summer Jobs/SEED Funding	Federal	Students			14,996	2017	
Canada Summer Jobs/SEED Funding	Federal	Students			14,358	2016	
Canada Summer Jobs/SEED Funding	Federal	Students			9,413	2015	
Canada 150 Community Infrastructure Program-Intake 2	Federal	Roselawn Centre Renovations	450,115	140,000	140,000	2016-2018	310,115
Canada 150 Community Infrastructure Program-Intake 1	Federal	Roselawn Centre Renovations		200,000	0	2015	
Public Transit Infrastructure Fund (PTIF) Phase One (Ontario)	Fed and Prov	Upgrading trails etc. to link with City Transit	193,000	96,500	96,500	2017/2018	96,500
Clean Water and Wastewater Fund (Ontario)	Fed and Prov						
Ontario contribution:		Janet St watermain replacement	766,635	180,828	180,828	2016 to 2019	224,152
Federal contribution:		Janet St watermain replacement		361,655	361,655		
Ontario contribution:		Carter St Watermain Replacement	299,499	74,000	74,000		77,499
Federal contribution:		Carter St Watermain Replacement		148,000	148,000		
TOTAL FEDERAL FUNDING					3,124,561		
Ontario Sport and Recreation Communities Fund Local/Regional/Stratford Provincial		Learn to Sledge - Hockey Program	17,550	13,450	13,450	2015/2016	4,100
Small Rural & Northern Municipal Infrastructure Fund	Provincial	Lakeshore Road West Water Main	2,800,000	2,000,000	2,000,000	2015	800,000
Ontario Community Infrastructure Fund (OCIF) Intake 2	Provincial	Nickle Area Combined Sewer Overflows	8,352,499	2,000,000	2,000,000	2015 - 2017	6,352,499

Storm Sewer Program							
Ontario Community Infrastructure Fund (OCIF) Application Max \$2,000,000 less \$404,300 and \$418,760 (2019 & 2020 OCIF)	Provincial	King Street Downtown CIP	??	1,176,940	Pending	2018/2019	??
Ontario Community Infrastructure Fund (OCIF) Formula	Provincial	Sherk Road Resurfacing	152,790	129,755	259,755	2018	23,035
		Capital Asset/Budget Supervisor	80,000	80,000			0
		Work Order & Maintenance Mgmt Software	60,000	50,000			10,000
Ontario Community Infrastructure Fund (OCIF) Formula	Provincial	Chippawa Road Resurfacing	407,117	182,945	182,945	2017	224,172
Ontario Community Infrastructure Fund (OCIF) Formula	Provincial	Lakeshore Rd West Road Resurfacing	103,415	96,592	96,592	2016	6,823
Ontario Community Infrastructure Fund (OCIF) Formula	Provincial	Pinecrest Road Resurfacing	141,070	96,592	96,592	2015	44,478
Community Transportation Grant Program	Provincial	Saturday Community Bus Public Transportation	310,627	270,627	0	2018	
Ontario's Main St Revitalization Initiative	Provincial	Pedestrian Crosswalk and Signal Box	55,000	53,840	53,840	2018	1,160
Dedicated Gas Tax Funds for Public Transportation (Annual Funding-no application)	Provincial	Public Transit System		N/A	156,000	2018	
	Provincial	Public Transit System		N/A	156,892	2017	
	Provincial	Public Transit System		N/A	146,947	2016	
	Provincial	Public Transit System		N/A	118,268	2015	

Celebrate Ontario	Provincial	Canal Days		84,700		84,700	2018	
Celebrate Ontario	Provincial	Canal Days		42,750		42,750	2017	
Celebrate Ontario	Provincial	Canal Days		62,500		62,500	2016	
Celebrate Ontario	Provincial	Flavours of Niagara Event		50,000		49,500	2015	
Age Friendly Community Planning Grant Program	Provincial	Age Friendly Needs Assessment	20,732	22,100		20,732	2015/2016	-
Ontario Ministry of Finance	Provincial	Library Operating Grant		38,328	pending		2018	
Ontario Ministry of Finance	Provincial	Library Operating Grant				38,328	2017	
Ontario Ministry of Finance	Provincial	Library Operating Grant				38,328	2016	
Ontario Ministry of Finance	Provincial	Library Operating Grant				38,328	2015	
Ministry of Tourism culture and Sport	Provincial	Community Museum Operating Grant		24,093	pending		2018	
Ministry of Tourism culture and Sport	Provincial	Community Museum Operating Grant				24,093	2017	
Ministry of Tourism culture and Sport	Provincial	Community Museum Operating Grant				24,093	2016	
Ministry of Tourism culture and Sport	Provincial	Community Museum Operating Grant				24,093	2015	
Seniors Community Grant Program	Provincial	Histry of Seniors	9,500	7,500		7,500	2016	2,000
Ontario Sport & Recreation Communities Fund 2018	Provincial	Summer Camp	32,564	20,637		20,637	2018	11,927
Rural Economic Development Program	Provincial	new Economic Development Strategy ("the Strategic I	65,000	27,500		27,500	2017	32,500
Rural Economic Development Program	Provincial	East Side Rail Extension Study	61,000	30,500		30,500	2016	30,500
Ontario Trillium Foundation	Provincial	Arts & Culture Master Plan	50,000	25,000		25,000	2016	25,000
Ministry of Natural Resources	Provincial	Quarry		50,000	pending		2018	
Ministry of Natural Resources	Provincial	Quarry		N/A		47,608	2017	
Ministry of Natural Resources	Provincial	Quarry		N/A		37,855	2016	
Ministry of Natural Resources	Provincial	Quarry		N/A		37,578	2015	
OMAFRA	Provincial	Drainage superintendent		50,000	pending		2018	
OMAFRA	Provincial	Drainage superintendent				51,683	2017	
OMAFRA	Provincial	Drainage superintendent				50,436	2016	
OMAFRA	Provincial	Drainage superintendent				53,710	2015	
Ministry of Tourism, culture and Sport	Provincial	Summer Experience Program - Students				7,316	2018	
Ministry of Tourism, culture and Sport	Provincial	Summer Experience Program - Students				2,979	2017	
Ministry of Tourism, culture and Sport	Provincial	Summer Experience Program - Students				7,697	2016	
Ministry of Tourism, culture and Sport	Provincial	Summer Experience Program - Students				5,750	2015	
TOTAL PROVINCIAL FUNDING						6,397,303		

Niagara Tourism Partnership	Regional	Berkley Fishing tournament Marketing			11,465	2017	
Combined Sewer Overflow Program	Regional	Nickel Area Combined Sewer Overflows Storm Sewer Program	as above	1,200,000	1,200,000	2015 - 2017	as above
Region Niagara Lakefront Enhancement Strategy	Regional	Marina Renovations	400,000	200,000	200,000	2015	200,000
Niagara Investment in Culture	Regional	Arts Week 2016	10,158	9,266	5,730	2015/2016	4,428
Niagara Investment in Culture	Regional	Arts Week 2017	13,250	6,766	5,956	2016/2017	
Canadian Niagara Power & Ontario Power Authority		Vale Health & Wellness Centre CHP System Combined Heat and Power Engineering Study	47,900	47,900	47,900	2015	-
Canadian Niagara Power		Street lights-Save on Energy Retrofit Incentive			251,324	2016	
Canadian Niagara Power		Roselawn & Library HVAC Save on Energy Prog			7,432	2016	
TOTAL OTHER FUNDING					<u><u>1,729,807</u></u>		



MEMO

To: Mayor and Council

June 20, 2018

From: Peter Senese
Director of Corporate Services

RE: Infrastructure Canada Funding Programs

Please find attached a listing of Infrastructure Canada Funding Programs which staff found on the Government of Canada website. This listing provides programs which are current, ongoing and fully allocated or closed.

The following provides the status of the grants:

Current:

Clean Water and Wastewater Fund (CWWF)	- City applied for and received
Public Transit Infrastructure Fund (PTIF)	- City applied for and received

Ongoing:

Disaster Mitigation and Adaption Fund	- No projects
Gas Tax Fund	- City receives annually
New Building Canada Fund National/Regional	- City is investigating criteria
New Building Canada Fund Small Communities	- City applied for / not approved
Municipal Asset Management Program (MAMP)	- City applied for / pending
Municipalities for Climate Innovation Prog. (MCIP)	- City in process of applying

Other fully allocated or closed programs were either reviewed by staff for eligibility and some were applied for and either approved funding in previous years or were not approved.

Sincerely

Peter Senese,
Director of Corporate Services

Infrastructure Canada

Home > All Infrastructure Canada Funding Programs

Infrastructure Canada's Funding Programs

Investing in Canada Plan Programs

- [Clean Water and](#)

[Additional Information about Infrastructure Canada's Funding Programs](#)

[INFC Program Overview Table](#)

[Service Standards for Infrastructure Canada's Funding Programs](#)

[Provincial-Territorial Agreements and Letters](#)

[Government of Canada's Open Data Portal](#)

[Wastewater Fund \(CWWF\)](#)

- [Public Transit Infrastructure Fund \(PTIF\)](#)

Ongoing programs included in the Investing in Canada Plan

- [Disaster Mitigation and Adaption Fund \(DMAF\)](#)
- [Gas Tax Fund \(GTF\)](#)
- [New Building Canada Fund – Provincial-Territorial Infrastructure Component – National and Regional Projects \(PTIC-NRP\)](#)
- [New Building Canada Fund – Provincial-Territorial Infrastructure Component – Small Communities Fund \(PTIC-SCF\)](#)
- [Municipal Asset Management Program \(MAMP\)](#)
- [Municipalities for Climate Innovation Program \(MCIP\)](#)

Fully allocated or closed funding programs

- [Border Infrastructure Fund \(BIF\)](#)
- [Building Canada Fund – Communities Component \(CC\)](#)
- [Building Canada Fund – Communities Component Top-Up \(CC Top Up\)](#)
- [Building Canada Fund – Large Urban Centres Component \(LUCC\)](#)
- [Building Canada Fund – Major Infrastructure Component \(MIC\)](#)
- [Building Canada Fund – National Infrastructure Knowledge Component \(NIKC\)](#)
- [Canada Strategic Infrastructure Fund \(CSIF\)](#)
- [G8 Legacy Fund \(G8LF\)](#)
- [Green Infrastructure Fund \(GIF\)](#)
- [Infrastructure Stimulus Fund \(ISF\)](#)
- [Inuvik to Tuktoyaktuk Highway Program \(ITH\)](#)
- [Municipal-Rural Infrastructure Fund \(MRIF\)](#)
- [New Building Canada Fund – National Infrastructure Component \(NIC\)](#)
- [National Recreational Trails Program \(NRT\)](#)
- [P3 Canada Fund](#)
- [Provincial-Territorial Infrastructure Base Fund \(PTBase\)](#)
- [Public Transit Fund \(PTF\)](#)
- [Research, Knowledge, and Outreach Program \(RKO\)](#)

Disaster Mitigation and Adaption Fund (DMAF)

The Disaster Mitigation and Adaptation Fund (DMAF) is a national, competitive, merit-based contribution program. The DMAF is aimed at strengthening the resilience of Canadian communities through investments in large-scale infrastructure projects, including natural infrastructure projects, enabling them to better manage the risk associated with current and future natural hazards, such as floods, wildfires and droughts.

The Disaster Mitigation and Adaptation Fund started in 2018 and is scheduled to end in 2018.

Border Infrastructure Fund (BIF)

The Border Infrastructure Fund was implemented to improve the flow of people and goods at border crossings. The fund up to 50 percent federal funding to support eligible projects for investments in physical infrastructure, transportation system infrastructure and improved analytical capacity at the largest surface border crossings between Canada and the United States, as well as several other crossing points in Canada. Transport Canada is the federal delivery partner for this program.

The Border Infrastructure Fund started in 2003-2004 and is scheduled to end in 2019-2020.

- All funding available under this program has been committed.

Building Canada Fund – Communities Component (CC)

The Building Canada Fund – Communities Component supports infrastructure needs of smaller communities with populations of less than 100,000. The fund supports the construction, renewal, and enhancement of basic infrastructure such as potable water, wastewater treatment, local roads, and other infrastructure needs of small communities. Projects costs are shared with provincial, territorial and municipal governments, with each order of government generally contributing one-third of the eligible costs. The fund promotes a cleaner environment, a competitive economy and liveable small communities.

The Building Canada Fund – Communities Component started in 2007.

- All funding available under this program has been committed.

Building Canada Fund – Communities Component Top-Up (CC Top Up)

In 2009, the Government of Canada expanded the Communities Component fund with a top-up of \$500 million as a short-term boost to the Canadian economy during a period of global recession. The funding was limited to infrastructure projects in communities with populations of less than 100,000. All Building Canada Fund-Communities Component funding had to be committed in order to access Top-Up funding.

The Building Canada Fund – Communities Component Top-Up was established in 2009 and was scheduled to end in 2011-12.

- All funding available under this program has been committed.

Building Canada Fund – Large Urban Centres Component (LUCC)

The Large Urban Centres Component program invests in will finance infrastructure projects in Quebec's communities of 100,000 inhabitants or more. This Component was designed to help Quebec's nine big cities (Montreal, Quebec City, Laval, Gatineau, Longueuil, Sherbrooke, Saguenay, Lévis, Trois-Rivières) to meet their urgent infrastructure needs.

The Building Canada Fund – Large Urban Centres Component started in 2009 and is scheduled to end in 2019-2020.

- All funding under this program was disbursed.

Building Canada Fund – Major Infrastructure Component (MIC)

The Building Canada Fund – Major Infrastructure Component targets larger infrastructure projects of national or regional significance. It increases overall investment in public infrastructure and contributes to broad federal objectives: economic growth, a cleaner environment and strong and prosperous communities. At least two-thirds of the funding is targeted to national priorities: water, wastewater, public transit, the core national highway system, and the green energy.

The Building Canada Fund – Major Infrastructure Component started in 2008-2009 and is scheduled to end in 2019-2020.

- All funding available under this program has been committed.

Building Canada Fund – National Infrastructure Knowledge Component (NIKC)

The National Infrastructure Knowledge Component supports collaborative feasibility and planning studies on public infrastructure projects that contribute to Canada's long-term economic growth and prosperity.

The NIKC started in 2007.

- No additional project proposals are being accepted under this program.

Canada Strategic Infrastructure Fund (CSIF)

The Canada Strategic Infrastructure Fund supports projects that sustain economic growth and enhance the quality of life of Canadians.

Investments are made in cooperation with the provinces, territories, municipalities, and the renewal and/or enhancement of public infrastructure. The Canada Strategic Infrastructure Fund leverages additional contributions from other partners by providing up to 50 percent funding for eligible projects.

The Canada Strategic Infrastructure Fund started in 2002-2003 and is scheduled to end in 2019-2020.

- All funding available under this program has been committed.

Clean Water and Wastewater Fund (CWWF)

The Clean Water and Wastewater Fund provides funding to projects that contribute to the rehabilitation of both water treatment and distribution infrastructure and existing wastewater and storm water treatment systems; collection and conveyance infrastructure; and initiatives that improve asset management, system optimization, and planning for future upgrades to water and wastewater systems.

The Clean Water and Wastewater Fund started in 2016-2017 and is scheduled to end in 2019-2020.

The Public Transit Infrastructure Fund and the Clean Water and Wastewater Fund programs have recently been extended so that recipients may incur eligible costs up to and including March 31, 2020. This extension will be granted to jurisdictions that meet the agreed-upon reporting requirements prior to March 31, 2018.

The deadline to submit new projects is **January 31, 2018**.

- Funding for new projects is available under this program. For more information see [Sustaining Healthy Communities Through a New Clean Water and Wastewater Fund](#).

G8 Legacy Fund (G8LF)

The G8 Legacy Fund provided up to \$50 million in funding for infrastructure that supported the hosting of the G8 Summit in June 2010 in Huntsville, Ontario. The Fund helped the region to prepare for the event, provided a legacy, and enhanced the tourism image of the region.

The G8 Legacy Fund started in 2009-2010 and ended in 2010-2011.

- All funding under this program was disbursed.

Green Infrastructure Fund (GIF)

The Green Infrastructure Fund supports environmental infrastructure projects that promote reduced greenhouse gas emissions, cleaner air, cleaner water and cleaner land. There are five eligible categories of investment: wastewater infrastructure, green energy generation infrastructure, green energy transmission infrastructure, solid waste infrastructure, and carbon transmission and storage infrastructure. By providing up to 50 percent federal funding on a cost-shared basis, the fund leverages additional investments from other partners.

The Green Infrastructure Fund started in 2009-2010 and is scheduled to end in 2021-2022.

- All funding available under this program has been committed.

Gas Tax Fund (GTF)

The Gas Tax Fund provides municipalities with a permanent, predictable and indexed source of long-term funding, enabling construction and rehabilitation of core public infrastructure. It offers local communities the flexibility to make strategic investments across 18 different project categories, including roads and bridges, public transit, drinking water and wastewater infrastructure, and recreational facilities. The fund promotes investments in increased productivity and economic growth, a clean environment, and strong cities and communities.

The Gas Tax Fund started in 2005-2006 and is ongoing.

- Total projects funded through the Gas Tax Fund: Approximately 25,000

Infrastructure Stimulus Fund (ISF)

The Infrastructure Stimulus Fund supported projects as a short-term boost to the Canadian economy during a period of global recession. By providing up to 50 per cent in federal funding for projects, the fund was able to leverage funding from other partners such as provinces, territories, municipalities and not-for-profit organizations, resulting in a greater boost for the Canadian economy. The Infrastructure Stimulus Fund improved, renewed and rehabilitated existing infrastructure and new infrastructure projects in the following categories; water, wastewater, transit, roads, culture, parks and trails, and community services.

The Infrastructure Stimulus Fund started in 2009-2010 and ended in 2011-2012.

- All funding available under this program has been committed.

Inuvik to Tuktoyaktuk Highway Program (ITH)

The objective of the Inuvik to Tuktoyaktuk Highway Program is to construct a 137 kilometre all-season road between Inuvik and Tuktoyaktuk in the Northwest Territories. This includes upgrading a 19 kilometre access road to highway standards, as well as new embankment construction and related structures with final surface topping and additional work to return to land to its original state. This project is expected to contribute and generate economic and social opportunities and benefits for Aboriginal people, Northerners and their communities.

The Inuvik to Tuktoyaktuk Highway Program started in 2013-2014 and is scheduled to end in 2017-2018.

- All funding available under this program has been committed.

Municipal Asset Management Program (MAMP)

The Municipal Asset Management Program (MAMP) delivered by the Federation of Canadian Municipalities (FCM) is a five year, \$50 million program that will help Canadian municipalities make informed Infrastructure Investment decisions based on sound asset management practices.

The MAMP was launched in February 2017 and is scheduled to end in 2021-2022.

Details on this program are available on [FCM's website](#).

Municipalities for Climate Innovation Program (MCIP)

The Municipalities for Climate Innovation Program delivered by the Federation of Canadian Municipalities (FCM) is a five-year, \$75 million program that provides funding, training and resources to help Canadian municipalities adapt to the impacts of climate change and reduce greenhouse gas emissions.

The MCIP was launched in February 2017 and is scheduled to end in 2021-2022.

Details on this program are available on [FCM's website](#).

Municipal-Rural Infrastructure Fund (MRIF)

The Municipal Rural Infrastructure Fund provided funding for smaller-scale municipal infrastructure projects such as water and wastewater treatment, and cultural and recreation projects, mainly for smaller and First Nations communities.

The Municipal Rural Infrastructure Fund started in 2004-2005 and ended in 2013-2014.

- All funding under this program was disbursed.

National Recreational Trails Program (NRT)

The National Trails Coalition received funding to improve recreational trails across Canada. The federal government's contribution was matched by the Coalition and its partners and helped build and renew multi-purpose trails for walking, running, cross-country skiing, biking, all-terrain-vehicle and snowmobiles.

The National Recreational Trails Program was first established in 2009-2010 as a one year program but was renewed in 2014 for two additional years, ending in 2015-16.

- All funding under this program was disbursed.

New Building Canada Fund – National Infrastructure Component (NIC)

The New Building Canada Fund – National Infrastructure Component supports projects of a national significance that have broad public benefits and that contribute to Canada's long-term economic growth and prosperity and reduce potential economic disruptions or foregone economic activity.

The NIC started in 2014-2015 and is scheduled to end in 2023-2024.

- No additional project proposals are being accepted under this program.

New Building Canada Fund – Provincial-Territorial Infrastructure Component – National and Regional Projects (PTIC-NRP)

The New Building Canada Fund – Provincial-Territorial Infrastructure Component – National and Regional Projects provides funding to support infrastructure projects of national and regional

significance that contribute to economic growth, a clean environment and stronger communities. The PTIC-NRP is an allocation-based program that recognizes and supports the important role that provinces, territories, and municipalities play in helping to build Canada's public infrastructure. Projects will allow people and goods to move more freely, increase the potential for innovation and economic development, and help to improve the environment and support stronger, safer communities.

The PTIC-NRP started in 2014-2015 and is scheduled to end in 2023-2024.

- Funding for new projects is available under this program but all funding must be prioritized by March 31, 2018. For more information see **The 2014 New Building Canada Fund: Provincial-Territorial Infrastructure Component - National and Regional Projects** and to apply: <http://www.infrastructure.gc.ca/plan/apply-application-eng.html>

New Building Canada Fund – Provincial-Territorial Infrastructure Component – Small Communities Fund (PTIC-SCF)

The New Building Canada Fund – Provincial-Territorial Infrastructure Component – Small Communities Fund represents 10 percent of the overall Provincial-Territorial Infrastructure Component funding envelope. This Sub-Program provides contribution funding for infrastructure projects in small communities with populations of 100,000 or less. The PTIC- SCF supports projects of national, regional and local significance that contribute to economic growth, a clean environment and stronger communities. Projects will allow people and goods to move more freely, increase the potential for innovation and economic development, and help to improve the environment and support stronger, safer communities.

The PTIC- SCF started in 2014-2015 and is scheduled to end in 2023-2024.

- Funding for new projects is available under this program but all funding must be prioritized by March 31, 2018. For more information see **The 2014 New Building Canada Fund: Provincial-Territorial Infrastructure Component - Small Communities Fund** and to apply: <http://www.infrastructure.gc.ca/plan/apply-application-eng.html>

P3 Canada Fund

The P3 Canada Fund was created to improve the delivery of public infrastructure and provide better value, timeliness and accountability by increasing the effective use of P3s. Designed to incentivize innovation and encourage inexperienced government to consider P3s in public infrastructure procurements, it was the first infrastructure funding program, anywhere in Canada, that directly targeted P3s. The Fund ended in 2017.

- All funding available under this program has been committed. For more information see **The P3 Canada Fund Projects**.

The mandate of this Fund has been fulfilled and the P3 model is now a generally accepted approach across Canadian jurisdictions. With approximately 250 P3 projects currently underway across the country, Canada's P3 market is well-established and mature. Canada will continue to be a world leader in P3s and the Government of Canada continues to support the model as an effective way to build more infrastructure across Canada.

Provincial-Territorial Infrastructure Base Fund (PTBase)

The Provincial-Territorial Infrastructure Base Fund provides base funding to each province and territory for core infrastructure priorities. To receive funding, provinces and territories must submit a capital plan containing a list of initiatives for federal cost-sharing. The plan includes a brief description of each initiative, the eligible category of investment and the total eligible cost. While payments are made to provinces and territories, ultimate recipients can also include local and regional governments or private sector bodies. The fund supports economic growth and productivity, and promotes a cleaner environment and prosperous communities.

The Provincial-Territorial Infrastructure Base Fund started in 2007-2008 and is scheduled to end in 2016-2017.

- All funding available under this program has been committed.

Public Transit Infrastructure Fund (PTIF)

The Public Transit Infrastructure Fund provides short-term funding to help accelerate municipal investments to support the rehabilitation of transit systems, new capital projects, and planning and studies for future transit expansion to foster long-term transit plans. Eligible recipients include: provinces and territories; municipal or regional governments, established by provincial or territorial statute; or a transit agency or authority, established by a provincial, territorial, or local government. These investments will help to improve commutes, cut air pollution, strengthen communities and grow Canada's economy.

The Public Transit Infrastructure Fund started in 2016-2017 and is now scheduled to end in 2019-2020.

The Public Transit Infrastructure Fund and the Clean Water and Wastewater Fund programs have recently been extended so that recipients may incur eligible costs up to and including March 31, 2020. This extension will be granted to jurisdictions that meet the agreed-upon reporting requirements prior to March 31, 2018.

The deadline to submit new projects is **January 31, 2018**.

- The majority of funding has already been committed. For more information see **Building Strong Cities Through Investments in Public Transit**.

Public Transit Fund (PTF)

The Public Transit Fund delivered investments in public transit infrastructure in large cities and small communities. This funding contributed to a cleaner environment by reducing greenhouse gas emissions and decreasing traffic congestion. Funding was allocated to provinces and territories on a per capita basis.

The Public Transit Fund ended in 2005-2006.

- All funding under this program was disbursed.

Research, Knowledge, and Outreach Program (RKO)

The Research, Knowledge and Outreach Program provided funding for infrastructure-related research between 2005 and 2010. This fund strengthened and mobilized Canada's community of research centres, academic, private sector and stakeholders to contribute more effectively to public policy debate on infrastructure issues. The projects were presented according to three main sections — policy, sectoral and community — and covered a wide range of themes, including competitiveness, productivity, growth, environment, transport, energy and municipal governance. The sharing of information allows researchers, end-users and all relevant stakeholders: to expand the body of research on infrastructure; harvest the latest innovations, technologies and best practices; and help address major knowledge gaps on the state and performance of Canada's core infrastructure.

The Research Fund ended in 2009-2010.

- All funding under this program was disbursed.

Date modified: 2018-05-17

Report Number: 2018-81

Date: June 25, 2018

SUBJECT: Biodiversity Offsetting

1) PURPOSE:

The purpose of the report is to provide information to Council on comments made by the Niagara Peninsula Conservation Authority in response to two Provincial discussion papers regarding biodiversity offsetting and a motion made by the Environmental Advisory Committee in response.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

On January 23, 2017, Council received a memorandum from the Environmental Advisory Committee containing recommendations with respect to wetland protection and biodiversity offsetting. Council referred the motion to the Director of Planning and Development and the Director of Engineering and Operations for the preparation of a report.

3) STAFF COMMENTS AND DISCUSSIONS

The Environmental Advisory Committee (EAC) requested Council's support and endorsement of the response to the Ministry of Natural Resources and Forestry's *Wetland in Ontario Discussion Paper* and *A Wetland Conservation Strategy for Ontario, 2016-2030*.

The Niagara Peninsula Conservation Authority (NPCA) is the regulator of wetlands on behalf of the Province under the Conservation Authority Act. The NPCA provided many comments to the Province in 2015 as they were embarking on a review (Discussion Paper) of the Conservation Authorities Act through a series of questions.

The NPCA provided many responses, in particular this question in response to the *"Conservation Authorities Act Review: Discussion Paper"* on September 16, 2015:

"Are current roles and responsibilities authorized by the Conservation Authorities Act appropriate? Why or why not? What changes, if any, would you like to see?"

"Biodiversity Offsetting (Compensation of Lands) At times, given the layers of regulatory instruments (such as Places to Grow, Greenbelt Plan, Niagara Escarpment Plan and the Conservation Authorities Act), municipalities are challenged in managing their growth. There is an opportunity when growth impacts a regulated area that the concept of biodiversity offsetting can be implemented to ensure no net loss of wetlands. In fact, biodiversity offsetting can be implemented to increase wetlands in addition to connecting natural features for integrated ecosystems. In this regard,

conservation authorities should be given the opportunity to introduce biodiversity offsetting.”

On December 14, 2015, the CAO of the NPCA provided a presentation to City Council on their response to the Discussion Paper. Biodiversity Offsetting was a topic covered in the presentation.

The Province asked the following question in the “Wetlands Conservation in Ontario: A Discussion Paper”:

Question 6 – The Ontario government is considering approaches to achieve no net loss of wetlands. A) what do you think of the establishment of a mitigation/compensation hierarchy to achieve no net loss? Are there other approaches? B) What tools (e.g. policy) could be used to implement approaches to achieve no net loss? C) what might the role of government, partners, private landowners and others be if no net loss approaches are implemented? D) Should no net loss approaches be applied uniformly across Ontario? Or, only where the risk of wetland loss is greatest?

The NPCA provided the following response to Question 6:

- The Provincial government should explore the concept of ‘no net loss’/‘net gain’. Staff suggest that the Province consider ‘net gain’ because there are always losses of biodiversity, ecosystem complexity, maturity and function when a man-made wetland replaces a naturally formed wetland. Any policy change should focus on protecting existing wetlands and reserving the option of compensation for unique situations that are in the public interest.
- Integrated Watershed Management Plans, Watershed Plans or Subwatershed Plans should be completed in advance of the consideration of wetland compensation in order to target areas suitable for wetland loss and compensation. Any wetland compensation policy should ensure a robust set of guidelines or regulations which will ensure that wetland creation provides meaningful results.
- Partnerships with the scientific community (colleges, universities, etc.) to ensure science-based targets/criteria/goals of wetland compensation.

Policy 2.1.4 of the Provincial Policy Statement (PPS) states that development is not permitted in significant wetlands. Upon review of the Province’s question in their discussion papers and the NPCA’s response in return it appears they have provided a consideration to engage in a review of “no net loss/net gain” concept.

In “*Wetland Conservation in Ontario: A Discussion Paper*” raised “The Concept of No Net Loss” with an aim at balancing the unavoidable loss of wetlands from development. This concept would see a ratio of wetlands lost to gained greater than a 1:1 ratio.

This came to the forefront when the City of Niagara Falls was reviewing the Thundering Waters development by Chinese investors proposing to build on over 480 acres of land with over 200 acres of Provincially Significant Wetlands (PSWs). The NPCA has commented that the ratio should be a 3:1 ratio through a pilot project. The development was heavily protested and the investors have changed plans to longer impact any wetlands.

Port Colborne’s EAC produced a “Wetland Protection Position Paper” and “*The Niagara Peninsula Conservation Authority and wetland biodiversity offsetting*”. Upon review of both

documents and to summarize the EAC's requests, the following actions are requested:

- That Council request the Region of Niagara and NPCA to defer support of any Biodiversity Offsetting (BDO) Pilot Project until a thorough public discussion is undertaken regarding the purpose, methodology and evaluation procedure to be applied to any case study.
- That discussion should not only allow the involvement of interested members of the public, but also experts from Brock University, Niagara College, and other Universities and Colleges with specialized fields of Ecological and Environmental studies to allow input to specialized biological questions should they arise.
- As a priority, PSWs should be protected to the greatest extent.
- That Council provide their response to requests by the Ministry of Natural Resources and Forestry (MNRF) on the Conservation Authorities Act.

One of the items raised by the EAC in their recommendation to Council was the necessary review by the scientific community. Upon review of the NPCA's "Biodiversity Offsetting Plan for Consideration", the EAC noted that the need for consultation with the scientific community, including post-secondary institutions, is necessary and is being considered.

Council may recall in 2005 the loss of an industrial plant proposed on the north side of Invertose Drive. The City was not made aware that a substantial portion of the property was designated as a PSW. This conflicted the company's development plans and they decided to locate elsewhere in the Province.

If biodiversity offsetting had been in place in 2005, it would possibly have allowed the industrial plant to locate in Port Colborne. It would appear the Province, having seen what has been done elsewhere in North America, is interested in having the concept of biodiversity offsetting investigated.

Striking a balance to allow development while impacting a wetland is challenging. A wetland takes years to form. To replace it elsewhere would not be the same as the exact characteristics of the ecosystem, the soils, vegetation, topography and the area would be different. The need for scientific community to be involved is paramount if biodiversity can be considered.

In summary, staff are supportive of the recommendations of the EAC and recommend that Council also support the EAC's request.

a) Do nothing.

Not recommended as the EAC requested that Council take a position.

b) Other Options

Council could amend the recommendation and just receive the report for information purposes.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

N/A

6) ATTACHMENTS

Appendix 1: EAC's review - The NPCA and wetland biodiversity offsetting

Appendix 2: EAC's review - Wetland Protection Position Paper

7) RECOMMENDATION

The Council of The Corporation of the City of Port Colborne requests that the Region of Niagara and Niagara Peninsula Conservation Authority take the following actions with respect to the issues of Biodiversity Offsetting:

- Defer support of any Biodiversity Offsetting (BDO) Pilot Project until a thorough public discussion is undertaken regarding the purpose, methodology and evaluation procedure to be applied to any case study; and
- Allow the involvement of interested members of the public, but also experts from Brock University, Niagara College, and other Universities and Colleges with specialized fields of Ecological and Environmental studies to allow input to specialized biological questions should they arise
- Adopt the position that Provincially Significant Wetlands be protected the greatest extent; and

That Council's response with respect to Biodiversity Offsetting be forwarded to the Ministry of Natural Resources and Forestry for consideration in their review of the *Conservation Authorities Act*.

8) SIGNATURES

Prepared on June 15, 2018 by:



Dan Aquilina, MCIP, RPP, CPT
Director of Planning and Development

Reviewed and respectfully submitted by:



C. Scott Luey
Chief Administrative Officer

Appendix 1

Re: The Niagara Peninsula Conservation Authority and wetland biodiversity offsetting

Recommendation: That we submit this report to Council with a recommended response to requests by the Ministry of Natural Resources and Forestry (MNR) on the Conservation Authorities Act.

Background and Analysis: Earlier this year, the Niagara Peninsula Conservation Authority (NPCA) initiated discussions on a wetland and bio-diversity offsetting program. The NPCA sought a meeting with the Port Colborne Environmental Advisory Committee. In preparation committee members submitted a number of questions to the NPCA on the topic of wetland and biological diversity offsetting.

After receiving the list of questions concerning biological offsetting and the Provincial Policy Statement 2014, NPCA staff deferred the planned meeting until the MNR completes its review of Provincial wetland policy. That review is complete and a Wetland Conservation Strategy has been adopted that addresses the concerns raised by the Environmental Advisory Committee's questions to the NPCA.

Concurrent with that review, MNR is also reviewing the Conservation Authorities Act. The Conservation Authorities Act review has progressed and in May 2016, the most recent Proposed Priorities for Renewal were released for comment. Five priorities have been identified for the updating of the Conservation Authorities Act legislative, regulatory and policy frameworks:

1. Strengthening oversight and accountability in decision-making.
2. Increasing clarity and consistency in roles responsibilities, processes and requirements.
3. Improving collaboration and engagement among all parties involved in resource management.
4. Modernizing funding mechanisms to support conservation authority operations.
5. Enhancing flexibility for the province to update the Conservation Authorities Act framework in the future.

A number of individual actions are intended to achieve these priorities. Following review of the MNR document entitled: Conserving Our Future: Proposed Priorities for Renewal, May 2016, we believe these can be supported and together with the recently adopted Wetland Conservation Strategy for Ontario: 2016 – 2030 represent prudent initiatives and can be supported.

Recommendation: That we recommend to Council that the Environmental Advisory Committee agrees with the five priorities the MNR has set for updating the Conservation Authorities Act legislative, regulatory and policy frameworks. Further, if Council is in agreement, we recommend that Council use the opportunity to comment to MNR conveying agreement with these priorities.

Wetland Protection Position Paper

This document has been prepared by the City of Port Colborne Environmental Advisory Committee (PC EAC) for discussion and submission to Port Colborne City Council. PC EAC requests Council's ratification, and if deemed acceptable, circulation to all Niagara lower tier Niagara Municipalities, the Regional Municipality of Niagara (RMN) and Niagara Peninsula Conservation Authority (NPCA).

While references are made to some specific sites which are proposed for development, this document is intended to be generic in nature and applies to all Significant Wetlands, be they a Provincially Significant Wetland (PSW) or a Locally Significant Wetland (LSW).

The PC EAC recommends that RMN and NPCA defer proceeding with any Biodiversity Offsetting (BDO) Pilot Project until a thorough consultation can be performed with the public, academic experts and regulators. The basis for this recommendation is outlined within this position paper.

BACKGROUND

The discussion of BDO is very heated, in Niagara in particular, because of the response of the NPCA to the Ontario Provincial Discussion Paper on Wetland Protection entitled "Wetlands in Ontario Discussion Paper, July, 2015". This document referred to herein as WODP, can be retrieved at http://apps.mnr.gov.on.ca/public/files/er/wetlandsdiscussionpaper_en.pdf.

Following public and agency consultation and input, "A Wetland Conservation Strategy for Ontario, 2016-2030" was developed and released on August 8, 2016, and can be retrieved at <http://apps.mnr.gov.on.ca/public/files/er/wetland-conservation-strategy.pdf>. This document is referred to herein as WCSO. It is currently open for public comment until November 16, 2016.

Despite the WODP in the very first sentence reading: "The Ontario government is committed to **conserving** wetlands", the NPCA proposed to the Province that a pilot project to create a Wetland as an offset for a proposed development be conducted in Niagara, and be monitored for several years. The quoted statement does not refer to re-creating a wetland.

The first meeting for the NPCA to discuss BDO with the public was on December 1, 2015 and was anticipated by the NPCA to be sparsely attended by 4 - 6 members of the public, and it was actually attended by over 40 concerned Niagara residents. The next meeting on January 27, 2016 was prepared for about 100, and there were approximately 250 attendees.

From press coverage, there is a generalizing of all wetlands as swamps.

There are four **types** of Wetlands as described in the WODP, and WCSO - page 3:

1. Marshes (most commonly open water, frequently with water-lilies and cattails. What most people think of as a Wetland);
2. Swamps (dominated by trees and shrubs);
3. Bogs (peat filled depressions with surface moss; their only source of water is from rainfall and surface runoff); and

4. Fens (similar to bogs but more alkaline due to their underlying parent material).

In Niagara, approximately 80% of the Wetlands are forested swamps. The only type of Wetland with a reasonable success rate of relocation is Marshes. In the discussion of Wetlands and BDO, it is important to refer to a particular site by the type (or types) of Wetlands which are being discussed, with respect to both the impacted site(s) and the compensation site(s).

The Hierarchy of Wetland Protection (WP) and the Implementation for BDO as laid out in the above referenced document are:

1. Avoidance
2. Minimization
3. Mitigation
4. Compensation

When considering the potential for BDO, the hierarchy to avoid impacts should be the most important consideration. The Federal and Provincial governments are bound by this hierarchy, even for projects that are in the public interest. Similarly industry is bound by this hierarchy, including industries that may be considered for the public good, such as transmission lines for electricity distribution.

At the meeting in December 2015, the representative for the NPCA was asked why a pilot project would not be tried before destroying an existing Wetland. The public at the meeting suggested that those that would seek a BDO as compensation for a Wetland destruction should foot the bill, and do so in advance of the Wetland destruction. It was also noted by the public that the proposed monitoring period was much too short to obtain the information required for a satisfactory level of confidence in its success (WCSO – page 39).

ENVIRONMENTALANDSCIENTIFICCONSIDERATIONS

As previously detailed, the attendance at the NPCA public meetings to discuss BDO clearly demonstrates the extremely high importance that the public places on preserving Wetlands. It is important to note that when the NPCA discussed Wetland Protection and BDO at the December 1, 2015 and the January 27, 2016 meetings, the discussion did not include the type of Wetland in question, the efforts that should be made to follow the Hierarchy of Wetland Protection, why the efforts could be unsuccessful, and which type(s) have been successfully recreated elsewhere, and under what conditions, or over what time period. In the State of Massachusetts, the results of BDO projects are very discouraging. See: [http://link.springer.com/article/10.1672%2F0277-5212\(2001\)021%5B0508%3AEOCWMI%5D2.0.CO%3B2#page-1](http://link.springer.com/article/10.1672%2F0277-5212(2001)021%5B0508%3AEOCWMI%5D2.0.CO%3B2#page-1)

There are a substantial number of defining characteristics of a Wetland. A Wetland is composed of genes, species and ecosystems (WCSO – page 5 and defined on page 43). The components are interlinked and interdependent on each other and as such these components cannot be recreated in a short period of time by artificial means (WCSO – page 1 and page 23). They also rely on the abiotic characteristics of their environment to develop and provide balance. It would be nearly impossible to find a site with similar watershed area, with a similar soil profile, to recreate an equal wetland with the

equivalent biodiversity and ecosystem characteristics. Of equal importance for consideration is the complication created by invasive species invasion of newly disturbed sites. The prevalence of Common Reed (*Phragmites australis*), among other invasive species, in wet areas and disturbed soils introduces a unique challenge to the creation of a healthy and species rich wetland.

The proposal by the NPCA to create an Offsetting formula based on area does not reflect complete assessment of the diverse components of each individual Wetland. Again it should start with avoidance as the primary objective. Every Wetland in Niagara, and even more so throughout Ontario, is different. Biodiversity accounts for the inter-dependence of all the genes, species and ecosystems. A Wetland footprint is 2-dimensional, the soils, trees and plants make it 3-dimensional, and the relationships between its inhabitants make it multi-dimensional. The Province has a rating template to **score** Wetlands, termed Ontario Wetlands Evaluation System (OWES) (WCSO – pages 32/33 and pages 40/41). This should be a part of any compensation consideration after all other remedies are exhausted.

The Offset formula currently being promoted by the NPCA also does not reflect what additional area a buffer will provide for protection of an existing Wetland. If a 0.1 ha PSW was round and surrounded by a 30m wide buffer, the ultimate protected area would increase to 0.72 ha, or a 720% increase, requiring a 7.2 times Offset area. If a PSW was 1.0 ha and round and surrounded by a 30m wide buffer, the protected area would increase to 2.35 ha, or a 235% increase, requiring a 2.35 times Offset area. If a 10 ha PSW was round and surrounded by a 30m wide buffer, the protected area would increase to 13.65 ha, or a 136% increase requiring a 1.36 times Offset area. These examples demonstrate that a standardized buffer size does not provide consistent offset value to all sites.

The conclusion from the preceding paragraphs would suggest the Offset area is not one number that can be applied to all sites. If after all attempts to protect the Wetland have been exhausted, the Offset area should be calculated specifically for the loss at the site to be replicated (WCSO – page 18).

One argument for allowing BDO is that permitted development in some situations has the potential to “choke” a Wetland. However, there has been no presentation of efforts to follow the hierarchy of WP to attempt to avoid this possibility. The NPCA has the mandate for Conservation, and has the authority to require buffering, physical connections between Wetlands, and hydraulic connections (or in some cases hydraulic disconnections) as the avoidance step of the WP. The NPCA should not offer to create a BDO for developers.

As mentioned above, a major concern is that the public cost of the proposed BDO is too high. The current rules are very clear in that PSWs are protected. If that protection is removed and the NPCA allows a proponent to proceed with BDO without funding or a full understanding the value of the wetland that will be impacted then the public will inherit the liability. Instead, the consequence of any failures to meet the criteria should clearly be stated and they should be rectified at the expense of the proponent(s).

PHYSICAL AND HYDRAULIC CONSIDERATIONS

As noted in the preceding section, an argument has been made to allow BDO, as permitted development in some situations has the potential to “choke” a Wetland.

There are numerous engineering techniques available to provide surface level and groundwater level hydraulic connections between and through wetlands without disturbing the site or its ecology. Likewise hydraulic dams are viable engineering methods for preventing wetland drainage. There are papers and textbooks, and qualified hydrologists and geologists that can provide assistance in the design and implementation of such techniques. There needs to be discussion and correspondence with academia for each site under consideration.

There has been no evidence presented to show that the choking will actually happen. Should it become evident through continuous monitoring that a Wetland is showing stress, the next step(s) would be minimize and mitigate, as prescribed in the hierarchy of WP. Speculation of the deterioration also cannot be supported because no relevant history has been presented to date. Scientific and physical experience needs to be accumulated to show what will and will not deteriorate a site, and what will and will not work to mitigate the impacts of development.

Wetland hydraulics cannot be looked at in isolation from the other biological benefits a wetland, especially a PSW, provides. Further, there is other potentially applicable legislation which the NPCA does not have authority to regulate; i.e., Species at Risk and their habitat and potential for a PSW to support commercial, recreational, or aboriginal fisheries. Reiterating comments in another section of this document, it would be nearly impossible to find a site with similar watershed area, and similar soil and profile, to recreate an equal wetland with the equivalent biodiversity.

Wetlands and their associated drawbacks and benefits have the ability to affect adjacent landowners and land users. There is a public equity issue that needs to be addressed especially if a landowner doesn't have the resources to represent their interests before Council and the OMB.

The NPCA has suggested that landowners of Wetlands have a history of draining the Wetlands, i.e. altering natural water levels (WCSO – page 6), indiscriminate filling, and removing trees without permission. They suggest this is irreparable, and the NPCA cannot do anything to remedy it. Sometimes fines are levied for filling or tree removal, but not on a consistent basis. It is questionable as to whether or not fines are a suitable deterrent considering the potential revenue that can be generated by building lots. The concern associated with this is that developers could in theory roll the cost of fines into the cost of doing business and increase prices on these developed lots accordingly. It is suggested that an increase in fines be considered based on the area that has been effected, perhaps ten-fold per building lot for tree removal, and removal of the drainage in those cases where drainage has been installed without authority.

Subdivisions usually require park dedications, and it is usually 5% of the development area. In addition to the park dedication, it is suggested that an "Offsetting Dedication" in an appropriate location (WCSO – page 39) based on the isolated Wetland score, and the buffer perimeter area, be reserved for compensation should a Wetland be "choked". Boardwalks to a small portion of the unique features of the Wetland may be possible to provide an educational opportunity (WCSO – page 15, page 22 and page 24). If after a lengthy period of monitoring of the Wetland (much more than 3 years) (WCSO – page 39) shows its continued viability, the Offsetting Dedication could be released for development.

We collectively need to follow the Hierarchy of Wetland Protection, and the first step is not to try and offset, but avoid impacts to the Wetland according to the established protocol. By leaving the Wetland as intact as possible, its health can be monitored, and if it shows signs of weakening, then mitigation can be provided, and if it continues to weaken, only then should compensation be considered WCSO – page 38).

PLANNING CONSIDERATIONS

Using the PPS 2014, as supportive of development only, is an incomplete interpretation of the intent of the PPS 2014. PPS 2014 does not support development in Environmentally Protected Areas (EPAs). Under the Planning Act, Provincial Agencies (such as Conservation Authorities) must make decisions that are consistent with the Provincial Policy Statement 2014 in its entirety. Further, where Provincial Agencies provide advice to municipalities on planning applications, that advice must be consistent with PPS 2014: <http://www.mah.gov.on.ca/AssetFactory.aspx?did=10463>. This is an extension of the 1984 Guidelines and 1992 Wetland Policy Statement (WCSO – page 9 and page 32).

Referencing and commenting on PPS 2014:

Part 3 on page 1 states PPS decision making “recognizes and addresses the complex inter-relationship among environmental, economic and social factors in land use planning.” One has to read the document in its entirety and apply the relevant policies in each situation. Where the policies imply trade-offs, elected Councils make those decisions with the advice of staff and others, including the NPCA. The NPCA is to provide objective advice on policies in Section 2.1: Natural Heritage. There should be documentation setting out an agreement between the Region and the NPCA on this, possibly a Memorandum of Understanding between the Minister of Municipal Affairs and the Region when delegation of planning approvals to the Region were made in the past.

Ultimately, elected Councils balance environmental, economic and social factors when they make decisions on planning staff recommendations. Municipal planners base their recommendations on the basis of reading and balancing of the PPS policies including environmental, economic and social factors. NPCA staff are responsible for providing advice on some Natural Heritage policies, not economic or social factors. Where Provincially Significant Wetlands are concerned, there is no balancing; “development and site alteration shall not be permitted” (Section 2.1.4). This is further supported in WCSO page 20 and page 39.

Section 1.1.1, “Healthy liveable and safe communities are sustained by: promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate.”

Section 1.1.4.1. “Healthy, integrated and viable rural areas should be supported by: conserving biodiversity and considering the ecological benefits provided by nature.”

Section 1.7.1 “Long term economic prosperity should be supported by: minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature.”

Section 1.8.1. “Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and climate change adaptation through land use and development patterns which maximize vegetation within settlement areas, where feasible.”

Policies in Section 2.1, Natural Heritage do essentially four things:

1. Provide for the identification of a natural heritage system and the maintenance, restoration and improvement of linkages;
2. Protect specified natural heritage features and functions (e.g., provincially significant wetlands);
3. Protect other specified natural heritage features and functions unless it can be demonstrated that with design development and site alteration no negative impact will result (e.g., LSWs (WCSO page 33));
4. Provision of buffers around protected natural heritage features and functions;
5. Provide special provisions to be applied where the Federal Fisheries, and/or Federal and/or Provincial Species at Risk legislation apply.

Section 2.2: Water, contains a series of parallel policies that can be used to employ information generated during watershed planning under the Clean Water Act. The NPCA has not addressed this in comments that are on the record to date, nor have they acknowledged further information that was produced [state when/where this information came from]. Some of this information is directly related to recent legislation applying to the Great Lakes and implementation of international agreements.

Section 3.1 contains policies addressing natural hazards.

When developing Official Plans (OPs) and Zoning Bylaws, and setting Urban Boundaries, the planners were, or should have been, aware of the Natural Heritage Sites, including the PSW contained within those boundaries. Likewise, the purchasers of the properties were, or should have been, aware of the development restrictions on the properties. It is safe to conclude that the Environmental Protection Areas were not part of the urban area space calculation for available Industrial, Commercial or Residential development in each Municipality.

RECOMMENDATIONS

The PC EAC recommends that RMN and NPCA defer support of any Biodiversity Offsetting (BDO) Pilot Project until a thorough public discussion is undertaken regarding the purpose, methodology and evaluation procedure to be applied to any case study. This discussion should not only allow the involvement of interested members of the public, but also experts from Brock University, Niagara College, and other Universities and Colleges with specialized fields of Ecological and Environmental studies to allow input to specialized biological questions should they arise.

As a priority, PSWs should be protected to the greatest extent possible (WCSO – page 39). Despite the WCSO indicating PSWs may be ineligible for compensation consideration, the PC EAC strongly supports the premise that PSWs have already undergone rating under OWES, and are therefore untouchable.

To ensure the scope of the case study is fully outlined without ambiguity, prior to the commencement of the project there should be a full and complete identification of financial and management requirements to undertake the proposed application and its monitoring. The scope should detail the purposes of this research and the processes through which the study will be carried out (e.g. goals and objectives, a plan to determine success/failure, a planting plan, and a monitoring plan). It should also include a discussion of the cost both to municipal governments and private landowners which may be adversely affected. Lastly the scope should clearly outline the duration which management and financial requirements are needed.

We recommend this approach for the following reasons:

- Insufficient documentation has been provided to objectively evaluate the concept of BDO as proposed by the NPCA in their response to the Provincial Discussion Paper on Wetland Protection. Given our concerns that what is being proposed cannot be undertaken in compliance with the Provincial Policy Statement (PPS) 2014 and our concern that it is physically impractical in many instances, the proposal should not proceed in advance of a full and complete public discussion.
- With respect to the Wetland that was the subject of a recent Regional Planning Staff report, insufficient documentation was provided to evaluate the merits of the implementing the recommended approach to that Wetland. Specifically, requirements for the project site should include:
 1. A baseline study including an inventory of aquatic and terrestrial species, and including:
 - Sampling of macroinvertebrates and identification of other indicator species;
 - Conducting a floristic quality assessment; and
 - Identification of any locally and/or provincially significant species.
 2. Identification of any critical habitat for significant species which have potential to be present;
 3. A description of the physical environments of the area including habitat mapping, soil/sediment and water sampling, and hydrogeology and hydrology studies; and
 4. A review of the regulatory requirements and policy implications based on the above mentioned investigations to determine if the candidate site is suitable for application of the NPCA proposal.
- With respect to the NPCA and its staff, it is unclear if NPCA staff have all the expertise required to both comprehensively assess the Niagara Falls wetland and provide a determination regarding whether or not this is an appropriate wetland to conduct this proposal. Given the species and the functions being performed by this wetland, a higher level of scientific analysis is required. Researchers at Brock University, Niagara College, Universities and Colleges with specialized fields of Ecological and Environmental studies and members of the public may be able to provide additional expertise. Before any further action is taken, a full and complete consultation strategy should be designed and implemented to enlist their review of this initiative and ascertain if, or under what circumstances, the proposal should be undertaken.
- The proposal also affects environmental features and resources which are regulated by other agencies at various levels of the government such as Fisheries and Oceans Canada (DFO) and the Ministry of Natural Resources and Forestry (MNRF). The involvement of these agencies in the review of this proposal should also be considered to assess its feasibility.

- A major concern is that the NPCA proposal for Biodiversity Offset has provided insufficient information to ensure that future public costs associated with BDO will exceed any short term benefit that may be offered at this time. From the available information, we believe this issue is far too complicated to proceed without further consultation. The rigorous scrutiny recommended will give Municipal Councils a more complete understanding of the public liability where future management and the costs associated with that management are required. Accepting an alternative indicates acceptance of the outcome. The rules at the moment are very clear, the Wetland in question is a PSW and is protected. If that protection is removed and the NPCA proceeds, a full and complete understanding of the public management and financial liability needed to implement this proposal must be on the record.

"A politician thinks of the next election. A leader thinks of the next generation." – Bernie Sanders

Additional references:

<http://scholarworks.gvsu.edu/cgi/viewcontent.cgi?article=1366&context=theses>

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Report Number: 2018- 79

Date: June 25, 2018

SUBJECT: Energy Consumption and Greenhouse Gas Emissions Report (2016)

1) PURPOSE

This report was prepared by Mae Lannan, Environmental Compliance Student Assistant, under direction from Darlene Suddard, Environmental Compliance Supervisor and authorized by Chris Lee, Director of Engineering and Operations. This report was prepared to inform Council about the 2016 Energy Consumption and Greenhouse Gas Emissions Report to be submitted to the Ministry of Energy by July 1, 2018, as a requirement of O. Reg 397/11 – Energy Conservation and Demand Management Plans, under the *Green Energy Act, 2009*.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

Under the *Green Energy Act (GEA), 2009*, all Ontario municipalities are required to comply with O. Reg 397/11 – Energy Conservation and Demand Management Plans. As part of this regulation, the City of Port Colborne is required to track and report on annual energy consumption and greenhouse gas (GHG) emissions from all heated and/or cooled City operated facilities. One function of the regulation is to use this information to encourage a province-wide reduction in energy use along with the potential expansion of renewable energy alternatives.

In order to fulfill the requirement of annual energy reporting established under O. Reg 397/11, a database was created of annual electricity and natural gas consumption for all heated and/or cooled City operated facilities. These records are organized and stored using the Energy Planning Tool (EPT), a web based program developed and provided by Local Authority Services (LAS). Using this tool, the City has established complete records of monthly electricity and natural gas consumption beginning from 2011: the first year required to be reported on under this regulation. The first annual report was submitted in 2013, reporting on energy consumption from two years prior, in 2011. Energy consumption and GHG emissions for 2012 were then reported in 2014, with 2013 being reported in 2015 and so on. Annual reports must be submitted to the Ministry of Energy by July 1st each year, reporting data from two years prior to the current calendar year. After submission, the reports must also be made available for public viewing in both printed form and on the City's official website. The annual report for 2018, which reports 2016 energy consumption and GHG emissions, is prepared and ready for submission to the Ministry of Energy by the July 1st deadline.

Data from current and past reports have been used to track trends in City wide energy consumption, and have also been used in identifying the City's largest energy consuming facilities. The identification of these facilities has allowed for a targeted approach to

energy conservation, such as the completion of energy audits on select buildings which have allowed for the identification of appropriate energy conservation initiatives. Through such efforts, in depth energy audits have been conducted on the City's primary energy consuming facilities including Port Colborne's City Hall, Fire Station, Library, Roselawn Centre, Museum, Marina and Vale Health & Wellness Centre. The information collected through these reports has been used in setting attainable energy conservation goals and objectives as outlined under the City's official Energy Conservation and Demand Management Plan endorsed by Council on June 9, 2014, and a second requirement under O. Reg 397/11. Additionally, these reports and audits will inform the goals and objectives of the City's next Energy and Conservation Demand Management Plan.

3) STAFF COMMENTS AND DISCUSSIONS

The 2016 Energy Consumption and Greenhouse Gas Emissions Report, attached to this report, outlines the total annual electricity and natural gas consumption from all heated and/or cooled City operated facilities during the associated year. As such, some of the buildings originally reported on in the first 2011 report are no longer in operation, such as the Teeder Kennedy Youth Arena, Centennial Swimming Pool, and the West Side Arena or the City no longer operates or pays the utility bills (i.e. Animal Shelter and Lighthouse Tour Booth). Other facilities, specifically the Vale Health & Wellness Centre, are newly constructed and operating, and the 2013 report was the first to include energy consumption values from this new facility.

Accounting for these facility changes, the City's total annual energy consumption for 2016 reached a sum of 9,406,580.51 ekWh/yr, which is less than a 1% increase from the 2015 total. However, total annual GHG emissions saw a 16.1% decrease compared to 2015 totaling 1,013,962.37 kg CO₂e/yr. Based on historical data from the Government of Canada website, 2016 experienced significantly warmer weather (1.5°C above the baseline average, with 434.5 cooling degree days and 3325 heating degree days in 2016 versus 291.7 cooling degree days and 3668 heating degree days in 2015) than 2015 which resulted in a 5.2% reduction in natural gas consumption, however it also accounted for a 5.4% increase in electricity consumption for cooling purposes. The limited increase in electricity consumption can be partly attributed to more efficient cooling systems in the facilities.

The significant decrease in GHG emissions was originally thought to be due to the Province's initiatives to transition to renewable energy sources and phase out the province's reliance on coal or gas fired electrical generation. However, the initiatives to increase renewable energy sources were implemented prior to 2015 as part of Ontario's Feed-In Tariff (FIT) and microFIT. So even the addition of the Niagara Region Wind Farm, in 2016, would only have attributed to negligible changes in GHG emissions from 2015 to 2016. Upon further investigation, the decrease in GHG emissions is most likely due to the decrease in natural gas usage, the result being 46,220 kg CO₂e/yr less than in 2015 from natural gas alone. As all electricity that is generated in Ontario is fed into the IESO (Independent Electricity System Operator) controlled central grid, there is little that the municipality can do in regard to changing the source of electrical generation to lower

greenhouse gas emissions. Instead, in order to further reduce greenhouse gas emissions, the municipality should continue to focus on reducing natural gas consumption, as well as making City facilities as energy efficient as possible.

Encouragingly, among the list of buildings with significant energy reduction are some of the City's previously identified largest energy consumers, including Public Works, the Marina, Port Colborne's City Hall, and the Roselawn Centre. Other notable energy consuming facilities throughout the City include Vale Health & Wellness Centre, Fire Station, and Parks Yard (52 Westside Road). Each of these large consuming facilities has been the subject of a previous staff conducted energy audit, with the exception of the Public Works department due to the fact that the City has constructed a new facility, which will be included in the 2018 GHG and energy consumption report. The facilities are now being re-audited to evaluate the effect conservation initiatives and/or energy efficiency upgrades have had on energy consumption and GHG emissions and to find additional opportunities for reducing energy consumption.

Beyond sole consideration of facility consumption, an important indicator of energy use is energy intensity – the measure of a building's consumption relative to its total operational area. Most notably, although the Vale Health & Wellness Centre is the City's most significant energy consumer, its energy intensity reveals that it is considerably more energy efficient than other City facilities have been in previous years. For example, The Vale Health & Wellness Centre replaced the three separate recreational complexes reported on in previous years (Teeder Kennedy Youth Arena, Centennial Swimming Pool, and West Side Arena). In the 2011 report, these three facilities combined accounted for 56% of total energy consumption that year. Although the Vale Health & Wellness Centre accounts for a similar percentage of the City's total energy consumption, the facility itself has a far lower energy intensity than the buildings it has collectively replaced. Figure 1 below depicts the energy intensity of all Port Colborne facilities during the 2015 and 2016 report periods.

Although the Vale Health & Wellness Centre appears to have a high intensity relative to its predecessors, the facility is almost five times more energy efficient, largely a reflection of its LEED certification and high operating standards; however, there was very little change in the energy intensity from 2015 to 2016. Similar to energy consumption levels, some of the facilities with the highest energy intensity include Roselawn Centre, the Fire Station, and Public Works Yard (11 King Street). Further, some previously identified large consuming facilities appear to have relatively low energy intensity ratings, such as the Library, select Museum buildings, and the Marina. Such data suggests that although these are large energy consuming facilities, the buildings are being operated to a high level of efficiency. Future reports should show a continued reduction in energy intensity, paralleled by an increase in efficiency, as a result of both the current and future implementation of conservation practices and energy efficiency upgrades.

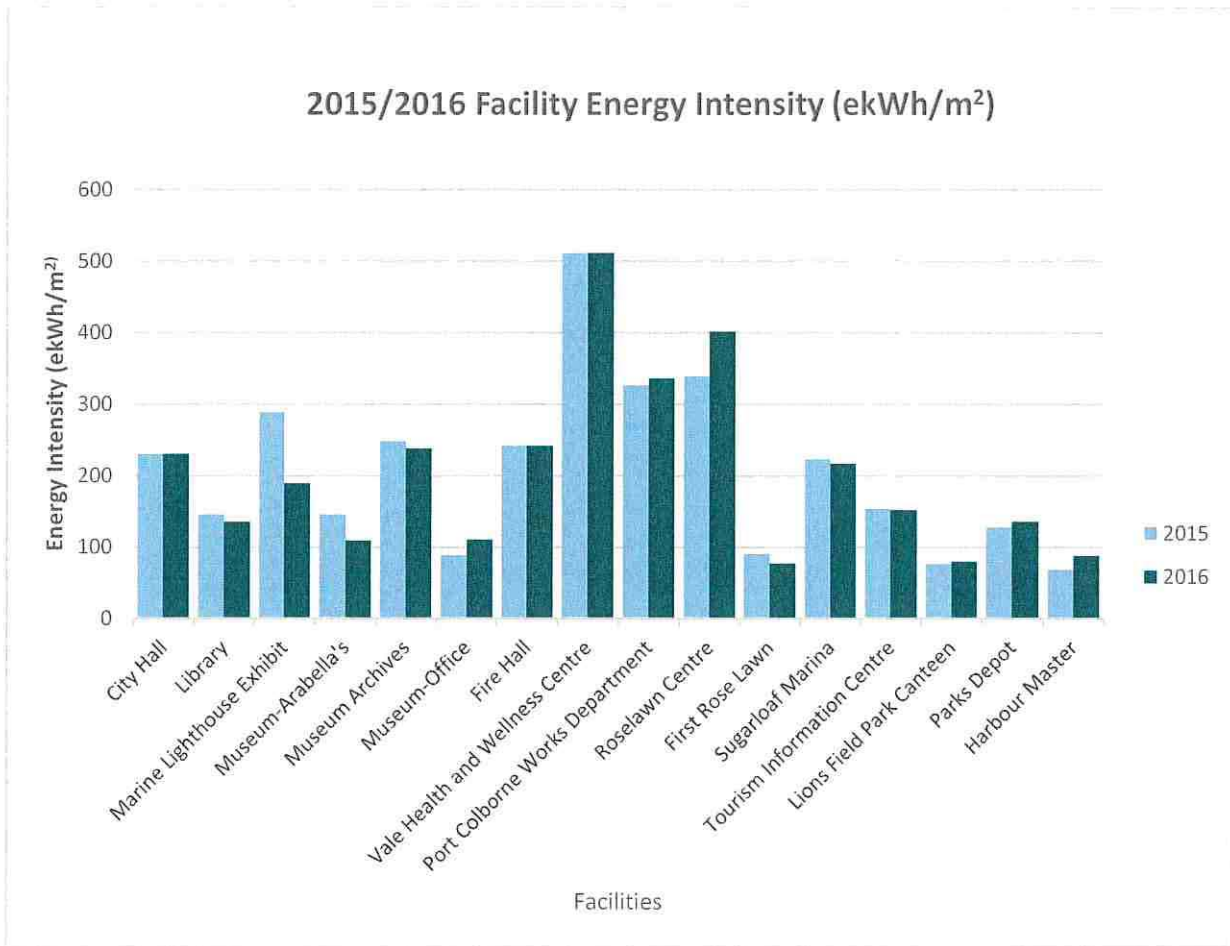


Figure 1: 2015-2016 Comparison of annual energy intensity of City facilities.

Prior to the July 1st deadline, the finalized 2016 report will be submitted to the Ministry of Energy, made available in printed form, and uploaded to the City's official website. Using this updated information, alongside the City's first official Energy Conservation and Demand Management Plan, Staff will continue to investigate and develop energy conservation initiatives and opportunities throughout City facilities in order to meet outlined goals and objectives as set under requirement of O. Reg 397/11.

4) OPTIONS AND FINANCIAL CONSIDERATIONS

a) Do nothing.

This is not an option. Under O. Reg. 397/11, the City is mandated to compile and submit an annual Energy Consumption and Greenhouse Gas Emissions Report dated two years prior to the current calendar year.

b) Other options

Council may choose to review the attached 2016 Energy Consumption and Greenhouse Gas Emissions Report.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Not Applicable.

6) ATTACHMENTS

2016 Energy Consumption and Greenhouse Gas Emissions Report

7) RECOMMENDATION

That Engineering and Operations Department, Operations Division Report 2018-79 with respect to Energy Consumption and Greenhouse Gas Emissions Report (2016) be received for information.

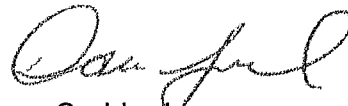
8) SIGNATURES

Prepared on May 30, 2018 by:



Mae Lannan
Environmental Compliance Student
Assistant

Reviewed by:



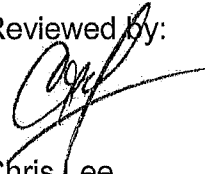
Darlene Suddard
Environmental Compliance Supervisor

Reviewed by:



Jim Huppunen
Manager, Engineering Services and
Facility Maintenance

Reviewed by:



Chris Lee
Director, Engineering and Operations

Reviewed and respectfully submitted by:



C. Scott Luey
Chief Administrative Officer

Energy Consumption and GHG Emissions
 From: 2016-01-01 To: 2016-12-31

Facility Name	Address	Floor Area (m ²)	Annual Hours	Energy Type	Consumption (m ³)	Consumption (kWh)	Energy (kWh/m ²)	GHG Emissions (kg CO ₂ e/m ²)	GHG Emissions (kg CO ₂ e/m ²)	GHG Emissions (kg CO ₂ e/m ²)
Facility Primary Type: Office										
City Hall	66 Charlotte Street	2800	5.71	NG	20541.00 m ³	1,867.80	218,305.17	38,836.37	13.87	77.97 (ekWh/m ²)
				Elect.	419320.00 kWh	53,658.11	419320	17,002.59	6.07	149.76 (ekWh/m ²)
Facility Type Total						55,525.91	637,625.17	65,837.96		
Facility Primary Type: Library										
Library	310 King Street	2148	7.71	NG	16217.00 m ³	2,139.35	172,350.66	30,660.30	14.27	80.24 (ekWh/m ²)
				Elect.	117997.00 kWh	15,162.64	117,997.00	4,784.54	2.23	54.93 (ekWh/m ²)
Facility Type Total						17,301.99	290,347.66	35,444.84		
Facility Primary Type: Museum										
Marine Lighthouse Exhibit	280 King Street	256	6.72	NG	4062.00 m ³	793.52	43,170.03	7,679.73	30.12	169.29 (ekWh/m ²)
				Elect.	5039.00 kWh	548.63	5,039.00	204.32	0.8	19.76 (ekWh/m ²)
Port Colborne Museum - Arabella's	61 Princess Street	290	2	NG	2511.00 m ³	338.37	26,886.35	4,747.36	16.37	92.02 (ekWh/m ²)
				Elect.	4929.00 kWh	609.64	4,929.00	199.86	0.69	17.00 (ekWh/m ²)
Port Colborne Museum - Archives	286 King Street	260	5	NG	4077.00 m ³	172.18	43,329.45	7,708.09	29.65	168.65 (ekWh/m ²)
				Elect.	18509.00 kWh	2,140.47	18,509.00	750.50	2.89	71.19 (ekWh/m ²)
Port Colborne Museum - HRC	291 Catharine Street	292	5	NG	1876.00 m ³	268.48	19,937.71	3,546.82	12.15	68.28 (ekWh/m ²)
				Elect.	12357.00 kWh	1,473.53	12,357.00	501.05	1.72	42.32 (ekWh/m ²)
Facility Type Total						6,344.82	173,957.53	25,337.73		
Facility Primary Type: Fire										
Port Colborne Fire and Emergency Services	3 Killaly Street W.	1625	24	NG	23688.00 m ³	2,086.97	250,688.00	44,596.11	27.44	154.27 (ekWh/m ²)
				Elect.	163162.00 kWh	18,971.73	163162	6,815.49	4.07	100.40 (ekWh/m ²)
Facility Type Total						21,058.70	413,840.00	51,211.60		
Facility Primary Type: Recreation Complex										
Vale Health and Wellness Centre	550 Elizabeth St	13471	14.28	NG	299148.00 m ³	43,214.99	3,179,278.23	565,577.29	41.98	236.01 (ekWh/m ²)
				Elect.	3716148.00 kWh	455,619.92	3716148	150,692.37	11.19	275.86 (ekWh/m ²)
Facility Type Total						498,834.91	6,895,428.23	716,259.65		

Facility Name	Address	Area (m ²)	Average Occupancy	Energy Type	Water Usage (m ³)	Gas Usage (kWh)	Electricity Usage (kWh)	Gas Usage (kWh)	Electricity Usage (kWh)	Energy Intensity (kWh/m ²)
Facility Primary Type: Public Works										
Port Colborne Works Department	11 King Street	1025	8	NG Elect.	20978.00 m ³ 116956.00 kWh	3,064.03 13,111.03	222,948.51 116,956.00	39,661.57 4,742.33	38.69 4.63	217.51 (ekWh/m ²) 114.10 (ekWh/m ²)
Facility Type Total						16,176.06	339,905.51	44,403.91		
Facility Primary Type: Other										
Roselawn Centre	286 Fielden Avenue	675	5.71	NG Elect.	16423.00 m ³ 96346.00 kWh	1,555.63 11,823.77	174,539.98 96,346.00	31,049.77 3,906.64	46 5.79	258.58 (ekWh/m ²) 142.73 (ekWh/m ²)
First Rosa Lawn	286 Fielden Avenue	900	5.71	NG Elect.	4097.00 m ³ 25983.00 kWh	358.49 3,063.88	43,542.00 25,983.00	7,745.90 1,053.56	8.61 1.17	48.38 (ekWh/m ²) 28.87 (ekWh/m ²)
Sugarloaf Marina	3 Marina Road	610	4.67	NG Elect.	5364.00 m ³ 75351.00 kWh	656.56 9,146.24	56,901.12 75,351.00	10,122.42 3,055.33	16.59 5.01	93.28 (ekWh/m ²) 123.53 (ekWh/m ²)
Tourism Information Centre	76 Main Street West	290	7.97	NG Elect.	2928.00 m ³ 12852.00 kWh	258.68 1,620.92	31,116.13 12,852.00	5,535.76 621.12	19.09 1.8	107.30 (ekWh/m ²) 44.32 (ekWh/m ²)
Lions Field Park Canteen	148 Killaly Street W.	131	3	NG Elect.	269.00 m ³ 7456.00 kWh	39.82 690.43	2,858.87 7,456.00	508.58 302.33	3.88 2.31	21.82 (ekWh/m ²) 56.92 (ekWh/m ²)
Parks Depot	52 West Side Road	900	16	NG Elect.	11272.00 m ³ 2160.00 kWh	1,631.94 219.65	119,796.30 2,160.00	21,311.15 87.58	23.68 0.1	133.11 (ekWh/m ²) 2.40 (ekWh/m ²)
Harbour Master	201 West Street	75	1.43	Elect.	6574.00 kWh	687.62	6,574.00	266.56	3.55	87.65 (ekWh/m ²)
Facility Type Total						31,853.43	655,478.41	85,466.69		
Grand Total						646,894.82	9,406,580.81	1,013,962.37		

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Report Number: 2018-89

Date: June 25, 2018

SUBJECT: Sugarloaf Marina - Herbicide Application

1) PURPOSE

The purpose of this report is to obtain Council approval for the application of herbicide at Sugarloaf Marina to manage unwanted, invasive aquatic weed vegetation in a 3.5 hectare area by Green Stream Lawn and Vegetation Management Inc.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

Construction of Sugarloaf Marina was completed in the 1990s, with the City taking over ownership from the Canada Lands Corporation in 1999. An Environmental Assessment of the Harbour took place prior to finalization of the purchase in 1997.

Council identified weed control as a priority project for the Marina during the 2018 Strategic Planning session. The use of herbicides involves an application to the waters by certified and licensed technicians in spray boats, vehicles and other specialized equipment. Removal and disposal of aquatic vegetation is monitored, regulated and approved by several government bodies, including the Ministry of Natural Resources and Forestry (MNR) and the Ministry of the Environment and Climate Change (MOECC).

3) STAFF COMMENTS AND DISCUSSIONS

Invasive aquatic weeds hinder access to marina docks and slips at Sugarloaf Marina and collect around slips, docks and other structures in the water. If not removed or treated, the weeds continue to grow. By late summer weeds can block marina entrances, damage engines/motors, or even shut down marinas. The costs to manage invasive weeds can add up while, if left untreated, will continue to hinder Sugarloaf Marina daily operations.

Neighbouring marinas in the area have reported success dealing with invasive aquatic weeds when an application of herbicide is used. Neighbouring marinas have reported that after using herbicide application, weeds did not have to be cut until September, allowing staff to complete other maintenance related projects within the marina.

The application of herbicide was not budgeted for during the 2018 budget deliberations, but certainly was highlighted by Council during the Strategic Planning sessions earlier this spring. Given the desire of Council, staff suggest reallocating \$12,000 set aside in reserves in 2017 to install LED walkway lights on the West Main dock run to offset the cost of the herbicide application. Staff have sourced one supplier and given the specialty of the product being used, it is difficult to find further quotes for this product in a timely fashion. Sourcing out further quotes will only delay the application of the product which in turn will lead to dissatisfaction amongst boaters at the Marina. Staff will

commit to exploring the best economical product in the future and will actively search the market for comparable products.

Staff recommends allocating \$10,000 during the 2019 budget deliberations in order to strengthen the City's ability to undertake the issue of invasive weeds as well as \$12,500 to replace the funds for the LED lights to complete this project in 2019. Further reports will be presented to Council evaluating the success of the application of herbicide to Sugarloaf Marina, which will assist with future budget deliberations.

4) OPTIONS AND FINANCIAL CONSIDERATIONS

a) Do Nothing

Council may choose to take no further action. Under this option, the City would not issue a purchase order to Green Stream Lawn and Vegetation Management Inc. for the application of herbicides. To do nothing would mean regular weed maintenance will be completed, which as history has shown, will not be able to keep up with natural weed growth patterns. Marina operations will continue to manually remove weeds as staff resources allow.

This option is not recommended, as over time, weeds will continue to accumulate throughout the Marina, causing the docking area to become shallower, making it difficult for vessels to safely navigate the docking and boat ramp areas.

b) Other Options

Staff recommend that the Director of Community and Economic Development be directed to proceed with issuing a purchase order for applications of herbicides to Sugarloaf Marina from Green Stream Lawn and Vegetation Management Inc.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

The City's Strategic Plan identifies aquatic weed control at the Marina in order to assist in maintaining the depth of waterways, create economic opportunities and enhance boating experiences at Sugarloaf Marina.

6) ATTACHMENTS

N/A

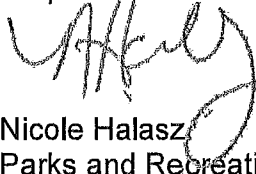
7) RECOMMENDATION

That the Director of Community and Economic Development be directed to proceed with issuing a purchase order for applications of herbicides to Sugarloaf Marina.

After a thorough evaluation of the success of the project staff request the allocation of \$10,000 annually for herbicide application be included during the 2019 budget deliberations weeds as well as \$12,500 to replace the funds for the LED lights to complete this project in 2019.

8) SIGNATURES

Prepared on June 7, 2018, by:



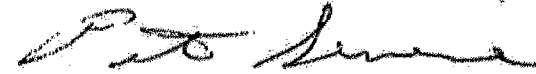
Nicole Halasz,
Parks and Recreation Manager

Reviewed by:



Ashley Grigg,
Director of Community and Economic
Development

Reviewed by:



Peter Senese,
Director of Corporate Services

Reviewed and respectfully submitted by:



C. Scott Luey,
Chief Administrative Officer

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From: "Betty Konc" <[REDACTED]>
To: amberlapointe@portcolborne.ca
Date: 2018-06-05 04:16 PM
Subject: Fire works

Good afternoon,

Each year our trucking company K-Motion holds a bbq for our staff, family and friends.

For the last several years we have fire works at the end of the day. The event takes place on our property at 831 Hwy #3 E, Port Colborne.

The company we hire to do the fireworks is Redboss. They fill out the forms for the fire dept, we simply ask council to approve said fireworks.

The date is Aug 11th this year.

This is the request for that approval and if there are any other questions that I can answer I would be happy to do that.

Thanks so much,
Betty Konc

Sent from my iPhone

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CITY OF PORT COLBORNE
RECEIVED
MAY 29 2018
CONFIDENTIAL SERVICES
DEPARTMENT

May 29, 2018

CL 7-2018, May 24, 2018
PEDC 7-2018, May 16, 2018
Report PDS 12-2018

LOCAL AREA MUNICIPALITIES
NIAGARA PENINSULA CONSERVATION AUTHORITY
ONTARIO STONE, SAND & GRAVEL ASSOCIATION

SENT ELECTRONICALLY

State of Aggregate Resources in Niagara Region – Technical Addendum
PDS 12-2018

Regional Council, at its meeting of May 24, 2018, approved the following recommendation of its Planning and Economic Development Committee:

That Report PDS 12-2018, dated May 16, 2018, respecting State of Aggregate Resources in Niagara Region – Technical Addendum, and Appendix 1, “State of Aggregate Resources in Niagara Region – Technical Addendum,” **BE RECEIVED** for information and the following recommendation **BE APPROVED**:

1. That a copy of Report PDS 12-2018 **BE CIRCULATED** to the Local Municipalities, the Niagara Peninsula Conservation Authority (NPCA), and the Ontario Stone, Sand & Gravel Association (OSSGA).

A copy of Report PDS 12-2018 is attached for your information.

Yours truly,



Ann-Marie Norio
Acting Regional Clerk

:jg

CLK-C 2018-68

cc: S. Norman, Senior Planner, Planning and Development Services
N. Oakes, Executive Assistant to the Commissioner, Planning and Development Services
R. Mostacci, Commissioner, Planning and Development Services

Subject: State of Aggregate Resources in Niagara Region – Technical Addendum

Report to: Planning and Economic Development Committee

Report date: Wednesday, May 16, 2018

Recommendations

1. That Report PDS 12-2018, dated May 16, 2018, respecting State of Aggregate Resources in Niagara Region – Technical Addendum, and Appendix 1, “State of Aggregate Resources in Niagara Region – Technical Addendum,” **BE RECEIVED** for information; and,
2. That a copy of Report PDS 12-2018 **BE CIRCULATED** to the Local Municipalities, the Niagara Peninsula Conservation Authority (NPCA), and the Ontario Stone, Sand & Gravel Association (OSSGA).

Key Facts

- This purpose of this report is to present the “State of Aggregate Resources in Niagara Region – Technical Addendum Report” (Appendix 1) to Committee and Council for information.
- This report and attachments are part of the aggregate resources work program for the new Regional Official Plan. Aggregate resources were identified in PDS 41-2017 as one of the eight priority background studies.
- The attached Technical Addendum is intended to supplement the “State of Aggregate Resources in Niagara Region – Background Report” which was previously brought to Committee and Council for information in November 2015 and January 2016, and attached as Appendix 2.
- Consultation was undertaken with the Technical Advisory Group (TAG) and industry stakeholders in the preparation of the Technical Addendum.
- The next step in the aggregate resources work program will be policy development. The policy development phase will include a public and stakeholder consultation program. The aggregate policies will be endorsed by Council. The policies will form part of the new Official Plan which will be adopted by Council as a single document.

Financial Considerations

The costs associated with the aggregate resources work program, including the development of the “State of Aggregate Resources in Niagara Region – Technical Addendum” can be accommodated within the Council approved Regional Official Plan project budget.

Analysis

Background / History

The following provides a history of the Niagara Region aggregate resources policy project:

- Niagara Region initiated an aggregates resources policy project in 2014 as part of “Imagine Niagara” which was the Region’s 5-year update of the Official Plan. At that time a Regional Official Plan Amendment (ROPA) was proposed. The project at that time known as ROPA 8 was initiated through PDS 3-2014.
- The background study completed to inform the project was the “State of Aggregate Resources in Niagara Region: Background Report”. The Background Report was brought for information to Committee and Council in November 2015 and January 2016. (PDS 40-2015). Minor changes were made to the Background Report through PDS-C 3-2016. An office consolidation of the report dated January 2016 is attached as Appendix 2.
- The project did not move directly into the policy development phase. As the policy development process for aggregates was being reinitiated, the Region began a process to prepare a new Regional Official Plan (PDS 40-2016). The approved approach was to prepare a new Regional Official Plan from start to finish rather than a number of topic-specific amendments to the existing plan.
- The Region’s aggregate resources policy project is now to prepare policies for the new Regional Official Plan. A topic specific Regional Official Plan Amendment (i.e. ROPA 8) is no longer proposed; although the previously completed Background Report will continue to provide much of the direction for the policy development process.
- Since the time the Background Report was brought forward for information, there have been changes to the Provincial Plans (i.e. Growth Plan, Greenbelt Plan, and Niagara Escarpment Plan) and *Aggregate Resources Act* as well as the introduction of Bill 139. It was determined that a Technical Addendum document – to summarize the recent legislative changes – was required before the new Official Plan policies could be drafted.

Technical Advisory Group

During the preparation of the Background Report a technical advisory group (TAG) was formed to provide input on the aggregate project. The TAG included representation from the local municipalities, Niagara Peninsula Conservation Authority, Niagara Escarpment Commission, Ministry of Municipal Affairs, Ministry of Natural Resources and Forestry, as well as the Ontario Stone, Sand & Gravel Association (OSSGA) which is the Provincial industry association for aggregate producers and services.

The TAG has been reengaged and provided input on the Technical Addendum. In addition to meeting with the TAG in March 2018 Region staff and our consultant also met with the OSSGA in April 2018 to discuss the draft Technical Addendum as well as the policy development phase of the project.

Technical Addendum

The Technical Addendum (Appendix 1) was prepared by Dillon Consulting and is intended to provide a summary of the legislative changes in response to the updated Provincial Plans, Bill 139, and changes to the *Aggregate Resources Act*. The Technical Addendum is to be read in conjunction with the 2016 "State of Aggregates in Niagara Region: Background Report". Where recommendations of the 2016 Background Report have been changed; this is specifically outlined in the Technical Addendum. All other recommendations of the 2016 Background Report are assumed to remain valid.

A summary of the major findings of the Technical Addendum are:

- The changes to the *Aggregate Resources Act* have a minimal impact on land use planning and the policies of the Regional Official Plan.
- Additional policies have been added to the Growth Plan related to aggregate resources. These policies are generally in alignment with what is included in the Greenbelt Plan. Definitions related to aggregate resources have generally been aligned across the PPS and Provincial Plan.
- There is an increased emphasis on the recycling and reuse of aggregate resources.

A draft of the Technical Addendum report was circulated to the TAG. Comments were received and incorporated into the final version of the report. Additional comments were also received related to the overall aggregate resource project. These comments will be considered during the policy development phase.

Next Steps

The next step is policy development. After draft aggregate policies for the new Regional Official Plan are formulated we will be consulting with the Technical Advisory Group (TAG), Planning Advisory Committee (PAC), industry stakeholders, Provincial Ministries, public, and Planning and Economic Development Committee. The aggregate policies will be endorsed by Council. Following the completion of the aggregates work program there will be a process to ensure alignment across all sections of the new Regional Official Plan. Then there will be a statutory public meeting, and the Official Plan will be brought to Council for adoption as a single comprehensive document.

Alternatives Reviewed

N/A

Relationship to Council Strategic Priorities

The aggregate resources work program is part of the new Regional Official Plan which will assist in implementing Council's Strategic Priority of Innovation, Investment, & Entrepreneurship.

Other Pertinent Reports

- PDS 3-2014: Aggregate Resources (ROPA 8) – Project Initiation Report
- PDS 40-2015: State of the Aggregate Resources Report
- PDS-C 3-2016: Modifications to the State of Aggregate Report
- PDS 5-2016: A Review of “A Blueprint for Change – A Proposal to Modernize and Strengthen the *Aggregate Resources Act* Policy Framework”
- PDS 40-2016: Regional Official Plan Update
- PDS 41-2017: High Level Official Plan Process Framework
- PDS 3-2018: New Official Plan Update

Prepared by:

Sean Norman, PMP, MCIP, RPP
Senior Planner
Planning and Development Services

Recommended by:

Rino Mostacci, MCIP, RPP
Commissioner
Planning and Development Services

Submitted by:

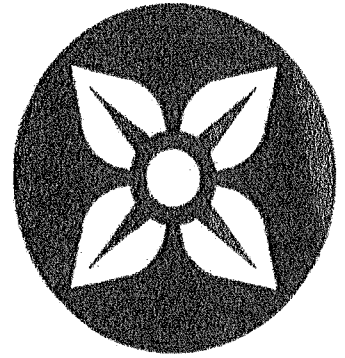
Carmelo D'Angelo, BSc, MPA
Chief Administrative Officer

This report was reviewed by Danielle De Fields, MCIP, RPP, Manager, Community Planning, Dave Heyworth, MCIP, RPP, Official Plan-Policy Consultant, and Doug Giles, Director, Community and Long Range Planning.

Appendices

Appendix 1 - State of Aggregate Resources in Niagara Region – Technical Addendum Report (May 2018)

Appendix 2 - State of Aggregate Resources in Niagara Region – Background Report (January 2016)



resources

State of Aggregate Resources in Niagara Region

Technical Addendum Report

May 2nd, 2018



DILLON
CONSULTING

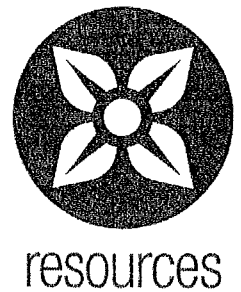
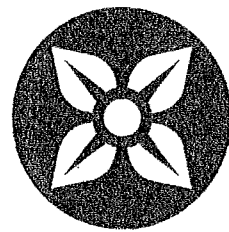


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1 INTRODUCTION

1.1 Background

In late 2014, the Region of Niagara launched a project to review and update its Official Plan policies for aggregate resources. The Regional Official Plan policies for aggregates had not been updated for some time and required a detailed review to ensure alignment with the Provincial Policy Statement (2014) and other Provincial plans. In January 2016, the State of Aggregate Resources in Niagara Region report was completed and presented to the Region's Planning Committee. The report provided recommendations for updating the aggregate policies of the Regional Official Plan. While the Region was in the process of preparing an Official Plan Amendment to implement the policy recommendations, the Province launched a review of the Growth Plan for the Greater Golden Horseshoe (Growth Plan), the Greenbelt Plan and the Niagara Escarpment Plan, completed an update to the *Aggregate Resources Act* (ARA) and implemented reforms to the Ontario Municipal Board through Bill 139. These policy and legislative changes have implications for the Regional Official Plan and were not contemplated in the State of Aggregate Resources report. The Region is now in the process of drafting a new Official Plan. The work being completed as part of the aggregate policy project will form the basis for new policies in the new Official Plan, and will take into consideration the above-noted policy and legislative changes.

1.2 Purpose of the Technical Addendum

The purpose of the following Technical Addendum report is to provide a high-level review of the legislative changes which have occurred since the completion of the State of Aggregate Resources in Niagara Region background report. This Technical Addendum Report should be read in conjunction with the 2016 Background Report, State of Aggregate Resources in Niagara Region. This Report provides an overview of the updates to the ARA, the Growth Plan, the Greenbelt Plan, and the Niagara Escarpment Plan and identifies additional policy gaps in relation to the Region's current ROP¹. The policy recommendations of this Report, combined with the previous recommendations will provide the basis for a new set of aggregates policies which will form part of the Region's new Official Plan.

The following report is organized into four main sections. This first section provided a brief introduction, explaining the purpose of the report. The second section covers changes to the ARA. The third section provides commentary on applicable policy changes in the three Provincial plans. The fourth section provides a summary of policy and other recommendations.

¹ Note that this report does not provide an exhaustive list of all policy changes. Readers should refer to the parent documents for additional details.

2 AGGREGATE RESOURCES ACT CHANGES

2.1 Context

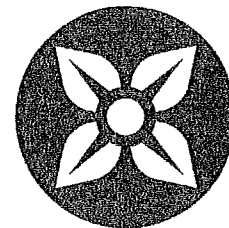
The ARA (2017) was enacted by the Province to manage aggregate resources, control and regulate aggregate operations, identify requirements for rehabilitation of land from which aggregates have been extracted and to minimize the adverse impacts that an aggregate operation may have on the environment. The Ministry of Natural Resources and Forestry (MNRF) is responsible for administering the ARA. The role of the MNRF includes overseeing the rules governing the management of aggregates; issuing licences, permits and changes to existing approvals; inspecting aggregate operations and responding to complaints; enforcing compliance; and ensuring site rehabilitation is carried out. The ARA applies to most of Ontario's pits and quarries including lands under water, crown-owned lands (including aggregates and topsoil) and private lands. It should also be noted that some areas of private land are not covered by the *Act*. In these areas, the local municipality may regulate pit and quarry operations.

In 2013, the Province initiated a review of the ARA and applicable policies and regulations, such as O. Reg. 244/97 and Provincial policies and procedures, with the aim to modernize and to strengthen the existing policy framework. The proposed changes are outlined in the Province's discussion paper entitled *A Blueprint for Change*, which was released by the Province in 2015. The document lays out the following goals:

- **Stronger oversight** by introducing new tools, powers and provisions that improve effectiveness, efficiency and flexibility;
- **Environmental accountability** by updating and enhancing application requirements, developing new tools to deal with existing sites and improving record keeping and reporting;
- **Improved information and participation** by improving consistency in requirements, enhancing opportunities for involvement and making information more accessible and easier to understand; and,
- **Increased and equalized fees and royalties** by changing Crown land fees and royalties, indexing fees and royalties, working with municipal organizations.

In 2016, The Province introduced Bill 39, the *Aggregate Resources and Mining Modernization Act* with the intent to modernize the ARA and the *Mining Act*. The proposed amendments to the ARA included increased oversight by the Minister over aggregate operations, the need for enhanced studies for proposed and existing pits and quarries, changes to public and agency consultation, as well as updates to fees and royalties. A 60 day public review period was held from October 2016 to December 2016. Bill

State of Aggregate Resources in Niagara Region: Technical Addendum to the Background Report



resources

39 received royal assent on May 10, 2017. A number of regulations are expected to be released to implement Bill 39. A schedule of the forthcoming regulations has not been identified at the time of publication of this report.

2.2 Key Changes to the ARA

The most recent amendments to the ARA focus on the need to balance economic growth and job creation with the protection of the natural environment. The ARA (2017) provides greater oversight to the Minister and places greater responsibility on aggregate operators to demonstrate compliance with the Act. As noted previously, several aspects to the updated ARA will be introduced over time. For example, the ARA makes reference to the replacement of the Ontario Municipal Board (OMB) with a Local Planning Appeal Tribunal (LPATA), which came into effect on April 3, 2018. Any responsibilities under the ARA that were allocated with the OMB are transferred to the LPTA². Under O. Reg. 101/18 any matter raised prior to the LPTA will be managed under the OMB Act. The key changes to the ARA are summarized below.

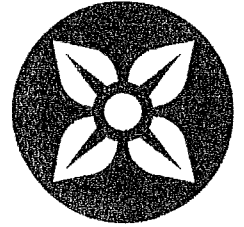
2.2.1 General Changes

- In general, the majority of the changes to the ARA are related to the licensing process and have little direct implication on municipal planning policies.
- The definition of 'aggregates' is expanded to include recycled aggregates (Section 71.1.3).
- A new section was added on liability which states that inspectors, public servants, and the Minister are protected from liability for any acts that were done in good faith under the Act (Section 4.1.1).
- Fee changes pertaining to the ARA came into effect on January 1, 2018. Approximately 61% of the fees collected from licences, wayside permits and aggregate permits are to be allocated to the local municipality in which the site is located, along with 15% to the upper tier municipality to help address any impacts caused from hauling aggregates on municipal roads. The balance is allocated to the Crown and the Aggregate Resources Trust for rehabilitation and research.

2.2.2 Licensing and Permitting

- Under the ARA (2017) a broad set of changes were made to the aggregate licensing requirements. Under the amended ARA, the Minister has been provided with increased decision-making powers including powers to amend and revoke licenses (Section 11.9, 11.10

² Bill 139 *Building Better Communities and Conserving Watersheds Act, 2017* has been approved by the Government of Ontario and the changes are effective as of April 3, 2018. The Act replaces the Ontario Municipal Board with a Local Appeals Body and includes a number of changes to the appeals process. Transition regulations are laid out under O. Reg. 101/18. Going forward, the key test for appeals will be whether or not a municipal council has correctly applied Provincial Policy, underscoring the importance of having municipal plans which are up to date, and in alignment with the PPS, Growth Plan, Greenbelt Plan and other applicable Provincial plans.



and Section 20.1 a to d), designate Crown land as land where no aggregate extraction is permitted (Section 34.6), and the preparation of a site plan. A significant change to the *Act* is a license holder's ability to make minor amendments to a site plan without Ministerial approval. The ability to make minor amendments without requiring Ministerial approval has not yet been implemented and will be assessed through future regulation..

- Under special circumstances, the amended ARA allows a license or permit applicant to submit a customized plan. The customized plan must lay out the notification and consultation requirements and the surveys and studies to be completed as part of the application (Section 11.3 and Section 35.1.1).

2.2.3 Environmental Protection and Reporting on Rehabilitation Activities

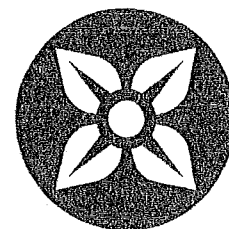
- In addition to the Minister considering the effects of an aggregate operation on ground and surface water resources, emphasis is added on the protection of drinking water in determining whether a licence or permit should be issued (Section 12.1 e).
- As part of the application process, a review of technical or specialized studies must be carried out by a qualified expert outside the Ministry (Section 62.2.1).
- In addition to carrying out progressive and final site rehabilitation, the amended *Act* requires aggregate operators to submit a rehabilitation report at prescribed times (Section 48.1.1).

2.2.4 Public and Agency Consultation

- While Aboriginal consultation was previously taken into consideration through the ARA process, this requirement is now specifically identified in the ARA. The amended ARA requires that the Minister consider whether adequate consultation with Aboriginal communities has been carried out before making any decisions related to aggregate licenses or permits that may have an adverse effect on Aboriginal or treaty rights (Section 3.1).
- It should be noted that section 12.2 of the ARA no longer requires the applicant for an aggregate operation to communicate the issuance of a license or permit to the municipality in which the site is located (Section 12.2). This change was made to reflect the fact that the Ministry is responsible for notification to area municipalities.

2.2.5 Fees and Penalties

- The ARA introduces an overall change in penalties. The amended *Act* includes a maximum penalty amount of \$1,000,000 and a new maximum daily fine of \$100,000 for each day the offence occurs (Section 58.1 and 58.2).



2.3 Summary of Key Implications for Regional Official Plan

The changes to the ARA through Bill 39 are heavily focused on the legislative framework of the ARA. While there was a desire on behalf of the industry, municipal governments and professional associations to see significant changes to harmonize the ARA license process with *Planning Act* processes, the updated ARA did not address harmonization. Accordingly, there are very few changes within the updated ARA which inform official plan policies. The following summarizes the main implications for the Region's new Official Plan:

- Section 27.3 pertaining to the Niagara Escarpment Plan Area has remained unchanged and no wayside pits are permitted in the area. Wayside pits are also not permitted in a residential zone or an area zoned for environmental sensitivity. However, wayside pits continue to be a permitted use in the Escarpment Rural Area in the NEP (2017). The Regional Official Plan policies under the Niagara Escarpment Plan should include the appropriate reference in regards to wayside pits in the NEP³.
- The amendment pertaining to the increased protection of drinking water sources means that there is an opportunity for the Region to include policies which protect water resources⁴. It should be noted that this policy direction reinforces the policies of the PPS and Provincial Plans which also provide direction for protecting and managing impacts on water resources. In addition, the Region may want to clearly articulate study requirements for areas that are identified as sensitive in the Region's Plan due to their proximity to drinking water or sensitive hydrologic features (to ensure that the studies completed under the ARA would address *Planning Act* considerations as well).
- A key change to the ARA is that the requirement for consultation with Aboriginal communities to determine the potential impact of the aggregate operation on treaty rights is now specifically identified. In addition, greater emphasis is also placed on notifying and consulting with the public. In the context of the ARA, Aboriginal consultation is the Crown's responsibility unless delegated to the proponent. The Region may still choose to undertake consultation, as appropriate.

³ It should be noted that the Region will need to decide how the new Official Plan will address alignment with the NEP. At a minimum, the Plan would include a schedule and a policy reference guiding the reader to the NEP.

⁴ In general, drinking water sources are presumed to refer to both municipal sources and private wells; however the ARA does not specify the type of drinking water sources to be protected.

3 UPDATES TO PROVINCIAL PLANS

3.1 Context

The Growth Plan, the Greenbelt Plan, the Niagara Escarpment Plan (NEP), and the Oak Ridges Moraine Conservation Plan build on the Provincial Policy Statement (PPS) and work together to provide the overarching land use planning framework for their respective planning areas. In February 2015, the Province initiated a co-ordinated land use planning review to improve the harmonization and alignment of the policy framework between the four plans. The changes to the plans emphasize the importance of balancing growth with the protection of the natural environment.

Generally, the approach for all of the plans was to emphasize policy alignment and harmonization across all of the plans. For example, the 2005 version of the Greenbelt Plan provides extensive direction for aggregates within the Greenbelt Area, while the Growth Plan contained only one policy on aggregate resources. The changes resulting from the coordinated land use planning review have resulted in four plans which are well aligned and have a consistent approach for aggregate resource areas.

Of relevance to the Region of Niagara are the Growth Plan, the Greenbelt Plan, and the NEP. The key changes to each plan were released in 2017 and are outlined in the sections below. The policies of the Growth Plan and Greenbelt Plan are similar and are presented in one section to avoid repetition. A separate section describes the changes applicable to the Niagara Escarpment Plan.

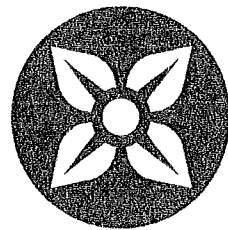
3.2 Key Changes to the Growth Plan and the Greenbelt Plan

The Growth Plan provides municipalities with direction on where and how to grow. The Plan focuses on planning matters such as the protection of the natural environment and the management and rehabilitation of mineral aggregate resources in Ontario. The Greenbelt Plan provides municipalities with long-term guidance on the protection of the countryside, agricultural lands, and natural heritage resources, as well as the management and rehabilitation of aggregate resources in the Greenbelt area.

While both plans feature references throughout the plans, they both include specific sections which provide the key policy framework for mineral aggregate resource areas:

- **Growth Plan:** Section 4.2.8 of the Growth Plan includes seven major policies on mineral aggregate resource areas.
- **Greenbelt Plan:** Section 4.3.2 of the Greenbelt Plan includes eleven major policies on mineral aggregate resource areas. The distinction between policies in the Greenbelt Plan and Growth Plan is that the policies of the Greenbelt Plan apply to lands within the Protected Countryside designation of the Greenbelt Plan.

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As noted above, the main emphasis on the changes involved aligning the Growth Plan policies with the Greenbelt Plan's policy framework. The following summarizes several of the key changes.

3.2.1 Consistent Definitions

Whereas the Growth Plan, 2005 did not define the term "Mineral Aggregate Operation", the amended Plan defines the term as follows:

- 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."

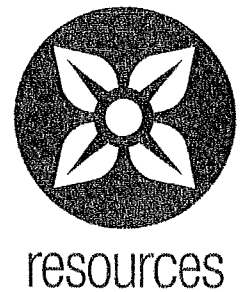
The above definition aligns with the Greenbelt Plan (2017) the Niagara Escarpment Plan (2017) and the PPS (2014). All three plans also include the same definition for Mineral Aggregate Resources which also aligns with the PPS. It is important to note that the above-noted definition necessitated a number of modifications to the Greenbelt Plan's policies, as certain policies in the previous version distinguished between new operations and expansions to existing operations. In the updated version of the Plan, this distinction applies to a more limited suite of policies (e.g. see policy 4.3.2.9c). It is also important to note that the NEP (2017) continues to not allow asphalt plants, concrete plants, brick manufacturing plants and other similar manufacturing uses in Mineral Resource Extraction Areas (e.g., see section 1.9.3.10 of NEP).

3.2.2 Protection and Reuse of Mineral Aggregate Resources

The Growth Plan (2017) and the Greenbelt Plan (2017) identify mineral aggregates as a key resource for Ontario's economic growth and the building of complete communities. Section 2.2.9 of the Growth Plan and Section 4.3.2.1 of the Greenbelt Plan have been amended to emphasize the protection of mineral aggregate resources. Subsection 2.2.9(3.iii) of the Growth Plan states that development activities (e.g., management and use of resources, resource-based recreational uses, and other rural uses) on rural lands that are located outside of settlement areas may be permitted as long as these activities do not have an adverse effect on mineral aggregate operation.

In addition, policy changes in Section 4 of the Growth Plan pertain to maximizing the use of previously extracted resources and to contribute to the reduction of greenhouse gas emissions. Subsection 4.2.8 of the Growth Plan introduces policy on the recovery and recycling of mineral aggregate resources to be reused for manufacturing, construction, industrial, or maintenance purposes. Notably, the Greenbelt

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Plan only refers to the recycling of aggregate resources in the context of the definition for mineral aggregate operation.

3.2.3 Management of Mineral Aggregate Resources

The amended Growth Plan and Greenbelt Plan provide direction for new mineral aggregate operations. Under subsection 4.2.8.2 of the Growth Plan an application for a new mineral aggregate operation in key natural heritage or hydrological features within the Natural Heritage System must demonstrate the following:

- How connectivity between key natural heritage and key hydrologic features are maintained before, during and after excavation;
- How an operator will immediately replace habitat lost with equivalent habitat on or adjacent to a site;
- How the water resource system will be protected and enhanced; and;
- How any key natural heritage and key hydrologic features and their associated vegetation protection zones will be addressed, see Section 4.2.8.4 b) and c) and 4.2.8.5 c).

In the context of the Greenbelt Plan the above policy applies to all new mineral aggregate operations on lands within the Protected Countryside (Section 4.3.2.3 b). Amendments to the policy in the Growth Plan include the introduction of the terms key natural heritage features and key hydrologic features and reference to the vegetation protection zones.

Under the amended Growth Plan and Greenbelt Plan an application for the expansion of an existing mineral aggregate operation that requires approval under the ARA is permitted within the Natural Heritage System if the application is consistent with the PPS and satisfies rehabilitation requirements.

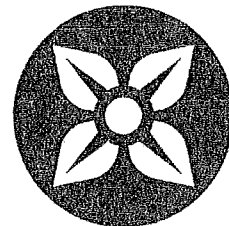
Despite the permissions above, no new mineral aggregate operations, wayside pits, or quarries are permitted within the following key natural heritage and hydrologic features of the Growth Plan (Section 4.2.8.2 a) and the Greenbelt Plan, 2005 and 2017 (Section 4.3.2.3 a):

- Significant wetlands;
- Habitat of endangered species and threatened species; and,
- Significant woodlands unless the woodland is occupied by young plantation or early successional habitat, in which case Plan specific rehabilitation requirements must be addressed, see Sections 4.2.8.4 and 4.2.8.5 of the Growth Plan and Sections 4.3.2.6 and 4.3.2.7 of the Greenbelt Plan

3.2.4 Mineral Aggregate Operations on Prime Agricultural Lands

A key change pertains to mineral aggregate operations in prime agricultural areas and lands within the Protected Countryside of the Greenbelt. Under Section 4.2.8.3 of the amended Growth Plan and Section 4.3.2.4 of the amended Greenbelt Plan an agricultural impact assessment is required for new mineral aggregate operations in prime agricultural areas. The expectation is that the Agricultural Impact

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Assessment will provide context for understanding the impacts on the existing agricultural system, as well as an opportunity to examine ways in which the proposed operation can maintain or improve the connectivity of the Agricultural System, if possible. The Agricultural Impact Assessment also provides a baseline for understanding how rehabilitation can occur in the future, as sites in prime agricultural areas are to be rehabilitated to an agricultural condition (in accordance with Policy 2.5.4 of the PPS, 2014).

It is also worth noting that policy 2.3.5.1 of the PPS prevents the removal of lands from Prime Agricultural Areas (except for settlement area expansion), underscoring the notion that aggregate extraction is an interim use. This means that a new operation would be accommodated through an Official Plan site specific exception (rather than a re-designation). Building on this direction from the PPS, policies in section 3.1.2 of the Greenbelt Plan state that lands in a Specialty Crop Area are not to be redesignated in Official Plans for non-agricultural uses. This also applies to lands in a Prime Agricultural Area under section 3.1.3 of the Greenbelt Plan. While a new mineral aggregate operation or the expansion of an existing mineral aggregate operation may be permitted through a site specific policy exception to the municipal Official Plan, the lands would retain the Specialty Crop Area or Prime Agricultural land use designation.

3.2.5 Progressive and Final Rehabilitation

The Growth Plan introduces a broad range of rehabilitation policies pertaining to new mineral aggregate operations. Subsection 4.2.8.4 sets out the following rehabilitation requirements for new mineral aggregate operation:

- a) The disturbed area of a site will be rehabilitated to a state of equal or greater ecological value and the long-term ecological integrity of the entire site will be maintained or enhanced;
- b) If key natural heritage or key hydrologic features exist or have existed on the site, the health, diversity, and size of these key features will be maintained or enhanced and rehabilitation will take place as early as possible (4.2.8.4 b.ii);
- c) Aquatic areas that remain after extraction must be rehabilitated to aquatic enhancement and represent the natural ecosystem of the particular setting or ecodistrict, as well as meet the intent of policy 4.2.8.4 b.i); and,
- d) Final rehabilitation of a site located outside the Natural Heritage System will reflect the long-term land use of the general area, taking into consideration provincial and municipal policies.

For new mineral aggregate operation that are located within the Natural Heritage System subsection 4.2.8.4.5 of the Growth Plan applies. The rehabilitation policies in the Growth Plan align with sections 4.3.2.5 and 4.3.2.7 of the Greenbelt Plan, 2005 and 2017.

3.2.6 Municipal Official Plan Policies for Conservation and Reuses of Mineral Aggregate Resources

The Growth Plan, 2017 calls upon municipalities to develop and implement Official Plan policies that provide a strategy for the conservation of mineral aggregate resources, including the recovery, recycling, and reuse of aggregate materials (Section 4.2.8.1).

In addition, planning related decisions must be consistent with the mineral aggregate resource policies in the PPS. Subsection 4.2.8.7 of the Growth Plan, 2017 states that “[w]here an application under the *Aggregate Resources Act* has been received and deemed complete by the Province as of July 1, 2017, any applications under the *Planning Act* to permit the making, establishment or operation of the pit or quarry to which the *Aggregate Resources Act* application relates, if approved, will not be subject to the policies of [the Growth Plan].”

3.3 Key Changes to Niagara Escarpment Plan

The purpose of the Niagara Escarpment Plan (NEP) is to maintain the Escarpment’s natural environment and to ensure that any new development is compatible with the natural environment. The NEP’s main policies for aggregate resources are mainly found in Sections 1.9 and 2.9 of the Plan. In general, the changes to the NEP were undertaken to ensure harmonization of key terms, principles and policies between other Provincial Plans and the NEP. The following section highlights relevant changes.

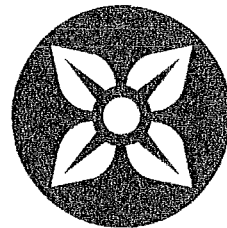
3.3.1 Management of Mineral Aggregate Resources

The NEP (2017) has expanded the permitted uses under Section 1.9.3 to include recycling and reprocessing facilities of mineral aggregate resources. These uses must not conflict with Official Plan policy, zoning by-laws, and NEP policy. The recycling and reprocessing of aggregate is exempt from development control pursuant to S.19.1 of Regulation 828.

Section 1.9.2 of the NEP (2017) introduces new policy language on the development of new mineral aggregate operations within a new Mineral Extraction Area to clarify where a Plan amendment is required. Under the NEP (2017), section 1.2.2, a mineral aggregate operator may apply for an amendment to the NEP to redesignate the Escarpment Rural Area to Mineral Resource Extraction for new mineral aggregate operations produce more than 20,000 tonnes annually. New licensed mineral aggregate operations producing up to 20,000 tonnes annually continue to be a Permitted Use in subsection 1.5.3.17 of the NEP, as in the NEP 2005, subject to meeting the Development Criteria in section 2.

An amendment to the NEP is required to redesignate the Escarpment Rural Area to Mineral Resource Extraction Area. An application for redesignation is evaluated within the context of the NEP and takes into consideration the following (Subsection 1.2.2.3):

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- a) Protection of the Escarpment environment;
- b) Opportunities for achieving the objectives of the *Niagara Escarpment Planning and Development Act* through the final rehabilitation of the site;
- c) The protection of prime agricultural areas, the agricultural capability of the land, and the potential for rehabilitation for agricultural uses; and,
- d) Opportunities to include rehabilitated lands in the Niagara Escarpment Parks and Open Space System.

In addition, all other relevant policies within the NEP are being considered when evaluating an application to amend the NEP. Subsection 1.2.2.4 provides an overview of the application requirements to amend the NEP. A further Plan amendment is required to allow any After Use of a formerly licensed site pursuant to the NEP subsection 1.9.5.

Although subsection 2.9.1 of the NEP (2017) permits the establishment of mineral aggregate operations in key natural heritage features and the vegetation protection zone, aggregate operations are not permitted to locate in wetlands and significant woodlands that are not comprised of young plantations.

Mineral aggregate operations and wayside pits and quarries may be permitted in a key natural heritage feature which is the habitat of endangered and threatened species, if in compliance with the Endangered Species Act, 2007 (NEP Section 2.9.2). The use of offsite material for the purposes of the rehabilitation of a pit or quarry is permitted and should improve the soil capability for agriculture, but licensed sites cannot be used for a commercial fill or landfill operation (NEP Section 2.9.8).

Subsection 2.9.1 conforms to the Growth Plan and the Greenbelt Plan with the exception that mineral aggregate operations “may be permitted in a key natural heritage feature or the vegetation protection zone..., which is solely the habitat of endangered species and threatened species and not any other key natural heritage feature” if it complies with the *Endangered Species Act, 2007* (Subsection 2.9.2).

Section 2.9.3 of the NEP (2017) introduces a set of provisions that apply to proposals for mineral aggregate operations including wayside pits and quarries, accessory uses, accessory facilities and haul routes. The following set of provisions has been introduced under the amended NEP:

- An agricultural impact assessment is required in prime agricultural areas;
- Progressive and final rehabilitation of the licensed site must be completed to a state of equal or greater ecological values; and,
- The protection of the Escarpment environment within and outside a licensed extraction area.

3.3.2 Reuse of Mineral Aggregate Resources

The NEP (2017) introduces subsection 1.9.20 pertaining to the recycling of imported asphalt and concrete within lands that are designated as Mineral Resource Extraction Area and as specified under 1.9.20. Examples of provisions that apply to the recycling of asphalt and concrete include:

- The recycling storage area in a quarry must be above water table at all times;
- The use of recycled asphalt in the portable asphalt plant will be limited;
- The recycling use is considered accessory and is not allowed to continue after extraction is complete;
- The licensee must operate the recycling use; and,
- The recycled use may not be used in the rehabilitation of the quarry.

3.3.3 Rehabilitation Requirements

The NEP, 2017 introduces new rehabilitation requirements for mineral aggregate operations in the Mineral Resource Extraction Area. Under subsection 2.9.2 the progressive rehabilitation of mineral aggregate operations is encouraged and that sites are restored to an equal or greater ecological or agricultural value prior to its original state. In prime agricultural areas, if rehabilitation requirements cannot be met for the extraction of a substantial deposit of high quality mineral aggregate resources below the water table, the rehabilitation of the remaining areas to agricultural use will be a first priority. Also, no new Mineral Extraction Areas were added to the Niagara Escarpment Plan area.

3.4 Summary of Key Implications for Regional Official Plan

Current provincial policy directives indicate a general shift towards the recycling and reuse of aggregates and more stringent requirements on site rehabilitation. Implications for new ROP policies as a result of the most recent amendments to the Growth Plan, the Greenbelt Plan, and the NEP include the following⁵:

3.4.1 Protection and Reuse of Mineral Aggregate Resources

- The Regional Official Plan should emphasise the need to protect mineral aggregate resources for long term use.
- The recycling and reuse of mineral aggregate resources is identified as a key policy objective in the provincial plans. The Regional Official Plan should include policy direction to support and promote the recycling and reuses of mineral aggregate resources. There will be opportunities to provide additional guidance on how the Region and other municipalities can promote the reuses of mineral aggregate resources.

⁵ It should be noted that the Region will need to decide how the new Official Plan will address conformity with the NEP, as there are several options which would inform the overall approach to conformity. The overall approach will provide direction as to how much detail is included in the aggregates policies for the NEP area in the Regional Official Plan. At a minimum, the Plan would include a schedule and a policy reference guiding the reader to the NEP area.

3.4.2 Agricultural Impact Assessment

- Amendments to the Growth Plan, the Greenbelt Plan, and the NEP require an agricultural impact assessment for new mineral aggregate operations in prime agricultural areas. For Niagara Region it is important that the mapping of prime agricultural areas is up to date and not in conflict with the Growth Plan and the Greenbelt Plan in order to provide clear direction for aggregate operators, as the Region has previously identified mapping inconsistencies.
- From a policy perspective, it is important to consider that while the PPS and the policy changes in the Greenbelt Plan prevent the removal of lands from prime agricultural and specialty crop areas for mineral aggregate operations; mineral aggregate operations would be permitted as a site-specific policy exception to the municipal Official Plan if approved.

3.4.3 Rehabilitation Requirements

- For Niagara Region, the Growth Plan, the Greenbelt Plan, and the NEP policies should be considered in the rehabilitation of the licensed site and protection of key natural heritage features and key hydrologic features⁶. Direction relating to the location of new aggregate areas should be consistent with the information provided in the Plans.

⁶ Definitions of key natural heritage features and key hydrological features are provided under section 3.2.5 of the Greenbelt Plan (2017).

4 RECOMMENDATIONS

This final section includes two parts. The first part includes some minor additions to previous recommendations made as part of the Background Report. In general, these additions are intended to provide more clear alignment with the recent policy changes which emphasize the importance of aggregate recycling and reuse, as well as the need to plan for progressive and final rehabilitation. The second part includes new recommendations based on changes to the ARA and provincial planning documents.

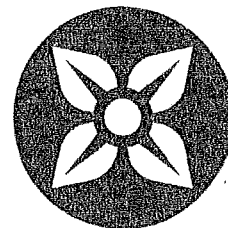
4.1 Updated Policy Recommendations

It is recommended that the Region consider the following minor additions as part of the new Official Plan project (for the development of new aggregate resource policies). As noted above, the following are modifications to recommendations in the Background report (changes are underlined and italicized):

Direction to area municipalities: Provide clear direction, for local municipalities to implement, related to appropriate local policies for protecting the resource, supporting aggregate extraction, *recycling and reuse*, adequate mitigation measures such as buffering and screening, and minimizing adverse impacts on surrounding land uses.

Encourage the *recovery and* use of recycled aggregates in appropriate locations in the ROP policies: The ROP policies should promote the *recovery and* use of recycled aggregate for public and private applications. The policy framework should be directed both internally, at Regional projects and also towards external users/consumers of aggregates.

Promote *progressive and final* rehabilitation: The Region is required to promote *progressive and final* rehabilitation to ensure alignment with the Provincial Policy Statement and other Provincial Plans. There is an opportunity for the ROP to provide informed policy guidance on how progressive and final rehabilitation could occur in the Niagara context, recognizing both the challenges and opportunities associated with progressive and final rehabilitation.



4.2 New Policy Recommendations Resulting from the 2017 Documents

4.2.1 New Policy Recommendations to be Considered for the Official Plan

The Provincial Plans and the PPS should form the roadmap for drafting the new policies in the Region Official Plan. Given the recent changes the land use planning appeals system in Ontario, it is important that the new Regional Official Plan policies are closely aligned to Provincial policies. The test for future appeals hinges on the implementation of Provincial policy and hence the need to ensure alignment and clarity. Given the Provincial role in the license process under the ARA it is important that the Region's policies are scoped to the Planning Act aspects of aggregates resources and avoid aspects which are regulated under the ARA (e.g. such as providing direction on depth of extraction, operating hours, tonnage limits, and site plan control).

Encourage reporting practices: In the past, the ARA required that a licensee provide municipalities with a copy of the compliance assessment report. The Region should encourage aggregate operators to forward the rehabilitation reports required by the ARA and the agricultural impact assessment required under the Growth Plan, the Greenbelt Plan, and the NEP to the Region and applicable local municipalities.

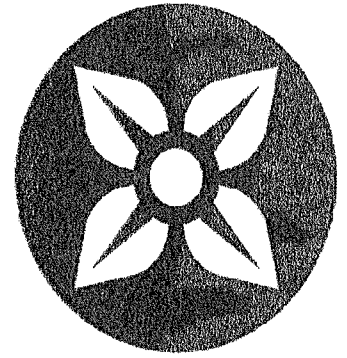
4.2.2 Other Recommendations for Consideration

Clarify what constitutes a minor amendment under the ARA (2017): It is anticipated that a regulation will come forward at a later date describing the details for a minor amendment to site plans. It is recommended that the Region reach out to the Ministry of Natural Resources and Forestry on what constitutes a minor amendment under the ARA (2017) in order to inform future policy under the ROP.

The Region should be aware that it will receive an overall increase in licensing fees for the maintenance of its road. Niagara Region should be aware that as of January 1, 2018 municipalities are receiving an overall increase of revenue from licensing fees to help address any impacts caused from hauling aggregates on municipal roads. While the ratio of licensing fees received will not change, the Region should take measures to ensure that the fees are set aside for maintaining and improving haul routes.

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Final

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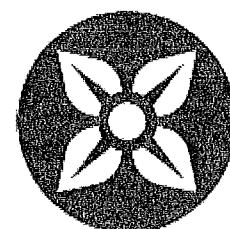
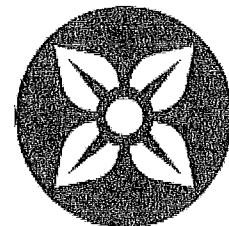


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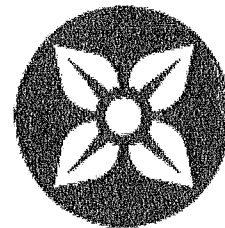
1 INTRODUCTION

1.1 Purpose and Key Questions

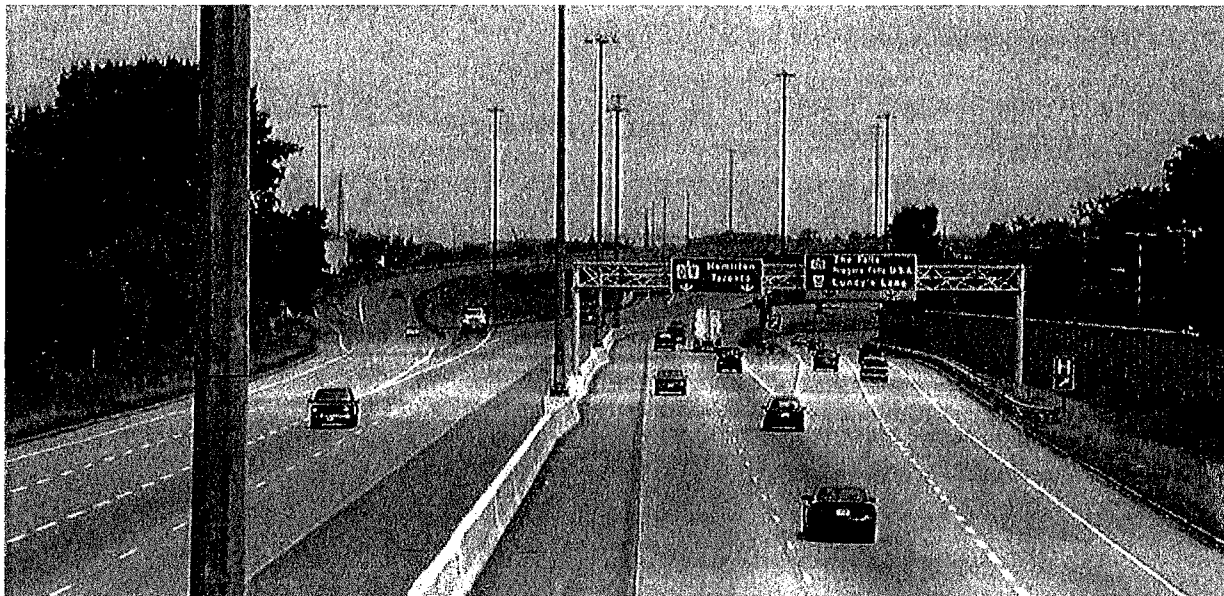
The Niagara Region is undertaking a review of its planning policy framework for aggregate resources. The purpose of this report is to present the state of aggregate resources in Niagara and to inform, through policy analysis and recommendations, a future amendment to the Regional Official Plan. While this report touches a number of policy-related themes which are relevant to aggregate resource planning, this document is ultimately intended to answer to the following questions:

- What are aggregate resources and where are they located in Niagara Region?
- What is the planning framework in Ontario for aggregate resource management?
- What are Niagara's provincial planning obligations for aggregate resource management?
- Which aspects of aggregate resource management should be addressed in Niagara Region's Official Plan?
- What types of planning and policy tools can be used to proactively plan for aggregates?
- Given the multi-faceted nature of aggregate resource planning, what is the optimal way to arrange the Region's Official Plan policies to ensure that the policies are effectively communicated?
- What actions should be considered for future implementation of the policies?





1.2 Background

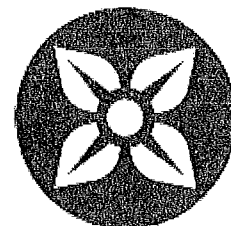


Aggregates are raw materials, such as stone, sand and gravel which are used for supporting the everyday activities. They are used for our roads, sidewalks, sewers, airports, as well as our homes, offices, hospitals, schools and shopping centres. Aggregates are non-renewable resources and are a matter of provincial interest. The Ministry of Natural Resources and Forestry (MNRF) manages the licence approvals process, administers the *Aggregate Resources Act* (primary legislation governing aggregates) and ensures aggregate resources are protected and made available along with the Provincial Policy Statement (PPS) and other provincial policies/plans.

Niagara has an active aggregate industry, and has a number of deposits of aggregate resources, including sand and various types of stone. These resources play a vital role in supporting both the local and provincial economy and need to be managed for long-term protection and use. Although the Province guides the review and decision-making on applications for new aggregate operations and the management of existing operations through the ARA and the PPS, municipalities have an important role to play in further clarifying the implementation of provincial policy in a way that reflects unique local conditions and community values. This project will update the relevant policies of the Regional Official Plan (ROP) to better reflect these local conditions and community values related to aggregate resource extraction in Niagara Region.

Currently, Niagara Region provides direction on planning for aggregate resources through Section 6 of the Regional Official Plan. The policies within this section of the ROP have not been comprehensively reviewed for a number of years and do not fully reflect current provincial direction for aggregate resource protection and remediation nor local land use challenges. There is a need to build clarity and

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apply a careful use of language to align ROP policies with provincial direction, while providing certainty regarding the location of resources and the planning process for new or expanding operations for citizens and industry alike. With this in a mind, a few key words which are used throughout the report are defined below.

Important report terms:

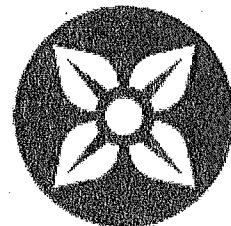
- **Mineral Aggregates Resources:** gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the Aggregate Resources Act suitable for construction, industrial, manufacturing and maintenance purposes, but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the Mining Act.
- **Aggregate Resource Area:** an area of identified mineral aggregate resources which may be of sufficient quality or quantity to warrant current or future extraction. Areas identified as being selected have been selected through the Aggregate Resource Inventory Papers established by the Province.²
- **Mineral Aggregate Operation:** means 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.
- **Pit:** an area of land in which loose material, such as sand and gravel, is being excavated.³
- **Quarry:** an area of land in which solid bedrock, such as limestone and granite, is being excavated.⁴
- **Wayside Pit or Quarry:** a temporary pit or quarry established to supply aggregate for temporary public projects, such as construction of a road or highway.⁵

¹Province of Ontario, Queen's Printer for Ontario 2012-15, Provincial Policy Statement

²Province of Ontario, Queen's Printer for Ontario 2012-15

³Province of Ontario, Queen's Printer for Ontario 2012-15

⁴Province of Ontario, Queen's Printer for Ontario 2012-15

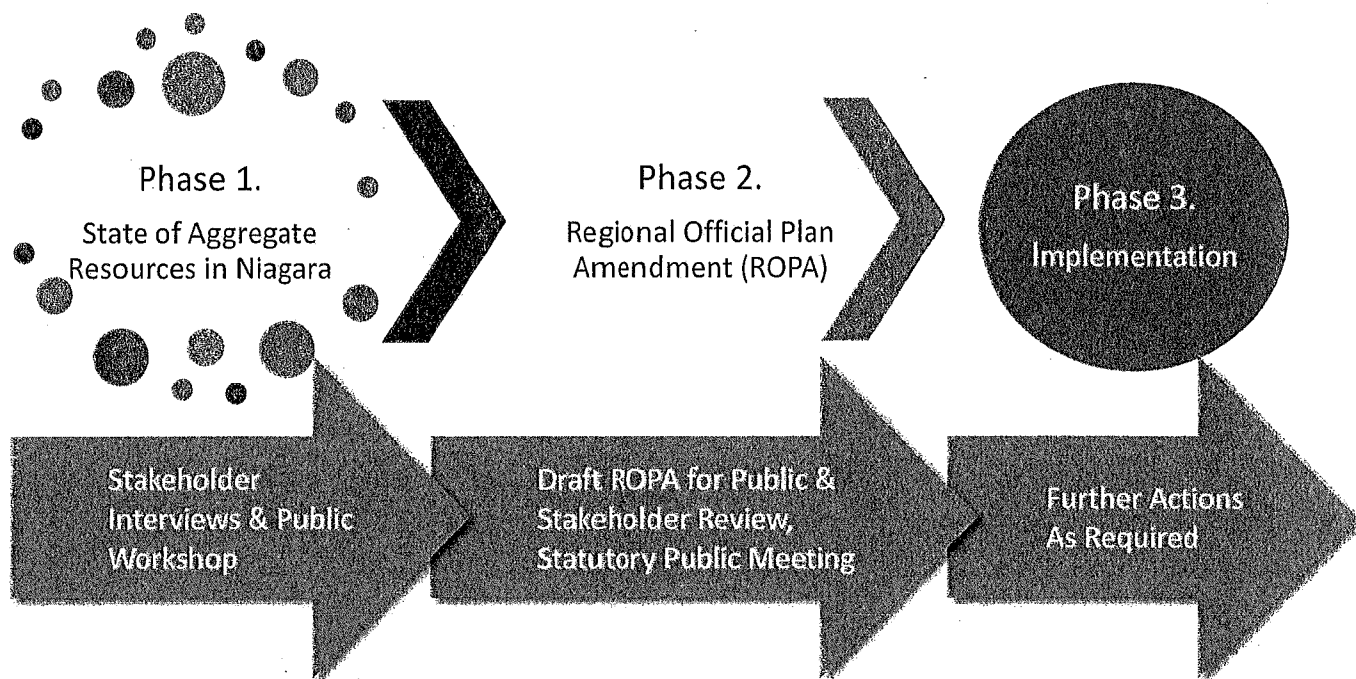


1.3 Methods

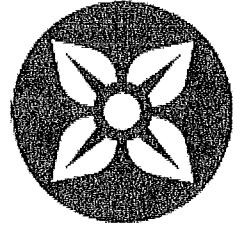
The Region's review of aggregate resources is being undertaken in three phases (see Figure 1.1):

- 1) Analysis of the state of aggregate resources in Niagara, including existing conditions and best practices review;
- 2) Development of a ROP Amendment; and,
- 3) Implementation.

FIGURE 1.1: PROJECT PROCESS



This State of Aggregate Resources in Niagara report represents the key output from Phase 1 of the work program. The report has been developed based on a review of existing conditions, applicable policy as well as input from local industry stakeholders, local municipalities and members of the public (who attended the public workshop).



1.4 Organization of the Report

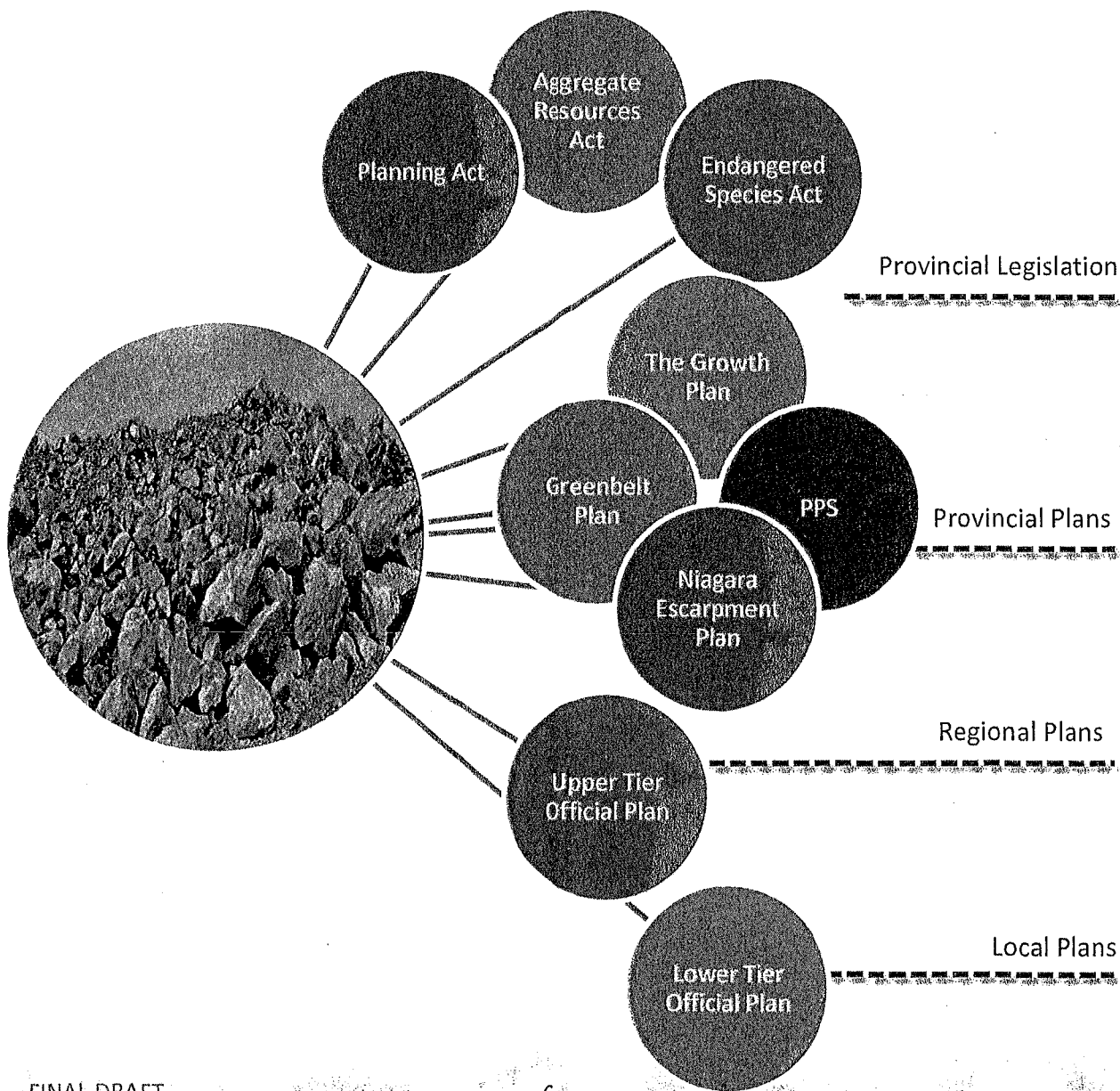
This report has been organized into five sections. Section 1 provides the introduction, background, purpose and a description of methods to undertake the review of Niagara's aggregate resource policies. Section 2 presents the provincial, regional and local policy framework for aggregate resources. The third section describes the importance of aggregate resources, its projected demand and Niagara's current resource areas and operations. Section 4 describes the methods to manage the impacts of aggregate operations through planning, and presents the analysis and recommendations organized under nine key topics:

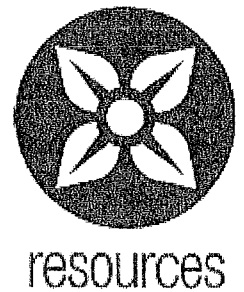
- Natural Heritage;
- Water Resources;
- Transportation;
- Cultural Heritage;
- Agriculture;
- Land Use Compatibility;
- Recycling;
- Rehabilitation and After Use; and,
- Implementation Tools.

The fifth and final section summarizes the recommendations outlined in Section 4, and the next steps in implementing the recommendations of this report.

2 POLICY FRAMEWORK

The policy framework for managing aggregate resources is complex, as it is governed by a myriad of policies at the provincial, regional and local levels. While the principal vehicle for managing aggregate resources in the Province is the Aggregate Resources Act, there are also aspects of the Planning Act which are relevant. Furthermore, in specific geographies, such as those lands within the Greenbelt Plan area or within the Niagara Escarpment Plan area, site specific policies apply. Finally, Regional and local official plan policies can also provide direction on how development occurs. The following section attempts to clarify the key policies and directions which are relevant for managing aggregate resources in Niagara.





2.1 Provincial

The following section outlines key applicable provincial policies and plans related to protection and management of aggregate resources in Ontario. Typically, the establishment of a new or expansion to an existing pit or quarry requires both Planning Act and Aggregate Resources Act approvals, as few sites are pre-zoned for aggregate resource extraction and none are pre-licensed under the Aggregate Resources Act. Accordingly, this section covers both the Planning Act and Aggregate Resources Act.

2.1.1 *Planning Act*

The Planning Act sets out the framework for land use planning in Ontario and outlines how land uses may be controlled and who may control them. The Planning Act is intended to guide decision making by:

- Promoting sustainable economic development in a healthy natural environment within a provincial policy framework;
- Providing a land use planning system led by provincial policy;
- Integrating matters of provincial interest into provincial and municipal planning decisions by requiring that all decisions shall be consistent with the Provincial Policy Statement when decision-makers exercise planning authority or provide advice on planning matters;
- Providing for planning processes that are fair by making them open, accessible, timely and efficient;
- Encouraging co-operation and coordination among various interests; and,
- Recognizing the decision-making authority and accountability of municipal councils in planning.

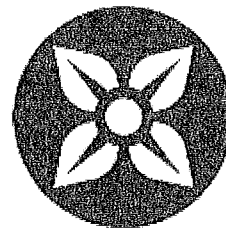
Of particular relevance is that the Planning Act identifies the conservation and management of natural resources and the mineral resource base as a Provincial interest, which then provides the authority for the Provincial Policy Statement to provide policy direction to municipalities for aggregate resource planning. The Act also grants planning authority to municipalities, allowing for the development and implementation of a variety of land use planning tools, such as official plans and zoning by-laws.

2.1.2 Provincial Policy Statement

The 2014 Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. All decisions affecting planning matters shall be consistent with the Provincial Policy Statement (PPS). The policies provided in the PPS must be read in its entirety to balance competing interests. In the event of a conflict between the PPS and Provincial Plans, the Provincial Plan policies take precedence. The key vehicle for implementing the PPS is an official plan. Section 2.5 of the PPS provides policies on aggregate resources relating to three main areas:

1. Protection of long term resource supply;
2. Rehabilitation; and,
3. Extraction in prime agricultural areas.

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The PPS directs municipalities to provide policies which protect mineral aggregate resources for long-term use through a variety of policy mechanisms⁵. Firstly, municipal official plans shall identify deposits where provincial information is available⁶. Secondly, municipalities are to protect as much of the supply as is reasonably possible, as close to the market as possible. Furthermore, the identification of supply is not to be restricted by supply-demand analysis. Thirdly, the PPS also directs municipalities to provide policies which promote mineral aggregate resource conservation, such as reuse and recycling of manufactured materials⁷. The fourth and final element, which is intended to ensure the protection of mineral aggregate resource areas for long term use, is the need to proactively plan land use around resource areas to minimize economic, social and environmental impacts⁸, and reduce the potential for future land use conflict⁹. The PPS provides some exceptions to the above, noting that supply need not be protected where extraction is not considered feasible or where the proposed land use development is foreseen to serve in the greater long-term public interest (assuming all issues related to public health and safety can be addressed)¹¹.

On the topic of rehabilitation, the PPS requires progressive and final rehabilitation to accommodate subsequent land use, promote land use capability and recognize the interim nature of extraction, while mitigating negative impacts¹². Where there is a concentration of mineral aggregate operations, the PPS encourages comprehensive rehabilitation planning¹³.

With regard to extraction in Prime Agricultural Areas, the PPS directs planning authorities to permit extraction of minerals, petroleum resources and mineral aggregate resources provided that the site will be rehabilitated. Extraction is permitted as an interim use, provided that the site will be comprehensively rehabilitated back to an agricultural condition¹⁴. The extent to which a site is comprehensively rehabilitated depends on whether or not the site is located in a specialty crop area and the water table. The PPS does provide some exceptions related to rehabilitation in Prime Agricultural Areas under specific circumstances.

⁵ Provincial Policy Statement, 2014, Policy 2.5.1

⁶ Provincial Policy Statement, 2014, Policy 2.5.2.1

⁷ Provincial Policy Statement, 2014, Policy 2.5.2.3

⁸ Provincial Policy Statement, 2014, Policy 2.5.2.2

⁹ Provincial Policy Statement, 2014, Policy 2.5.2.4

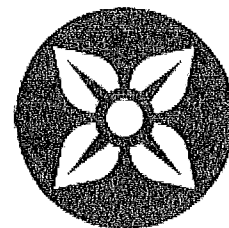
¹¹ Provincial Policy Statement, 2014, Policy 2.5.2.5

¹² Provincial Policy Statement, 2014, Policy 2.5.3.1

¹³ Provincial Policy Statement, 2014, Policy 2.5.3.2

¹⁴ Provincial Policy Statement, 2014, Policy 2.5.4.1

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2.1.3 Aggregate Resources Act

The Aggregate Resources Act (ARA), 2009 was enacted by the Province to manage aggregate resources, control and regulate aggregate operations, identify requirements for rehabilitation of land from which aggregates have been extracted and to minimize adverse impacts on the environment relating to aggregate operations. The Aggregate Resources Act and regulations apply to most of Ontario's pits and quarries on Crown and private land. The Region of Niagara is within the area governed by the Aggregate Resources Act.



The ARA applies to aggregate operations located on all lands including lands under water, all aggregate topsoil, private land and Crown land. The ARA establishes the requirements for licenses and permits, defines the requirements for rehabilitation and establishes the penalties for offenses. The ARA establishes an Aggregate Resources Trust (Trust) that is used by the Ministry of Natural Resources and Forestry to rehabilitate abandoned or revoked pits that require final rehabilitation. The Trust also acts as a payment mechanism to the Crown and to municipalities in accordance with the Act's regulations. The Provincial Standards under the ARA set out application standards for proposed pits and quarries. The Standards also identify the criteria for licence, permit and wayside permit applications.

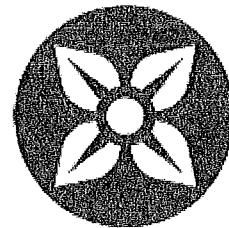
Categories of Aggregate Licences and Permits

The ARA establishes three categories of licences and permits depending on the location, type and purpose of aggregate operation. These three categories are:

1. Licences –needed in order to operate a pit or quarry on private land in areas regulated by the Aggregate Resources Act.
2. Wayside Permits –needed in order to operate a wayside pit or wayside quarry on private land in an area regulated by the Aggregate Resources Act. A wayside pit or wayside quarry is a temporary operation that supplies aggregate to a specific road construction or maintenance project. The permit can only be obtained by the public authority or a person who has a contract with a public authority.
3. Aggregate Permits –needed in order to operate a pit or quarry on Crown land.

The following sections provide some further details on each of the three main categories of approvals under the Aggregate Resources Act.

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Licences

Any person operating a pit or quarry on private land or land designated for aggregate use is required to have a licence and pay a fee to the Aggregate Resource Trust¹⁵. There are two classes of licences that can be granted, class A for those pits or quarries removing more than 20,000 tonnes of aggregate annually, and class B, for those pits and quarries removing 20,000 tonnes or less of aggregate annually¹⁶. In addition, there are eight categories of licences, depending on if it is a pit or quarry and whether it is above or below the groundwater table. All license categories must provide the following in accordance with the Act:

- Submit a site plan which becomes property of the Crown;
- Ensure that the site plan is prepared by either a certified engineer, land surveyor or landscape architect that is a member of his or her professional association (only class A licensees)¹⁷;
- Describe applicable zoning for the their site and for lands adjacent to their site¹⁸;
- Provide a copy of the licence and site plan to all municipalities that are located within the site; and,
- Submit an annual compliance report to the MNRF and send a copy of this report to municipalities located within the site.

Similar to the Planning Act process, the MNRF must determine that an application is complete before the application process can proceed. The Minister, at any time, has the power under the Act to revoke or change conditions of a licence, as well as amend or change a site plan at any time. Notice is given to the municipalities and a 30 day review period is provided to comment on the application.

Section 12.1 establishes the importance of local planning regulations by identifying that no licence shall be issued for a pit or quarry if a zoning bylaw prohibits the site from being used for the making, establishment or operation of pits and quarries.

Wayside Permits

Wayside permits are granted to public authorities or anyone under contract with a public authority for a temporary project. Temporary projects must meet all of the following criteria to be eligible for consideration, as outlined in Section 23 of the ARA:

- Aggregate is required for a project of road construction or maintenance;
- Aggregate is to be obtained outside the limits of a highway right-of-way; and,
- Adequate provision can be made to ensure a method of operation and rehabilitation so as to cause only a temporary inconvenience to the public.

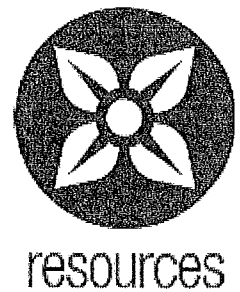
¹⁵ Aggregate Resource Act, 2009, Section 7 (1), (3)

¹⁶ Aggregate Resource Act, 2009, Section 7 (2) a,b

¹⁷ Aggregate Resource Act, 2009, Section 7 (4)

¹⁸ Aggregate Resource Act, 2009, Section 10

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In considering an application for a wayside permit, the ARA establishes a number of criteria that the Minister is to take into consideration, as outlined in Section 26. Included in the criteria are any comments provided by the municipality in which the site is located.

The Niagara Region or any municipality within the area of a wayside pit or quarry can provide comments to the Minister within 30 days of issuance of a permit. The Niagara Region should note that permits are granted even if the location of the site is in contravention of a municipal zoning by-law under section 27(1) of the ARA. Therefore, the permit prevails and the zoning by-law does not apply to the site¹⁹. However, section 27(1) does not apply to all areas of the municipality. Wayside permits are not permitted in the Niagara Escarpment Planning (NEP) Area unless the site complies with the regulations of the Niagara Escarpment Planning and Development Act. A wayside permit is also not permitted in a residential zone or an area zoned for environmental sensitivity.

Aggregate Permits

Part V of the ARA outlines the need for aggregate permits, which are required by any person wishing to operate a pit or quarry on Crown land (even if the land is under water and the surface rights are leased to another person). If the lands being proposed for pit or quarry are partially on Crown land and partially not, or designated under section 5 of the Aggregate Resources Act, then a licence is required in place of an aggregate permit. A licence may also replace an aggregate permit if the Minister directs the person in writing to obtain a licence²⁰.

Aggregate permits require the same rehabilitation and annual compliance regulations found under licencing.

Public Consultation

Section 11(1) to 11(4) of the ARA identifies the prescribed notification and consultation procedures for an applicant. Unlike the Planning Act application process (which outlines notification and consultation requirements for the municipality), the Aggregate Resources Act application process is proponent driven. The Aggregate Resources of Ontario: Provincial Standards, Version 1.0 provides further detail on the notification and consultation procedures including specific timelines that must be met. The notification and consultation standards include:

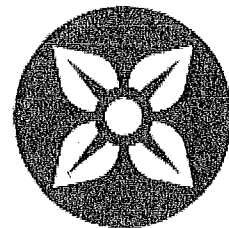
- Within 20 days of an application being submitted to the MNRF, the Ministry shall determine if the application is complete²¹;
- A 45 day public notification period shall beginning with publication in a local newspaper and include written notice (delivered personally or by registered mail) to landowners within 120

¹⁹ Aggregate Resource Act, 2009, Section 73

²⁰ Aggregate Resource Act, 2009, Section 34 (5)

²¹ Provincial Standards 4.1.1

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metres of the licenced boundary and signage (1 metre by 1 metre) posted on the boundary of the site to be clearly seen from adjoining areas to which the public has access²²;

- Specific agency notification requirements²³;
- The requirements for a public information centre (PIC), within the 45 day notification period, with notice in publications 20 days prior to the PIC and comment period 10 days following the PIC to all occur within the 45 day notification period²⁴;

The standards also include protocols for resolving objections²⁵ and the process for decision.

Niagara Region does not have notification and consultation requirements that they must meet related to the Aggregate Resources Act application process. However, it is worth acknowledging that, where a zoning by-law amendment or Official Plan amendment is required, municipal governments are responsible for ensuring that adequate and appropriate level of engagement takes place²⁶.

Rehabilitation

The ARA requires that every person with a licence or permit perform progressive and final rehabilitation (exception is provided for sites that are covered by water that is not the result of excavation of aggregate below the water table). Persons with a license and or a permit are also required to make rehabilitation security payments in prescribed amounts and times paid to the Aggregate Resources Trust. The details of payment and rehabilitation are not described under the Act. The municipalities are, therefore, encouraged to implement policies supporting progressive and final rehabilitation efforts and may, at their discretion, provide detailed rehabilitation policies that are consistent with the ARA, site plan and other provincial regulations and policies.

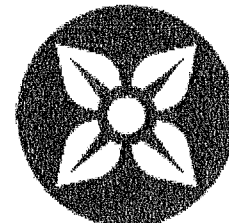
²² Provincial Standards 4.1.2

²³ Provincial Standards 4.1.3

²⁴ Provincial Standards 4.2

²⁵ Provincial Standards 4.3

²⁶ Chapter 12 of the ROP identifies the Region's consultation and engagement policies, which are applicable for any Regional Official Plan amendments. Chapter 12 also provides direction to local municipalities.



Limitations of Municipal Regulations

While Section 12.1(1) of the ARA requires zoning permissions as a precondition to the granting of a new license, Section 66 limits the operation of by-laws and many other municipal means of regulating aggregate operations. Section 66(1) outlines that, where there is an overlap in subject-matter, the Aggregate Resources Act, regulations and provisions of a license and site plans override a municipal by-law, official plan, or development agreement. Where the municipal by-law, official plan or development agreement deals with the same subject-matter as the Act, the regulations or the provisions of a licence or site plan, the by-law, official plan or development agreement is inoperative.

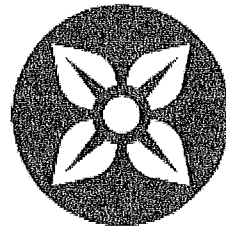
The Aggregate Resources Act further limits the application of the Planning Act by precluding the application of a development permit issued under the Planning Act to Aggregate Resources Act licenced sites.

It is also important to note that the Minister can relieve any licensee or permittee from compliance in whole or in part of the regulation so long as it is not contrary to the public interest. This cannot occur until municipalities provide the Minister with comments or 30 days after the service of notice, whichever is first.

Niagara Escarpment

Section 72(1) of the ARA indicates that, despite a licence or permit, "no person shall operate a quarry nearer to the natural edge of the Niagara Escarpment than 200 metres measured horizontally." Furthermore, if the permit holder was issued a permit under the Pits and Quarries Control Act, this measure is 90 metres horizontally. The natural edge of the Niagara Escarpment is determined by the

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Minister. This has particular relevance in Niagara Region, as the Niagara Escarpment runs through the northern portion of Region (see section 2.1.4 for more details on the Niagara Escarpment Plan).

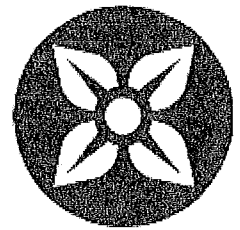
Conservation Authority's

The ARA also limits the role and function of Conservation Authorities for licensed pits and quarries. Section 28.1 b) and c) of the Conservation Authorities Act, which outlines an authorities ability to make regulations under its jurisdiction to prohibit, regulate or require the permission of the authority to interfere in any way with water features (river, creek, stream watercourse or wetland) or to control flooding, erosion, dynamic beaches or pollution is not applicable to an activity approved under the ARA.

Aggregate Resource Policies and Procedures Manual

The Aggregate Resource Policies Procedures Manual was developed by Ministry of Natural Resources and Forestry staff to provide guidance on how to implement the Aggregate Resources Act, to outline MNRF administrative procedures and to support consistent decision-making. It includes supporting regulations and the Aggregate Resources of Ontario Provincial Standards. The policies help aggregate operators, members of the public, municipalities, consultants, stakeholders and government staff to understand the requirements under the ARA. The Policy Manual is not a statutory document and, therefore, should be reviewed as a provincial guidance document.

Finally, it is worth noting that the Province is in the process of reviewing and updating the ARA. To support this review, the Standing Committee on General Government issued a report outlining the focus for the review. The report is discussed further in Chapter 4 of this document, as the Committee identified a number of recommendations for improving the ARA. At the time of publication of this report, the Province released a background document (Blueprint for Change) on the proposed changes to the ARA policy framework for consultation. This report does not contemplate the information presented in the Province's Blueprint for Change: A Proposal to modernize and strengthen the Aggregate Resources Act policy framework.



Key Facts for Niagara Region to Consider (ARA):

- The ARA restricts municipalities from regulating aggregate operations.
- The ARA also supersedes many Planning Act tools, such as municipal by-laws, official plans and development permits on topics that are covered in the ARA.
- The ARA does not allow municipalities to require development permits on sites with ARA licences.
- A municipality's role in regulating aggregate operations (through licenses and permits) within their municipality is as a commenting body.
- A permit for a wayside pit or quarry does not need to conform to the municipal zoning; however, it is not permitted in an residential area nor within the Niagara Escarpment Plan Area unless it is consistent with the Niagara Escarpment Plan Act.

2.1.4 Niagara Escarpment Planning and Development Act & Niagara Escarpment Plan

The Niagara Escarpment includes a variety of natural, geological and ecological features spanning an area of 725 kilometres from Queenstown on the Niagara River to the Bruce Peninsula. A portion of the Escarpment is designated for Mineral Resource Extraction, while other areas are the focus of agriculture, seasonal residences, tender fruit and specialty crop areas and many archaeological and historical landscapes. The purpose of the *Niagara Escarpment Planning and Development Act* (NEPDA) and the NEP is "To provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment and to ensure only such development occurs as is compatible with that natural environment"²⁷. The Niagara Escarpment Plan includes development policies for mineral extraction including evaluation criteria for Plan Amendment applications for new mineral extraction areas²⁸. The Niagara Escarpment Plan must be read in its entirety with all applications meeting the purpose and objectives of the NEPDA along with any other applicable policies²⁹.

Development Control

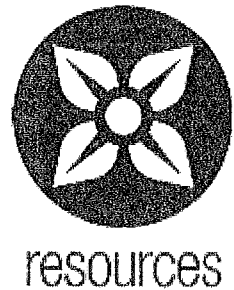
The NEP is the only provincial plan area where permissions, in the form of a development permit, must be obtained for all development. Within the area of development control established by the NEPDA, a development permit is required for all development that is not explicitly exempt, as outlined in Section 24(1) of the *Act*. Furthermore, Section 24(3) states that no building, permit, work order, certificate or licence that relates to development can be issued until such time as a development permit has been

²⁷ Niagara Escarpment Planning and Development Act, 2012, Section 2.

²⁸ Niagara Escarpment Plan, 2015, Development Policies for Mineral Extraction in Part 1.5

²⁹ Niagara Escarpment Plan, 2015, Part 1.2.1

State of Aggregate Resources in Niagara Region Background Report



issued to permit that work. This regulation applies to a new *Aggregate Resources Act* licence and, in some circumstances, an amendment of an *Aggregate Resources Act* license or site plan.

O.Reg 828, 1990 identifies the restrictions to development within the development control area. Section 5 identifies the exceptions to the requirement to obtain a development permit. Of these, the two exceptions that are relevant to aggregate operations are:

- Where an aggregate operation has been continually licenced for a pit or quarry since June 10, 1975 under the *Pits and Quarries Control Act*, no development permit is required.
- Excavation of land including testing of aggregate through bore holes in an Escarpment Rural Area designation or soil testing, no development permit is required.

This second exception is particularly important for new aggregate operations, as it allows proponents to conduct preliminary studies and due diligence to determine the feasibility of aggregate extraction without having to obtain a development permit.

The NEPDA outlines penalties for offenders developing without a permit, which may include a stop work order and requirement to restore the site and fines³⁰. The NEPDA also identifies that, in the event a Minister's order is not complied with, the Minister may conduct the necessary work and charge the offender with the cost of the work.

Land Uses Permissions

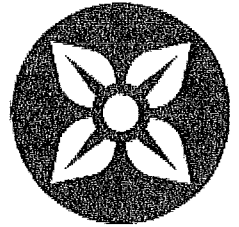
The Niagara Escarpment Plan identifies seven land use designations including Escarpment Natural Area, Escarpment Protection Area, Escarpment Rural Area, Mineral Resource Extraction Area, Escarpment Recreation Area, Urban Area and Minor Urban Centre. **Figure 2.1** illustrates the Niagara Escarpment Plan in the Niagara context. As shown in **Figure 2.1**, there are three discrete areas in the NEP designated as Mineral Aggregate Resource Extraction. This land use designation includes licensed (under the *Aggregate Resources Act*) pits and quarries and areas where mineral resource extraction may be permitted subject to the policies of the NEP. The three areas include:

- Walker Aggregates Quarry in the Township of Lincoln
- Walker Aggregates Quarry in the City of Niagara Falls
- The Half-way Sand Pit in the City Niagara Falls

In addition to the Mineral Resource Extraction Area, the other land use designation that provides provision for aggregate extraction is the Escarpment Rural Areas designation. Generally, Escarpment Rural Areas are intended to function as a buffer for sensitive areas on and around the Escarpment. The

³⁰ Niagara Escarpment Planning and Development Act, 2012, Section 24.

State of Aggregate Resources in Niagara Region Background Report

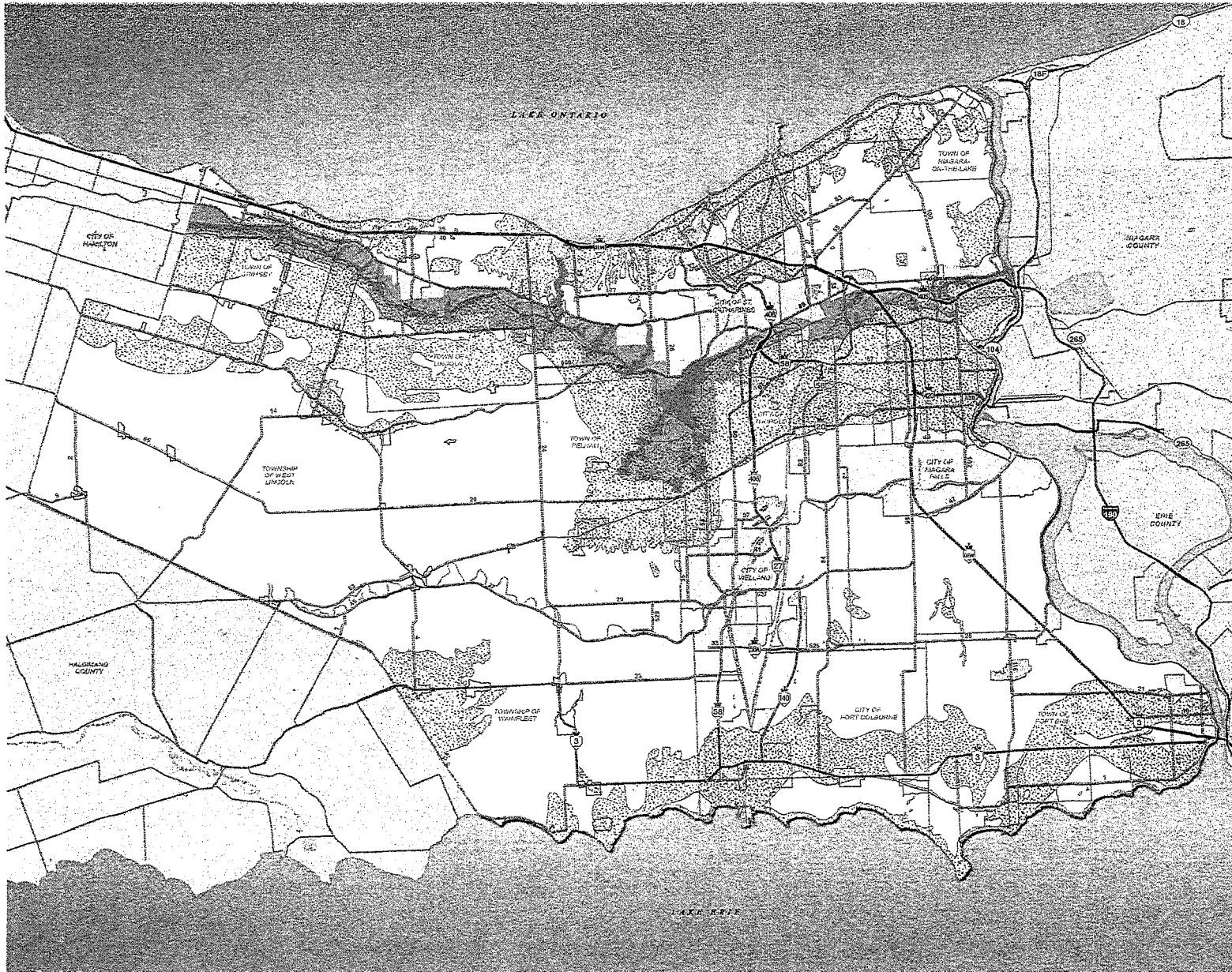


resources

Rural Area designation allows for extraction for new licensed pits or quarries which produce less than 20,000 tonnes annually (without an amendment to the NEP, subject to Part 2.11)³¹. The Rural Area designation also allows for new licensed pits or quarries which are planned to produce more than 20,000 tonnes annually (subject to an amendment to the NEP and Part 2.11 and re-designating the area to Mineral Resource Extraction Area).

Section 2 of the NEP provides development criteria to be applied to all development within the area of the Niagara Escarpment Plan. Part 2.11 of this section describes criteria for wayside pits, wayside quarries and haul routes and outlines a number of policies for mineral resource extraction in proximity to the Escarpment. Policies include requirements for screening operations, requirements for progressive rehabilitation and final rehabilitation, requirements specific to wayside pits and quarries, and special provisions. Rehabilitation policies within this section require excess topsoil or overburden to be retained for future rehabilitation, grading of excavated pits at a slope of 3 to 1 or less in regions where fill or topsoil is scarce (finished slope of 2 to 1 or less) and vegetation to be planted as soon as possible following finished grading. The NEP also sets out detailed requirements of a wayside pit or quarry applicant in addition to the requirements of the Aggregate Resources Act, which include: sketch plans, rehabilitation statement, comments of affected municipalities, opportunities for other wayside uses, conditions of wayside permit expiring 18 months after being granted, a tonnage limit based on project contracts and conditions, and terms and conditions for operations.

³¹ In order to support this amendment process, Part 1.5 outlines the criteria that should be considered and a Process Guide was prepared in 2010 to guide applicants through this amendment process.



NIAGARA REGION
AGGREGATE RESOURCE POLICIES

NIAGARA ESCARPMENT PLAN IN NIAGARA REGION
FIGURE 25

- TRANSPORTATION CORRIDOR - PROVINCIAL HIGHWAY
- TRANSPORTATION CORRIDOR - REGIONAL ROAD
- FREEWAY
- EXPRESSWAY / HIGHWAY
- ARTERIAL ROAD
- AGGREGATE RESOURCES
- HAMLETS
- URBAN BOUNDARY
- URBAN AREAS
- NIAGARA REGION MUNICIPALITIES
- OTHER MUNICIPALITIES
- NIAGARA ESCARPMENT PLAN DESIGNATIONS
- ESCARPMENT NATURAL AREA
- ESCARPMENT PROTECTION AREA
- ESCARPMENT RURAL AREA
- MINERAL RESOURCE EXTRACTION AREA
- URBAN AREA

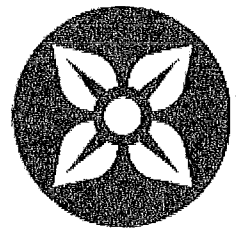
0 4 KM SCALE 1:220,000

MAP DRAWING INFORMATION:
DATA PROVIDED BY NIAGARA REGION, NPDA, MNDM, MNR AND ESR
MAP CREATED BY PPK
MAP CHECKED BY PK
MAP PROJECTION: NAD 1983 UTM Zone 17N

PAGE 114135 - ESCARPMENT POLICIES AND DESIGNATIONS
2008 © NIAGARA ESCARPMENT PLAN IN NIAGARA REGION



PROJECT: 149001
STATUS: FINAL
5282013

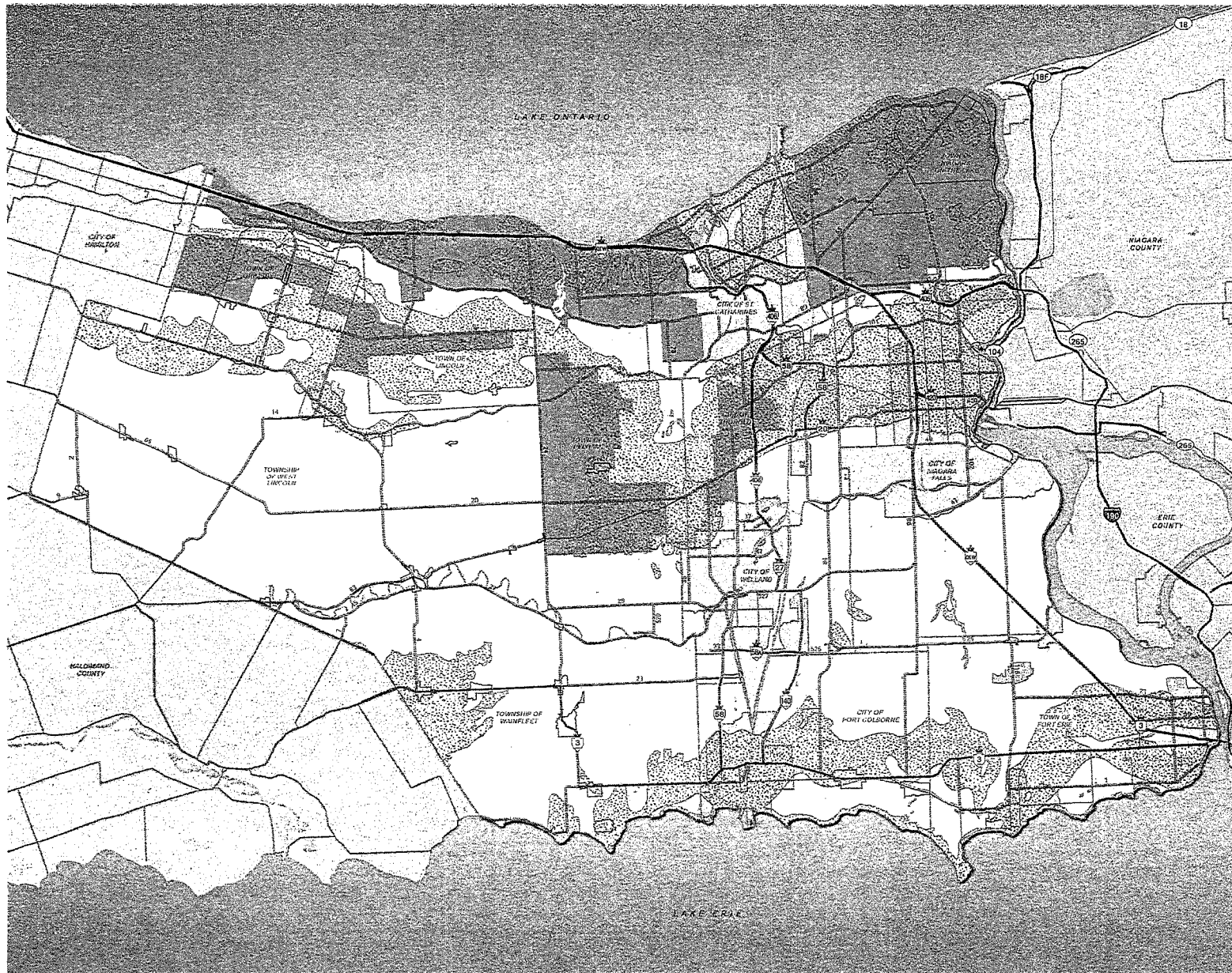


Key Facts for Niagara Region (Niagara Escarpment Plan):

- There are three areas designated as Mineral Resource Extraction Area which permit aggregate extraction operations.
- Aggregate operations extracting less than 20,000 tonnes per year are permitted within the designated Escarpment Rural Area.
- Aggregate operations extracting more than 20,000 tonnes per year are permitted within the designated Escarpment Rural Area subject to a NEP amendment (to amend the land use designation to Mineral Resource Extraction) and meeting the development criteria outlined in the NEP section 2.11.
- In addition to the requirements of the Aggregate Resource Act, wayside pits and quarries within the Escarpment Plan area require additional Niagara Escarpment Plan requirements to be met.

2.1.5 The Greenbelt Act & Greenbelt Plan

The Greenbelt Plan is intended to ensure that a robust supply of agricultural, rural and environmental lands which generally surround the Greater Toronto Area, Hamilton and Niagara areas are protected from future urban development. The Greenbelt Area comprises of the Protected Countryside, Niagara Escarpment Plan Area and the Oak Ridges Moraine Area (see **Figure 2.2**). For Niagara Region, the Protected Countryside and Niagara Escarpment Plan Area are of particular importance. As the previous section of this report described the Niagara Escarpment Plan Area, this Greenbelt discussion will be based on the Protected Countryside Area. Within the Protected Countryside, there are geographic specific policies that relate to the Agricultural System; the Natural System, including the natural heritage system policies; Parkland Open Space and Trails; and Settlement Areas. Unlike the NEP, the Greenbelt Plan does not designate specific areas for mineral aggregate resource extraction. Rather, it includes a series of policies intended to guide development in proximity to the Greenbelt. The following subsections provide a brief overview of the applicable policies.



NIAGARA REGION
AGGREGATE RESOURCE POLICIES

GREENBELT AREA IN NIAGARA REGION
FIGURE 2.2

- TRANSPORTATION CORRIDOR - PROVINCIAL HIGHWAY
- TRANSPORTATION CORRIDOR - REGIONAL ROAD
- FREEWAY
- EXPRESSWAY / HIGHWAY
- ARTERIAL ROAD
- AGGREGATE RESOURCES
- PROTECTED COUNTRYSIDE, GREENBELT, PLAN NATURAL HERITAGE SYSTEM
- HAMLETS
- URBAN BOUNDARY
- URBAN AREAS
- NIAGARA REGION MUNICIPALITIES
- OTHER MUNICIPALITIES

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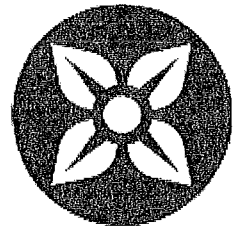
MAP DRAWING INFORMATION:
DATA PROVIDED BY NIAGARA REGION, NPOA, MNDA, MNR AND ECR
MAP CREATED BY: PK
MAP CHECKED BY: PK
MAP PROJ. BOTTOM: NAD 1983 UTM Zone 17N

Revised: 12/13/15 - Aggregate Resource Policy/Map
Figure 2.2 - Greenbelt Area in Niagara Region



PROJECT: 140901
STATUS: FINAL
12/28/2015

State of Aggregate Resources in Niagara Region Background Report



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Natural Resource Policies and Rehabilitation

The Greenbelt Plan identifies key natural heritage and hydrological features within the protected countryside. Aggregate operations are permitted in the Protected Countryside with conditions set out in section 4.

The Greenbelt Plan promotes close to market aggregate resources for building materials for communities and infrastructure³², recognizing the economic and environmental benefits. However, within the Natural Heritage System, no new wayside pits, quarries or mineral aggregate operations are permitted within the following environmental features³³:

- Significant wetlands;
- Significant habitat of endangered species and threatened species; and,
- Significant woodlands unless the woodland is occupied by young plantation or early successional habitat (as defined by the Ministry of Natural Resources and Forestry). In this case, the application must demonstrate that the specific provisions of policy 4.3.2.5 (c), (d) and 4.3.2.6 (c) have been addressed, and that they will be met by the operation.

Impacts to other key natural heritage or hydrologic features within the Natural Heritage System are only permitted where the application demonstrates:

- How the water resource system will be protected or enhanced;
- The health, diversity and size of the features that exist at the time of application are maintained or restored and improved to promote net gain of ecological health;
- Any permitted extraction will be completed and the area rehabilitated as early as possible;
- Aquatic areas remaining after extraction are rehabilitated to aquatic enhancements that is representative of the natural ecosystem;
- Rehabilitation is implemented so that connectivity of key natural heritage features and key hydrologic features on the site and adjacent sites will be maintained or restored and if possible improved.

In addition, any application for new or expanding aggregate operations must demonstrate:

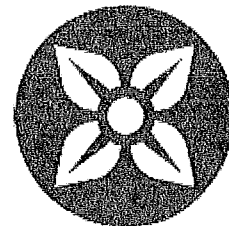
- Connectivity between key natural and key hydrologic features maintained before, during and after excavation;
- How an operator will immediately replace habitat lost with equivalent habitat on or adjacent to a site;
- How the water resource system will be protected or enhanced; and,
- Consistency with the PPS.

Beyond the Natural Heritage System within the Protected Countryside, MNRF will pursue the following under the ARA:

³² Greenbelt Plan, 2005, Section 4.3.2 (2).

³³ Greenbelt Plan, 2005, Section 4.3.2.(3) a)

State of Aggregate Resources in Niagara Region Background Report



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- Maximize rehabilitated area and minimize disturbed area on an ongoing basis during the life cycle of an operation;
- Ensure progressive and final rehabilitation contributes to the goals of the Greenbelt Plan;
- Only permit application for mineral aggregate operation or wayside pits and quarries where the applicant demonstrates that the quality and quantity of groundwater and surface water will be maintained as per the Provincial Standards under the ARA; and
- That the MNRF will determine the maximum allowable disturbed area of each aggregate operation. For new or expanded operations, the total disturbed area shall not exceed the established maximum allowable disturbed area. For existing operations, excess disturbed area shall be rehabilitated completely within 10 years of the date of approval of the Greenbelt Plan and 50% completed within 6 years³⁴.

Provisions for rehabilitation of mineral aggregate operations within the Protected Countryside include:

- Aggregate industry will work with the MNRF to consider development and implementation of comprehensive rehabilitation plans for areas of high concentration of aggregate operations
- The disturbed area will be rehabilitated to a state of equal or greater ecological value and the whole site ecological integrity will be maintained, restored and to the extent possible, improved;
- The health, diversity and size of any key heritage or hydrologic features will be maintained or restored and to the extent possible restored and any permitted extraction within a feature will be completed and the area rehabilitated as early as possible;
- Aquatic areas remaining after extraction are rehabilitated to aquatic enhancements that is representative of the natural ecosystem;
- Rehabilitation is implemented so that connectivity of key natural heritage features and key hydrologic features on the site and adjacent sites will be maintained or restored and if possible improved³⁵.

Policies detailing the timing, percentage and quality of rehabilitation needed to meet the Greenbelt Plan, the PPS and the Aggregate Resources Act are also included in the Plan. Detailed policies under section 4.3.2 contain information on operating under water or below the water table and encourage operators to provide public access to former aggregate sites.

Policies specific to Niagara Peninsula Tender Fruit and Grape Specialty Crop Area

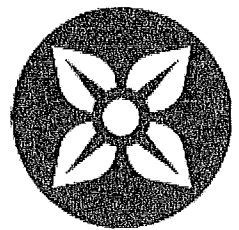
No new aggregate operations, wayside pits, quarries or ancillary uses are permitted between Lake Ontario and the Niagara Escarpment Plan area. Under policy 4.3.2.8, new mineral aggregate operations or wayside permits may only be considered in primary and secondary sand and gravel resources in the Fonthill Kame in the Town of Pelham³⁶ if the applicant demonstrates that:

³⁴ Greenbelt Plan 2005, Section 4.3.2(4)

³⁵ Greenbelt Plan, 2005, Section 4.3.2(5)

³⁶ Aggregate Resources Inventory Paper #4, town of Pelham, 1980.

State of Aggregate Resources in Niagara Region Background Report



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- Rehabilitation back to the same agricultural nature and provide the same range of productivity or specialty crops in the common area; and,
- Microclimate of the site and surrounding area is maintained.

The Greenbelt Plan provides further direction for all other areas that do not have special policies within the Tender Fruit and Grape Specialty Crop Area for any new or expanding operation which would require:

- Rehabilitation of the property back to an agricultural condition that allows for the same range and productivity of the crop and the same microclimate that is required for the specialty crop production; or
- Where the same productivity of the specialty crop and microclimate are not achievable that other alternative locations are considered; and
- Where alternatives have been considered and determined unsuitable and in situations where complete agricultural rehabilitation to specialty crop is not possible due to the depth of extraction, agricultural rehabilitation in remaining areas shall be maximized to allow production of specialty crops³⁷.

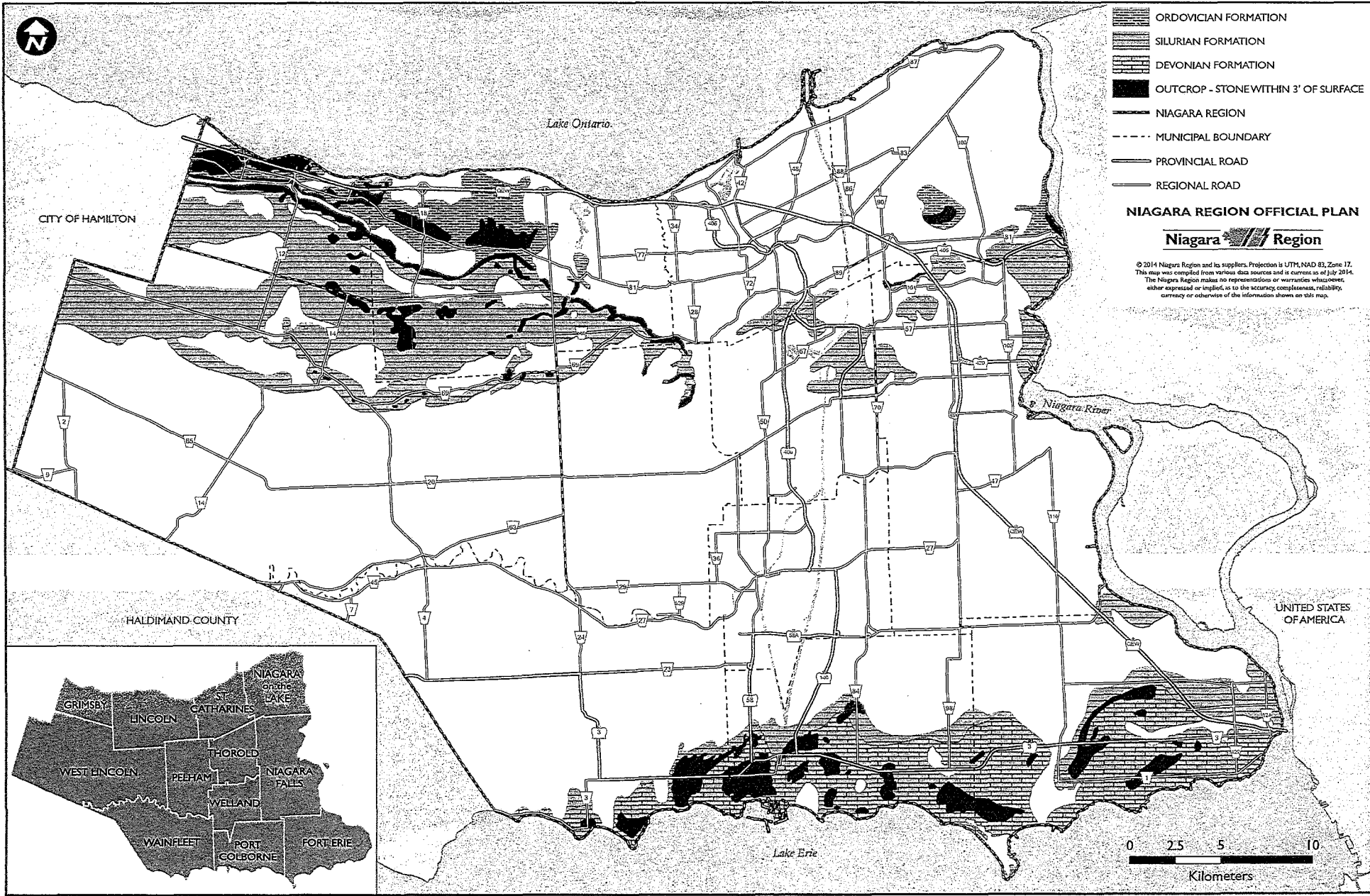
Key Facts for Niagara Region (Greenbelt Plan):

- No new aggregate operations are permitted between Lake Ontario and the Niagara Escarpment Plan Area.
- The Niagara Region is directed to ensure that progressive and final rehabilitation efforts contribute to the goals of the Greenbelt Plan for extraction within the Protected Countryside.
- The Niagara Region is directed to ensure that all land use activities related to rehabilitation of mineral aggregate operations are consistent with any relevant approved source protection plan and watershed or sub-watershed plan (section 4.3.2.10).
- The Region is directed to adopt policies that support the criteria outlined in the Greenbelt Plan for extraction in the Fonthill Kame (these policies are in place).

2.2 Regional

Presently, Niagara Region provides direction on planning for aggregate resources through section 6 of its Regional Official Plan (ROP, August 2014, office consolidation). This section includes mineral resource policies to provide direction on the Region's sand, gravel, stone and shale deposits, as illustrated on **Figure 2.3** and **2.4** (Schedules D1 and D2 of the ROP).

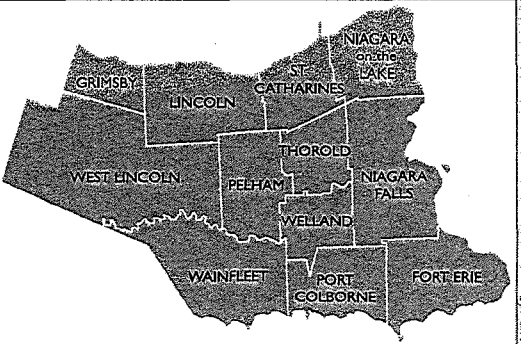
³⁷ Greenbelt Plan, 2015. Section 4.3.2.8c)



Lake Ontario

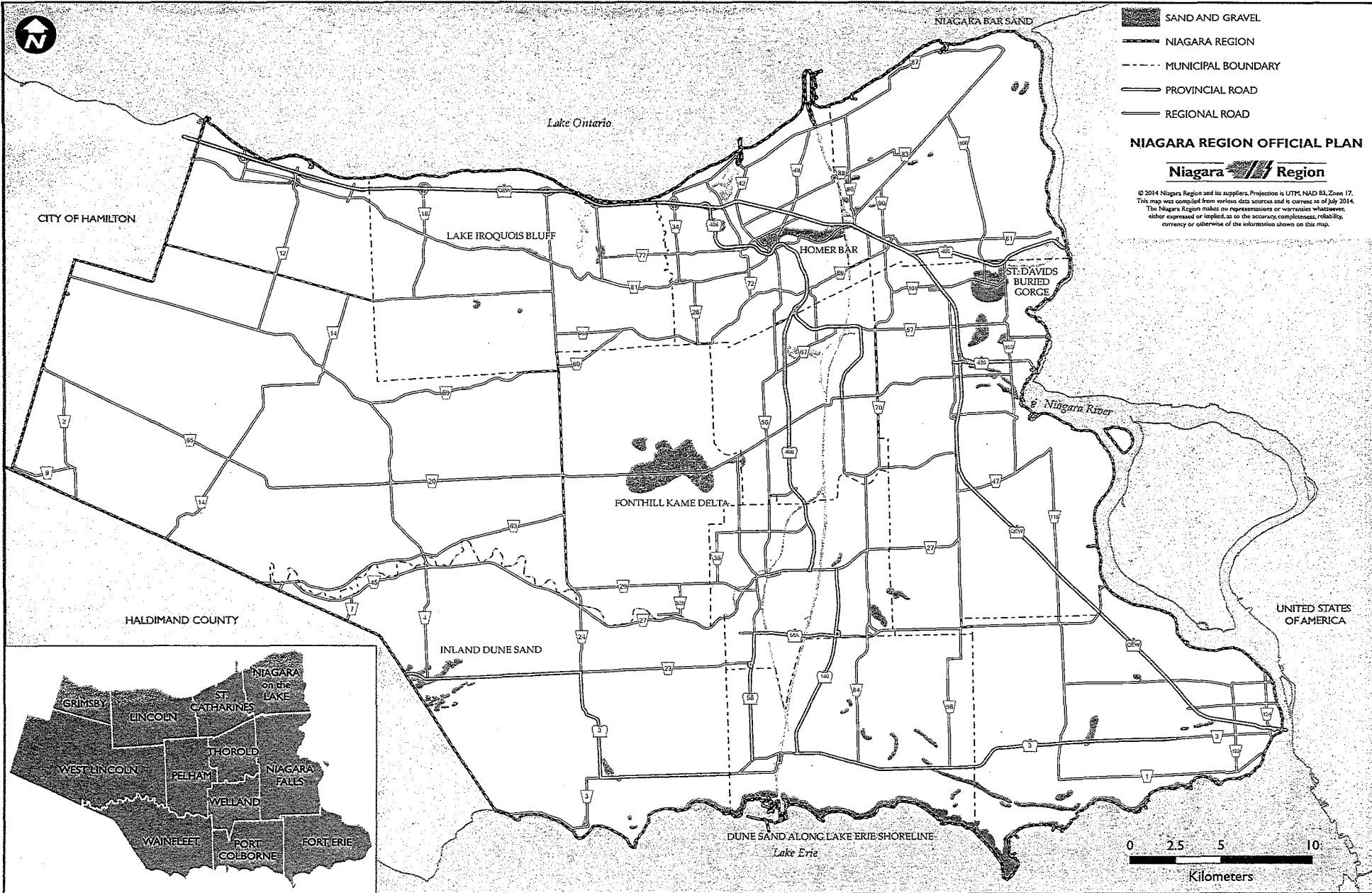
CITY OF HAMILTON

HALDIMAND COUNTY

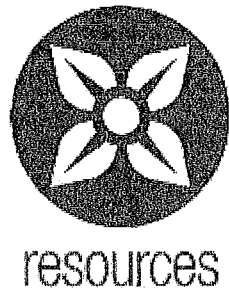


UNITED STATES OF AMERICA

Lake Erie



State of Aggregate Resources in Niagara Region Background Report



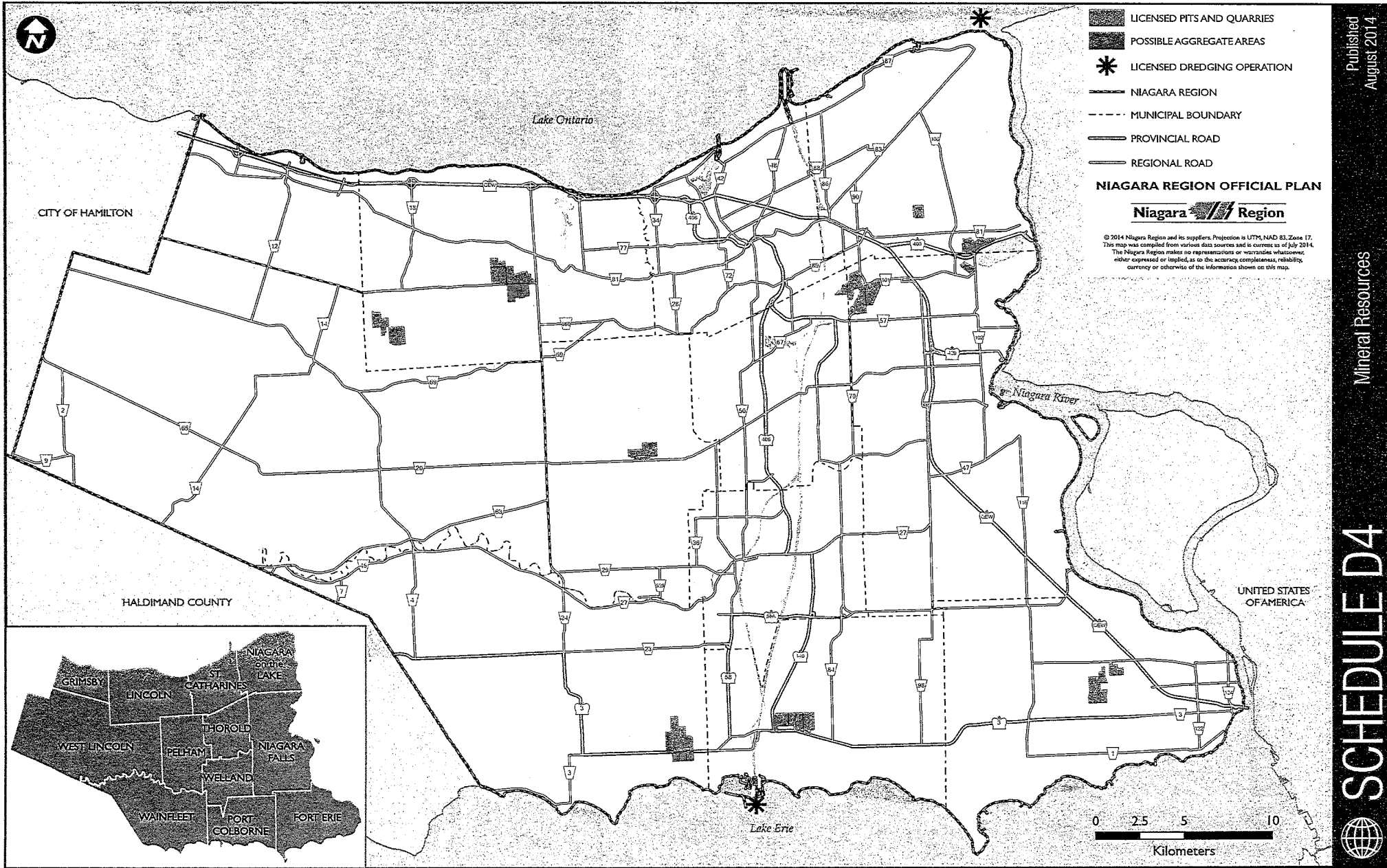
The stated ROP objectives for mineral resources are to:

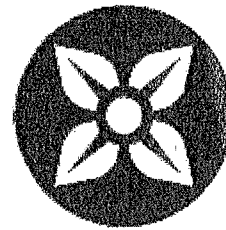
- Ensure an adequate supply of mineral resources for construction, chemical and metallurgical needs within Niagara Region; and,
- Ensure a suitable location, operation and rehabilitation of mineral extraction to minimize natural and human environmental conflicts.

2.2.1 Permissions for New Aggregate Operations or Expansions

Figure 2.5 (Schedule D4 of the ROP) illustrates the existing Licensed Pits and Quarries and Possible Aggregate Areas. The lands identified as Possible Aggregate Areas are very limited (35.38 hectare parcel adjacent to the Waterford Sand & Gravel Limited operation and 5.57 hectare parcel adjacent to the Lafarge Canada Inc. operation). The ROP states that Possible Aggregate Areas are required to conform to the Niagara Escarpment Plan. A ROP amendment is required to develop a new or expansion to an existing aggregate operation outside of a Possible Aggregate Area, see policy 6.C.13.

It is unclear as to why these two resource areas were identified as Possible Aggregate Areas. The layer was established under different legislative documents and will need to be reviewed prior to being part of the new ROP aggregate policies.





2.2.2 Restricting Adjacent Land Use

Policy 6.C.3 provides protection to Possible Aggregate Areas by preventing other conflicting uses from being established. The Regional Official Plan provides direction for adjacent lands, stating that only the uses permitted under the Agricultural policies³⁸ and within the Niagara Escarpment Plan Area should be considered adjacent to a licenced pit, quarry or Possible Aggregate Area. If an area is deemed a Possible Aggregate Area, no other land use shall be permitted, unless it can be proven that:

- Resource extraction would otherwise not be feasible;
- Resource extraction would otherwise impact human health and safety and environmental; and,
- There is a greater long-term public good.

2.2.3 Application Considerations

Considerations when reviewing an application for a new or expanded pits and quarries include, but are not limited to, the Niagara Escarpment Plan policies, compliance with the policies of the ROP³⁹, compatibility with surrounding land uses, impacts to the natural environment, proposed manner of operation, proposed haulage roads and the possible effects on roadways and adjacent development⁴⁰.

2.2.4 Areas That Prohibit or Restrict Aggregate Operations

In addition to the application considerations, the ROP provides direction on a number of areas where aggregate resource extraction is not permitted. This includes the land between Lake Ontario and the Niagara Escarpment Plan Area, which is identified as Tender Fruit and Grape Speciality Area and is prohibited for aggregate extraction in the Greenbelt Plan. Also, a new or expansion to a mineral aggregate operation or wayside permit is only permitted on primary and secondary selected sand and gravel on the Fonthill Kame.



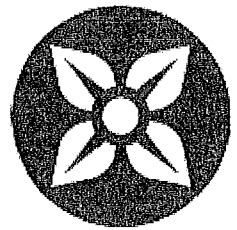
The Regional Official Plan also includes several site specific policies related to the Fonthill Kame and a few other areas. For extraction uses on the Fonthill Kame, rehabilitation policies mandate that an

³⁸ Niagara Regional Official Plan, Office Consolidated Aug 2014, Chapter 5.B.

³⁹ Niagara Regional Official Plan, Office Consolidated Aug 2014, Policy 7.8.1.31 to 34.

⁴⁰ Niagara Regional Official Plan, Office Consolidated Aug 2014, Policy 6.C.5.

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applicant replace land uses back to original agricultural state, which would allow the same range of tender fruit or grape crops and a common microclimate which can maintain these crops. New applications for aggregate operations in Unique Agricultural Areas must follow several strict requirements including, but not limited to, the ability to rehabilitate land to a stage where agricultural productivity is possible.

Specific policies are provided in 6.C.5.2 for the Reeb Quarry also called the M.A.Q. Aggregates Quarry. Any expansion in this quarry⁴¹ is not permitted and will not be considered without a ROPA and Township OP amendment. Expansion in this area comes with specific conditions including: Amendments (ROPA and OPA), independent peer review, a Woodland restoration plan, and the satisfaction of the MNRF.

2.2.5 Consultation

Chapter 12 of the ROP outlines the Region's consultation and engagement policies. For aggregates, the ROP describes its desire to have full consultation among area municipalities, the Ministry of Natural Resources and Forestry, the Region and the applicant before a license is issued. The policies identify the role of local official plan policies and local municipal comments as part of the Region's decision-making process.

2.2.6 Rehabilitation

Progressive rehabilitation is encouraged under policies 6.C.7 - 6.C.9 of the ROP. Continuous and harmonious rehabilitation is encouraged ensuring compatibility with surrounding land uses.

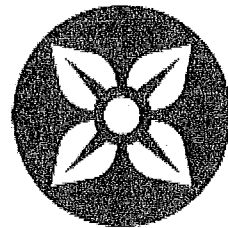
2.2.7 Wayside Pits and Quarries

The ROP permits wayside pits and quarries under public authority or under an agent of a public authority except for in areas of environmental sensitivity, as per policy 6.C.10. The ROP requires conformity with the NEP and direct local municipalities to establish land use designations and by-laws for pits and quarries that conform to ROP policies and schedules.

2.2.8 Other Regional Policies

In addition to the Region's aggregate resource policies within section 6 of the plan, there are other policies of the ROP that have an impact on aggregate operations and must be considered when reviewing any application for an expansion or new aggregate operation. These include (but are not limited to) the Rural and Agricultural policies outlined in section 5 of the ROP, the Natural Environment policies outlined in section 7 of the ROP and the Transportation policies outlined in section 9 of the ROP.

⁴¹ Quarry is located 425 metres east of Bessey Road, on the northwestern part of Concession 1, Lot 2 in the township of Wainfleet.

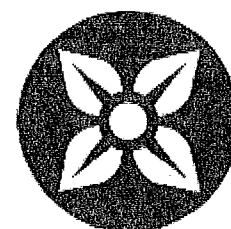


2.3 Local

In a two-tiered planning system, local area official plans are intended to implement Regional policy. At the local level, official plans are used to provide detailed land use planning direction related to local and site-specific issues. Of the 12 municipalities within the Region of Niagara, all except St Catharines have specific aggregate planning policies (Thorold's Official Plan under Regional Review includes policies, while Grimsby, Lincoln, Pelham, Niagara-on-the-Lake, Niagara Falls, Welland, Port Colborne, West Lincoln, Wainfleet and Fort Erie all have a range of aggregate resource policies in force and effect). For aggregate resources in Niagara Region, the area municipal official plan policies have a number of similarities in the framework, policy topics and directions. A few important observations from the area municipal official plan policies include:

- Most local official plans identify the importance of aggregate extraction to the local economy.
- All municipalities require an amendment to their official plan and zoning by-law for any establishment of new or expansions of existing pits and quarries which are beyond the extent of currently designated lands. Most municipalities have policies in their official plans identifying the requirements for studies as part of an official plan amendment associated with a new or expansion to an aggregate operation and the considerations for the municipality when reviewing the application.
 - All municipalities that have aggregate operations identify them on their land use map, recognizing the extent of active pits and quarries:
 - Fort Erie, Wainfleet and Niagara Falls- extractive industrial;
 - NOTL – extractive;
 - Pelham – Mineral Aggregate Resource Area;
 - Lincoln – Licenced Pits and Quarries;
 - Port Colborne – Mineral Aggregate Operation.
 - Thorold – Aggregate Extraction Area (adopted Official Plan)
- This is particularly important as it provides clarity in the application of policies and allows for proactive management of land use change in the vicinity of licensed pits and quarries.
- Only Wainfleet identifies the location of lands which may have potential for extraction in addition to all lands that have aggregate resources.
- Most of the area municipal Official Plans promote progressive rehabilitation (Port Colborne, Fort Erie, Pelham, Niagara Falls, Lincoln, and Niagara-on-the-Lake but only relating to the Queenston Quarry).
- Pelham's Official Plan includes policies protecting mineral aggregate resources. One particular policy requires applicants within 300m of a known deposit to complete a special Mineral Aggregate Resource Study. The Study, which is undertaken by the applicant, would need to demonstrate that:
 - The aggregate area is not be feasible for development

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- That the proposal serves a greater public interest
- Any issues of public health and safety and environmental impacts have been addressed, and that it does not affect the availability of mineral aggregate resources in adjacent areas.

Fort Erie requires a similar study and identifies that Council may request additional setbacks. Lincoln and Niagara Falls identifies that the municipality/Council may establish increased setbacks to those identified in the *Aggregate Resources Act*.

- Lincoln has lands zoned to permit new extraction uses (with a holding provision).
- Pelham promotes rehabilitation being supportive of cultural heritage resources.
- Niagara-on-the-lake included policies for permitted end uses on a specific site within their official plan.
- Port Colborne permits mineral aggregate operations in provincially significant ANSIs if it has been demonstrated that there will be no negative impact to the natural feature or its ecological function.
- Niagara Falls protects for future extractive industries by identifying Potential Mineral Aggregate Areas (bedrock and gravel resource areas), but has limited area identified.
- Wainfleet identified that, when reviewing a development application outside of the Hamlets within an Aggregate Resource Area, Council shall give consideration to the potential for interference with the continuation or expansion existing aggregate operations, the future aggregate operations, the need for and alternate location for the proposed use, the extent to which other existing uses would limit extraction in the area and the extent of licenced reserves in the Township.
- Niagara Falls permits wayside pits and quarries in all land use designations except for Environmental Protection Area and Residential areas without an amendment to the OP or zoning by-law.

3 AGGREGATES IN NIAGARA REGION

3.1 Importance of Aggregate Resources

Aggregates are a fundamental element of the economy. As one might expect, they are used in the construction of homes, roads, highways, subways, bridges, trails and airports. They are also used to manufacture a number of products, including glass, coated paper, paint, fertilizers, health care products and pharmaceuticals. The Ontario Stone, Sand and Gravel Association estimates that each Ontario resident consumes 14 tonnes of stone, sand and gravel (on average, per year). Some examples which help to illustrate how much aggregate is required for a few everyday applications are listed below:

- 250 tonnes for a 185 square metre (2,000 square foot) house;
- 18,000 tonnes per kilometre of a two-lane highway in Southern Ontario; and,
- 114,000 tonnes per kilometres of a subway line.⁴²

Primary aggregate produced in Ontario accounts for approximately \$1.3 billion⁴³. Considering direct, indirect and induced effects, the aggregate industry generates approximately \$1.3 billion in GDP, \$827 million of labour income and 16,600 full time jobs⁴⁴. The aggregate industry is an important industry to support the economy and an essential resource for this growing Province.

3.2 Demand for Aggregates in Niagara

The Growth Plan for the Greater Golden Horseshoe (the Growth Plan) provides long range population and employment projections for upper and single tier municipalities in the Greater Golden Horseshoe. The Growth Plan is projecting robust growth for Niagara Region, as the Region is expected to grow to 610,000 people and 265,000 jobs by 2041. This growth represents an increase of 179,000 people (42%) over the 2011 census count of 431,000 people.

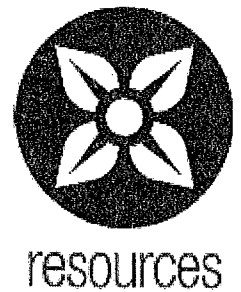
Using the average aggregate use per person (14 tonnes annually), indicates a current demand of approximately 6 million tonnes⁴⁵ and a projected demand of approximately 8.5 million tonnes by 2041. And while there are a number of more complex models for projecting long term demand, this crude approach is useful for generally quantifying the potential long term needs in the Region by 2041. The underlying implication is that, so long as the Region continues to grow, there will be an increasing demand for locally sourced aggregates and, hence, the need for a clear set of policies to manage land use change.

⁴² Ministry of Natural Resources and Forestry SAROS, 2010.

⁴³ In 2007 based on the Ministry of Natural Resources and Forestry SAROS, 2010.

⁴⁴ Ministry of Natural Resources and Forestry SAROS, 2010.

⁴⁵ Based on Statistics Canada 2011 census data.



3.3 Niagara's Aggregate Resources

3.3.1 Bedrock

The Region of Niagara has a substantial amount of quality bedrock resources and is underlain by a succession of shale, sandstone, limestone and dolostone. **Figure 3.1** presents the bedrock aggregate resources based on the Ministry of Northern Development and Mines (MNDM) Aggregate Resources Inventory Program for Niagara Region municipalities⁴⁶.

Niagara has a number of large formations of bedrock that have been evaluated and identified by the MNDM in both the north and south portions of the Region. Generally, the selected areas either are areas of exposed bedrock partially covered by a thin veneer of drift (less than 3 feet) or bedrock covered by drift, with a thickness of 3 to 25 feet.

The Selected Resource Area along the north portion of the Region covers the Town of Grimsby, the Town of Lincoln and a very small portion within the Town of Pelham. This Selected Resource Area includes the Lockport and Queenston Formation. The Selected Resource Area along the south portion of the Region follows north shore of Lake Erie within the Township of Wainfleet, City of Port Colborne and Town of Fort Erie. This Selected Resource Area includes the Salina, Bertie, Bois Blanc and Onondaga Formations. In addition, within the Town of Pelham, there is an area that was evaluated and not selected by the MNDM. This is due to the large amount (3 to 25 feet) of overburden (topsoil or waste rock) in this area.

There are also a number of bedrock formations that were not evaluated by the MNDM that cover the City of Thorold, south portion of the City of St. Catharines, north portion of the City of Niagara Falls and the southern portion of the Town of Niagara-on-the-Lake, see blue hatch area on **Figure 3.1**. Within this area, there are a number of smaller areas that were determined to have high quality bedrock⁴⁷.

⁴⁶ Reports were dated 1980 and 1985.

⁴⁷ Niagara Sheet, Southern Ontario, Drift Thickness Series, 1969.

**NIAGARA REGION
AGGREGATE RESOURCE POLICIES**

**BEDROCK AGGREGATE RESOURCES
INVENTORY
FIGURE 3.1**

- TRANSPORTATION CORRIDOR - PROVINCIAL HIGHWAY
 - TRANSPORTATION CORRIDOR - REGIONAL ROAD
 - FREEWAY
 - EXPRESSWAY / HIGHWAY
 - ARTERIAL ROAD
 - HAULETS
 - URBAN BOUNDARY
 - URBAN AREAS
 - NIAGARA REGION MUNICIPALITIES
 - OTHER MUNICIPALITIES
- BEDROCK - EVALUATED (ARIP REPORTS)**
- SELECTED RESOURCE AREA
 - NOT SELECTED
- BEDROCK - NOT EVALUATED**
- UNDETERMINED (NO REPORT)
 - HIGH QUALITY / AGGREGATE BEDROCK (RBR REPORT)

Evaluation of Bedrock Resource Areas (ARIP Reports).
Selection of bedrock resource areas has been restricted to a sample level of
significance, based on site specific criteria and regional considerations.
Shaded Bedrock Resource Areas shown on the map are not permitted
single land use units, which must be incorporated in an official planning document
and approved by the appropriate planning authority. The map is for informational
and/or resource protection within the context of the official plan.

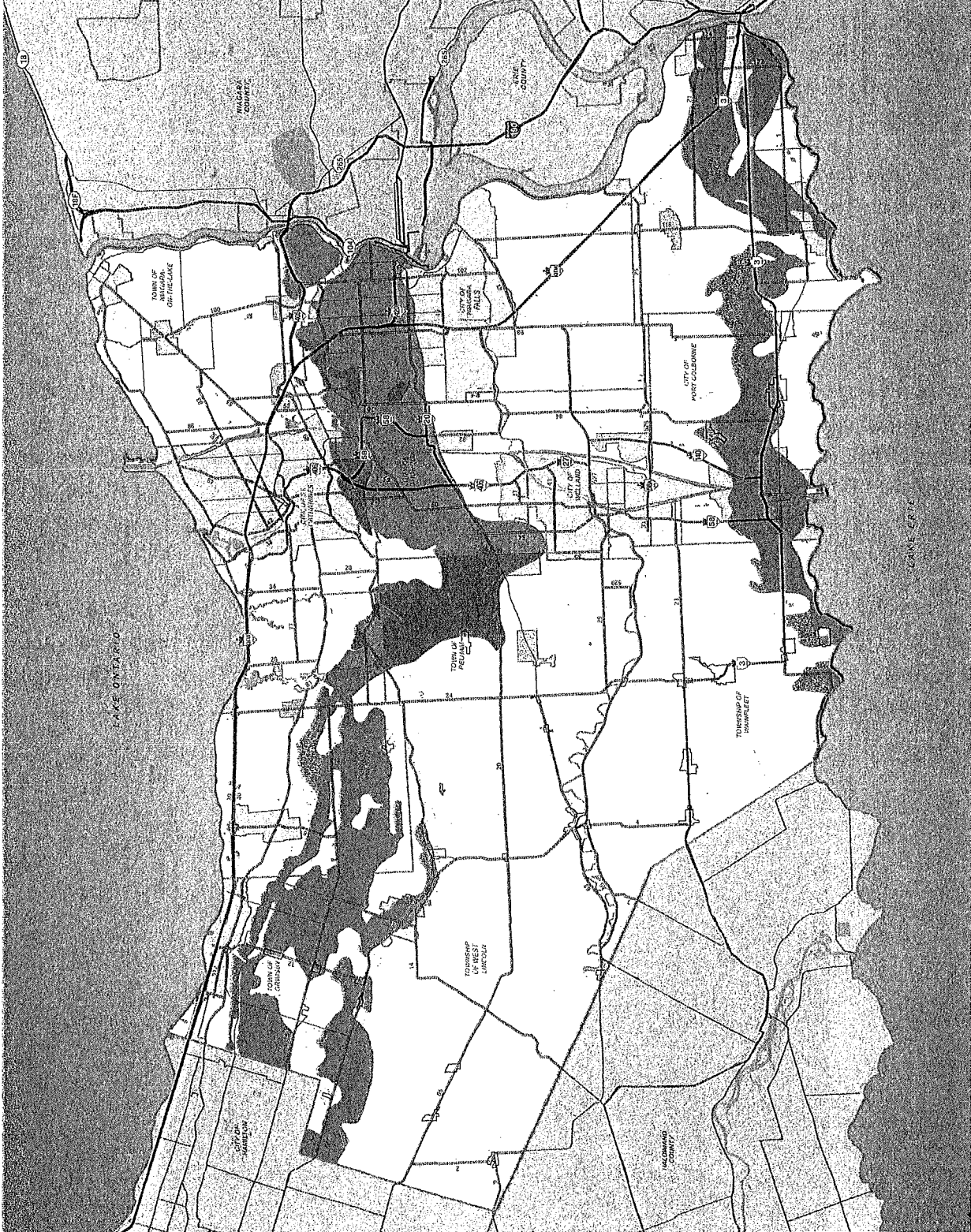
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DATA PROVIDED BY NIAGARA REGION, NIAA, NIAGARA, WINDFALL BPP
MAP CREATED BY PPA
MAP GENERATED BY
MAP PRODUCTION AND INFO SYSTEMS
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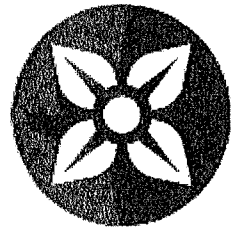
PROJECT: GRAB
STATUS: FINAL
REVISION: 8



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State of Aggregate Resources in Niagara Region Background Report



resources

3.3.2 Sand and Gravel

In general, Niagara Region has limited granular resources. **Figure 3.2** presents the sand and gravel aggregate resources based on the Ministry of Northern Development and Mines (MNDM) Aggregate Resources Inventory Program for Niagara Region municipalities (dated 1980 and 1985).

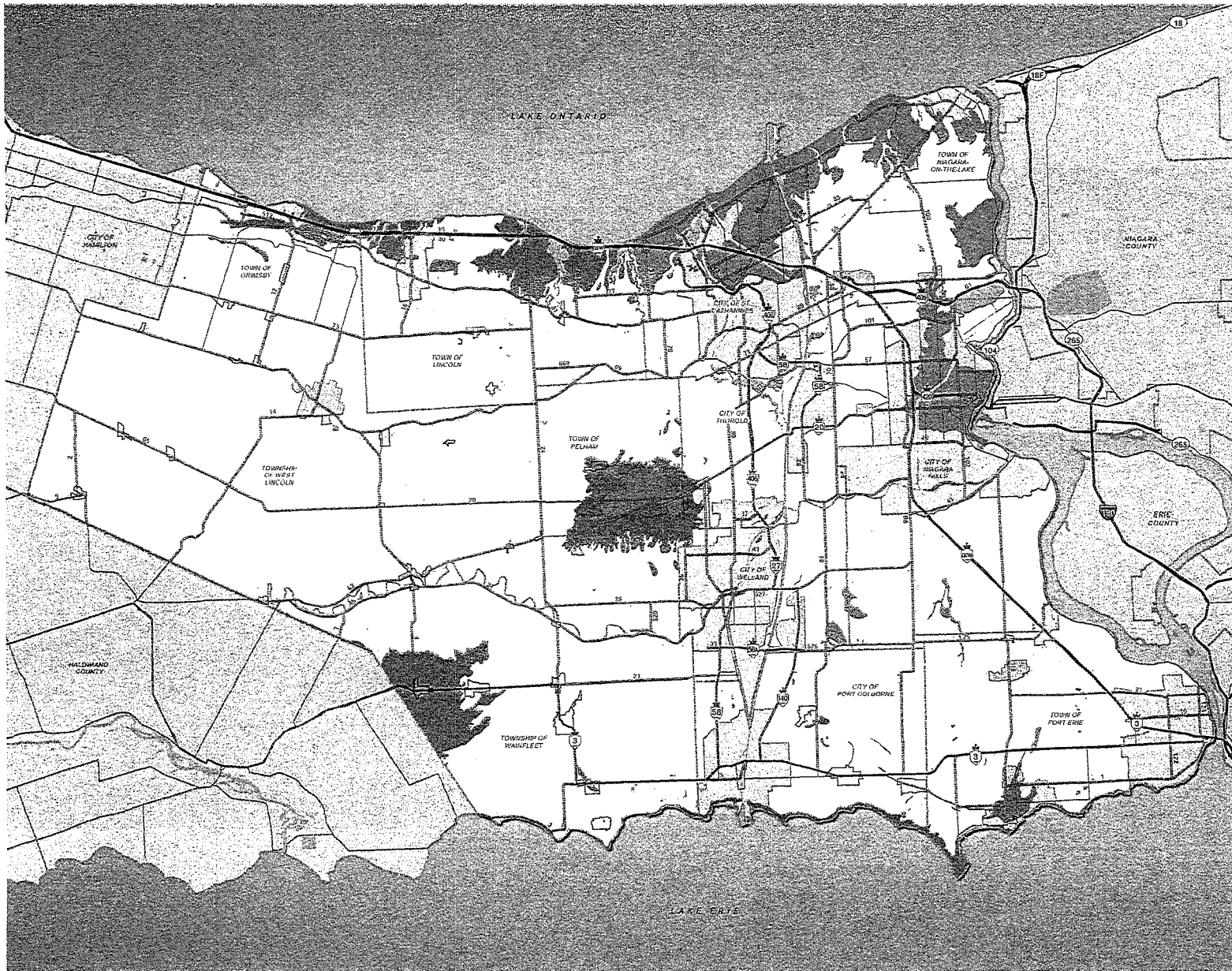
Niagara Region has only a few selected primary resource areas for sand and gravel resources, the largest is located on the Fonthill Kame. The Fonthill Kame is a geologic feature composed of sand and gravel resulting from extensive glacial activity which took place from approximately 23,000 to 12,500 years ago⁴⁸. The Fonthill Kame rises approximately 75 metres above the surrounding area and has one of the highest elevations in the Niagara Region. This primary resource area is surrounded by a larger secondary resource area⁴⁹ covering a large portion of the Town of Pelham. There is also a small amount of primary sand and gravel resource in Fort Erie and Port Colborne. In addition, there is a small area in the Township of Wainfleet along the border of Haldimand County that is selected as a secondary resource area. The rest of the resources are restricted in quality, thickness and extent and have, therefore, been classified as tertiary resources⁵⁰. These tertiary resources exist along the south bank of Lake Ontario in the Town of Grimsby and Town of Lincoln, along the north shore of Lake Erie in the Township of Wainfleet, City of Port Colborne and Town of Fort Erie, and around the secondary resource area in the Township of Wainfleet. These may be suitable for local extraction of low-specification aggregate⁵¹.

⁴⁸ Ministry of Natural Resources and Forestry, Aggregate Resources Inventory Program, Town of Pelham, 1980

⁴⁹ Secondary resource areas are believed to contain significant amounts of sand and gravel and should be considered as part of the aggregate supply (Ministry of Northern Development and Mines).

⁵⁰ Areas of tertiary significance are not considered to be important resources areas because of their low available resources or because of possible difficulties with extraction. These areas may be useful for local needs but are unlikely to support large-scale development (Ministry of Northern Development and Mines).

⁵¹ Ministry of Natural Resources and Forestry, Aggregate Resources Inventory Program, 1980 and 1985



NIAGARA REGION
AGGREGATE RESOURCE POLICIES

**SAND AND GRAVEL AGGREGATE
RESOURCE INVENTORY**
FIGURE 3.2

- TRANSPORTATION CORRIDOR - PROVINCIAL HIGHWAY
- TRANSPORTATION CORRIDOR - REGIONAL ROAD
- FREEWAY
- EXPRESSWAY / HIGHWAY
- ARTERIAL ROAD
- HAMLETS
- URBAN BOUNDARY
- URBAN AREAS
- NIAGARA REGION MUNICIPALITIES
- OTHER MUNICIPALITIES
- SAND & GRAVEL - EVALUATED (ARIP REPORTS)**
- PRIMARY SIGNIFICANCE (SELECTED RESOURCE AREA)
- SECONDARY SIGNIFICANCE
- TERTIARY SIGNIFICANCE
- SAND & GRAVEL - NOT EVALUATED**
- OTHER GRANULAR DEPOSITS (NOT FULLY EVALUATED)

Evaluation of Sand & Gravel Resource Areas (ARIP Reports)
The selected sand and gravel resource areas are first delineated by geological boundaries and then classified into three levels, based on site specific criteria and regional considerations:

- Primary Significance:**
Represent areas in which major resource is known to exist. Assessed as to its probable relative value as a resource to the municipality.
 - Secondary Significance:**
Believed to contain large amounts of sand and gravel. Although deposits are not considered to be the "best" resource in the report area.
 - Tertiary Significance:**
Not considered to be important resource area because of their low available resources, or because of possible difficulties for extraction.
- Selected Aggregate Resource Areas of Primary Significance are not permanent, single land use units which must be incorporated in an official planning document. Such resource areas may be reserved wholly or partially for extractive development and/or resource protection within the context of the official plan.

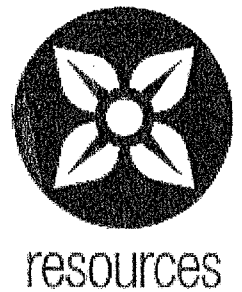
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MAP CHECKED BY: PK
MAP PROJECTION: NAD 1983 UTM Zone 17N

PROJECT: 149001
STATUS: FINAL
0220015

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State of Aggregate Resources in Niagara Region Background Report



The Fonthill Kame's primary resource areas are approximately 820 hectares (2,030 acres) in size and contain an estimate of 86 million tonnes of sand and gravel, suitable for a range of road-building and construction aggregates. It provides a very important regional source of road and construction material⁵².

3.4 Existing Operations

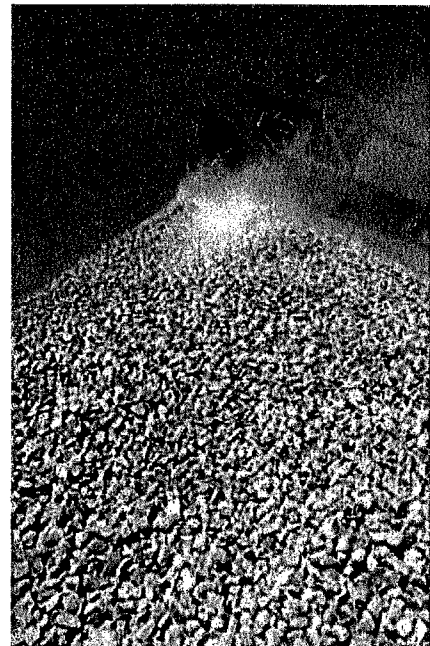
Niagara Region is strategically located, with good transportation access to Ontario and US markets. In Niagara Region, there are a number of aggregate operations as identified on **Figure 3.3**. A number of the operators have been active in Niagara for a long time, some dating back to the 19th century. The following briefly summarizes a number of the major existing operations in Niagara: ⁵³

Lincoln Quarry (Nelson Aggregates Co.), located in the Town of Lincoln and started in 1969. Its resources were depleting, Nelson purchased an additional 200 acres and obtained a license on the property in 2002, allowing the life of the quarry to extend for another 60 years.

Spring Creek Aggregates (Walker Aggregates Inc.) located south of the Niagara Escarpment in the Township of Lincoln. This licenced resource has been reserved since 1974 until the QEW corridor reconstruction project in the mid-nineties. At this location they extract resources suitable for asphalt, concrete and granular supply for the construction industry.

Vineland Quarries & Crushed Stone (Walker Aggregates Inc.), located just south of the village of Vineland in the Town of Lincoln. In operation since 1958 and predominantly processes high quality limestone into concrete stone and manufactured sands. This location also recycles concrete and asphalt from local infrastructure reconstruction for the purpose of reuse in the market.

Lafarge Fonthill (Lafarge Canada Inc.) pit, located in Fonthill within the Town of Pelham. The existing site is nearing depletion and Lafarge is interested in expanding the operation to 27 hectare parcel immediately east of the site and intends to submit an application to the Town, Region and Province for this expansion⁵⁴.

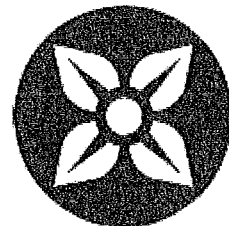


⁵² Ministry of Natural Resources and Forestry, Aggregate Resources Inventory Program, Town of Pelham, 1980

⁵³ These details were obtained through operator's websites.

⁵⁴ Expansion plans as noted on Lafarge's website www.lafargefonthill.ca/proposals at the time the report was written

State of Aggregate Resources in Niagara Region Background Report



resources

Law Crushed Stone (Waterford Sand and Gravel Limited) located in Wainfleet. Quarry first opened in 1937 and has reserves of over 40 million tonnes. There is also an asphalt production supply service onsite.

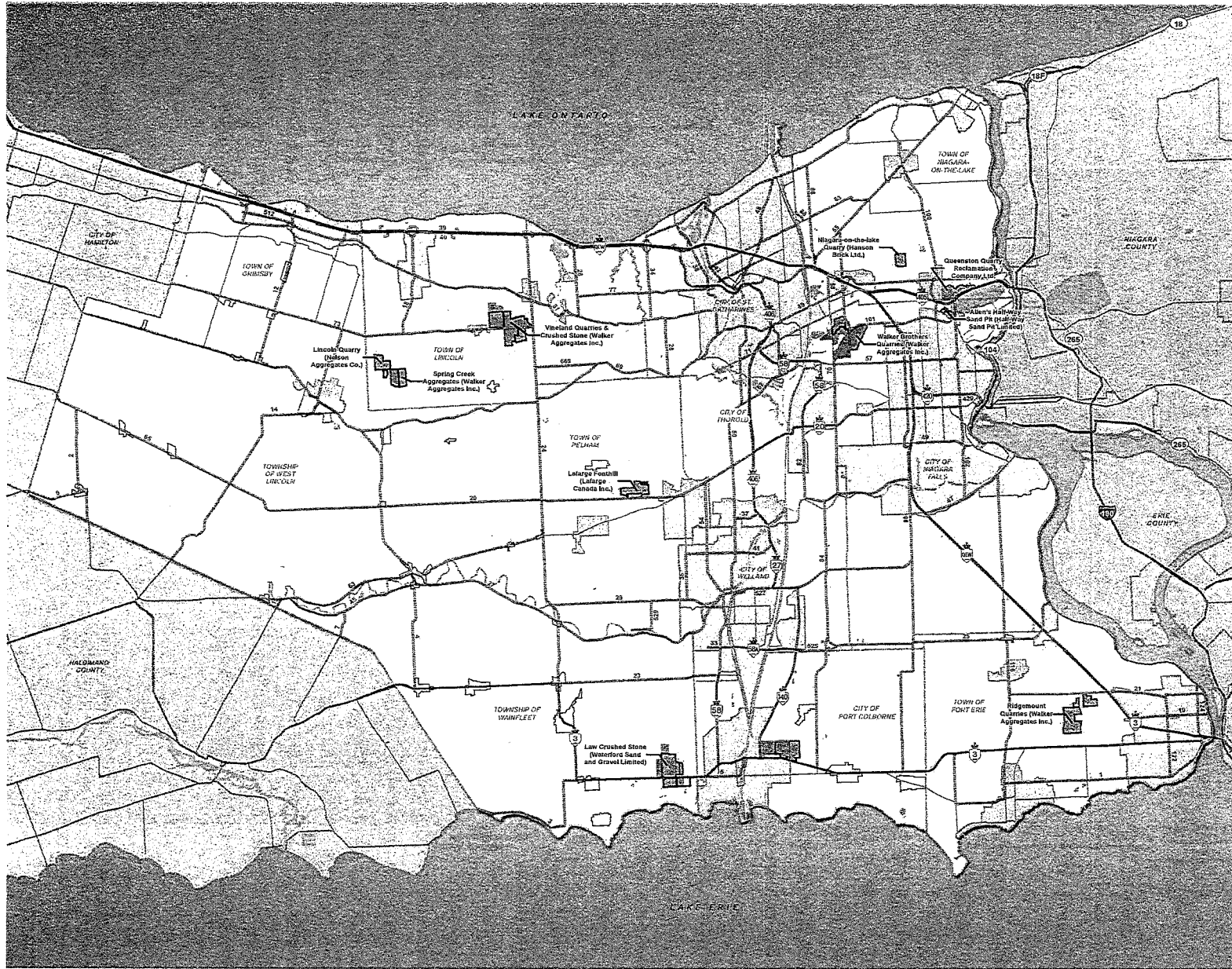
Walker Brothers Quarries (Walker Aggregates Inc.), located on the border of Niagara Falls and Thorold. Started in 1887 and extracts high quality stone used to supply the large demand for local road construction projects. This location also recycles concrete and asphalt from local infrastructure reconstruction for the purpose of reuse in the market.

Niagara-on-the-lake Quarry (Hanson Brick Ltd.), located in Niagara-on-the-Lake.

Allen's Half-Way Sand Pit (Half-Way Sand Pit Limited), located in Niagara Falls.

Ridgemount Quarries (Walker Aggregates Inc.), located in the Town of Fort Erie, just east of Stevensville. In operation since 1960s and extracts various rock members to supply the large demand for local road construction projects. This location also recycles concrete and asphalt from local infrastructure reconstruction for the purpose of reuse in the market.

There are also licenses for Queenston Quarry, Reeb Quarry, 1712028 Ontario Inc. (Port Colborne Quarry), 1251600 Ontario Ltd. and McKeil Marine.




NIAGARA REGION
AGGREGATE RESOURCE POLICIES

**AGGREGATE OPERATIONS WITHIN
 THE REGION OF NIAGARA**
 FIGURE 3.3

- TRANSPORTATION CORRIDOR - PROVINCIAL HIGHWAY
- TRANSPORTATION CORRIDOR - REGIONAL ROAD
- FREEWAY
- EXPRESSWAY / HIGHWAY
- ARTERIAL ROAD
- AGGREGATE OPERATIONS BASED ON MNR 2016 DATA
- AGGREGATE OPERATIONS BASED ON ROP SCHEDULE D4, PUBLISHED AUGUST 2014
- POSSIBLE AGGREGATE AREAS BASED ON ROP SCHEDULE D4, PUBLISHED AUGUST 2014
- HAMLETS
- URBAN BOUNDARY
- URBAN AREAS
- NIAGARA REGION MUNICIPALITIES
- OTHER MUNICIPALITIES

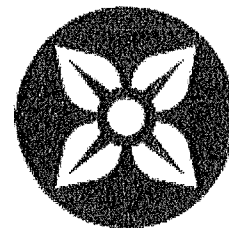
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PROJECT: 148981
 STATUS: FINAL
 4/8/2015



4 POLICY ISSUES, OPPORTUNITIES, CONSIDERATIONS & DIRECTIONS

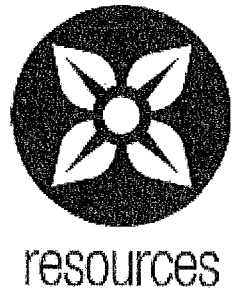
As noted in the previous chapter, aggregate resources are an important part of our everyday lives; however, the extraction of aggregates can have environmental, economic and social impacts. Although aggregate extraction is considered to be an interim use, the effects of the use (particularly if not appropriately managed), can have lasting impacts on the landscape, environmental features, surface water and groundwater conditions. This underlines the importance of siting aggregate operations and managing the impacts through planning. **Figure 4.1** presents a summary of the constraints relating to aggregate resource extraction in Niagara⁵⁵. The intention of **Figure 4.1** is to provide context for understanding how much of Niagara's aggregate resource areas are constrained. Resource Areas shown (on **Figure 4.1**) include all bedrock and sand and gravel resources as depicted previously on **Figures 3.1** and **3.2** including primary, secondary or tertiary significance sand and gravel resources and selected, not selected, undetermined, and high quality aggregate bedrock. All resource areas have been included; however, some of these resource areas may not be feasible for extraction due to the resource quality or quantity. Also note that Resource Areas within settlement areas have been netted out.

The Halton Official Plan's mineral resource extraction areas identifies evaluation criteria for new aggregate development including adverse impacts on and proposed measures to minimize or address adverse impacts on any cultural heritage resources.

For the purpose of this report, the following outlines the methodology used to classify "Resource Areas with No Potential for Extraction", "Resource Areas with Identified Constraints for Extraction" and "Resource Areas with Few Known Constraints". This section is meant to provide an overview of some of the constraints to aggregate resource development, but is not intended to be an exhaustive list. The mapping was prepared using the best available data; however site level analysis may result in changes to the features identified in this analysis. Some information on constraints was not available and has not been included in this analysis, such as significant or endangered species, key hydrologic features or consideration for adjacent land uses. Those lands identified as "Resource Areas with Few Known Constraints" may not be appropriate for extractive industries for other reasons outside of the categories identified here within such as compatibility, existence of urban areas or other policy constraints.

⁵⁵ This figure summarizes the resources and constraints. All resource areas have been included in the resource layer, including primary, secondary and tertiary sand and gravel resources and evaluated (selected and not selected) and unevaluated bedrock resources. The constraints mapping does not consider prime agricultural land as a constraint (please refer to Section 4.5 of this report).

State of Aggregate Resources in Niagara Region Background Report



Resource Areas with No Potential for Extraction

The “No Potential for Extraction” category is intended to show resource areas that are significantly constrained in our current policy regime, resulting in resource extraction being unfeasible on these lands. The significant constraints include:

- Intake Protection Zone (IPZ)-1 Source Water Protection Areas;
- Escarpment Protection Areas (Niagara Escarpment Plan), including Provincially Significant Wetlands and Provincially Significant Areas of Natural and Scientific Interest (ANSIs);
- Escarpment Natural Area (Niagara Escarpment Plan);
- Environmental Protection Area (Niagara’s Regional Official Plan); and,
- Unique Agricultural Areas (Niagara’s Regional Official Plan) north of the Niagara Escarpment.

Resource Areas with Identified Constraints for Extraction

The “Identified Constraints for Extraction” category is intended to show resource areas that have identified constraints based on our current policy regime, but can often be refined through an Environmental Impact Statement, which may allow some areas to be used for extraction. The lands with limited potential include:

- IPZ-2 Source Water Protection;
- Escarpment Rural Area (Niagara Escarpment Plan); and,
- Environmental Conservation Area (Niagara’s Regional Official Plan) including Regionally Significant Wetlands and Regionally Significant Areas of Natural and Scientific Interest (ANSIs).

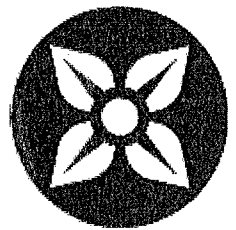
Resource Areas with Few Known Constraints

This “Few Known Constraints” category is intended to show resource areas that have few known constraints and could be considered for resource extraction provided it is appropriate based on the outcome of the required studies. The lands with few known constraints include the following features/areas after netting out the other environmental features outlined above:

- Mineral Resource Extraction (Niagara Escarpment Plan);
- Possible Aggregate Areas (Niagara’s Regional Official Plan);
- Sand & Gravel (MNDM, Aggregate Resources Inventory Program);
- Sand & Gravel Not Evaluated (MNDM, Aggregate Resources Inventory Program);
- Niagara Bedrock (MNDM, Aggregate Resources Inventory Program); and
- Resources with Less Than 8m of Overburden (Draft Thickness 1969).

Note that Fish Habitat areas have not been mapped.

State of Aggregate Resources in Niagara Region Background Report

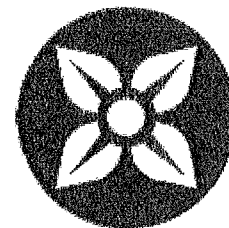


resources

The following section outlines the relevant issues and opportunities, policy considerations and provides further detail on the constraints to aggregate resource extraction relating to the following key themes:

- Natural heritage;
- Water resources;
- Transportation;
- Cultural heritage;
- Agriculture;
- Compatibility;
- Recycling; and,
- Rehabilitation and after use.

This section draws on a range of source materials, including policy and legislation, reports and studies, findings from interviews with key stakeholders and the public, along with innovations uncovered from a best practices review.



4.1 Natural Heritage

4.1.1 Issues & Opportunities

Impacts on the natural heritage environment can be one of the most common points of conflict and concern when contemplating proposals for new aggregate operations and expansions. Geography determines the location of available aggregate deposits; however, much of the resources are also located in areas of natural heritage significance. Many of the same reasons the land is environmentally significant is directly related to the subsurface aggregate resource (for example, Earth Science Areas of Natural and Scientific Interest are protected as they contain significant bedrock, fossils, landforms or ongoing geological processes, however bedrock is also an aggregate resource).

4.1.2 Policy Considerations

The Niagara Regional Official Plan outlines Core Natural Heritage System policies within Section 7B to satisfy the requirements of the Greenbelt Plan and other provincial policies and plans. While there is no specific section for natural heritage policies relating to new aggregate operations or expansions, the policies of Section 7B apply to aggregate proposals⁵⁶.

In addition to the lands identified within the Niagara Escarpment Plan and Greenbelt Act for preservation (refer to Section 2.1 for a more detailed description of NEP and Greenbelt Plan policies), the Region, through its Official Plan, identified the Core Natural Areas classified as either Environmental Protection Areas (EPAs) or Environmental Conservation Areas (ECAs). EPAs include the following features:

- Provincially significant wetlands;
- Provincially significant Life Science and Earth Science ANSIs;
- Significant habitat of threatened and endangered species; and,
- Greenbelt Natural Heritage System wetlands, significant valleylands, significant woodlands, significant wildlife habitat, habitat of species of concern, publically owned conservation lands, savannahs and tallgrass prairies and alvars.

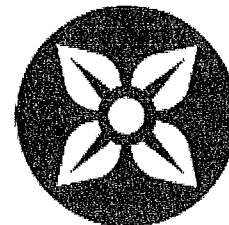
Haldimand County's Official Plan land use schedules include **Mineral Aggregate Resource Areas in the same figure as natural heritage and land use**. This **overlay allows easy interpretation** of potential conflicts relating to the mineral aggregate resource areas and natural heritage features, as well as land use.

The **Hamilton Rural Official Plan** has specific natural heritage system policies for mineral aggregate operations. No other natural heritage policies of the plan apply to new aggregate operations, expansions to an existing aggregate operation or a new wayside pit or quarry. The Plan also identifies what **policies take precedence when a policy conflict arises** and summarizes in a table format the conditions for a policy to apply.

Waterloo Region identifies specific policies on **habitat loss** stating any loss will be replaced with equivalent habitat on the property or adjacent land and no less than 35% of the licences area remaining after extraction will be rehabilitated to natural self-sustaining woodland habitat representative of the area in which it is located (Waterloo Region Official Plan is currently under appeal).

⁵⁶ ROP policies pertain to all forms of "site alteration and development". Proposals for aggregate operations would fall under this definition.

State of Aggregate Resources in Niagara Region Background Report



resources

Aggregate resource extraction is not permitted within EPAs except in accordance with the Greenbelt Plan, 2005.

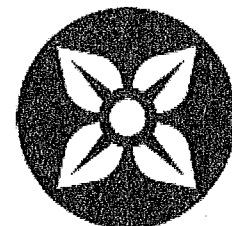
ECAs include the following features:

- Significant woodlots;
- Significant wildlife habitat;
- Significant habitat of species of concern;
- Regionally significant Life Science ANSIs;
- Other evaluated wetlands;
- Significant valleylands;
- Savannahs and tallgrass prairies;
- Alvars; and,
- Publically owned conservation lands.

Development and site alteration may be permitted within ECAs with an amendment to the ROP, subject to an Environmental Impact Study (EIS) demonstrating that, over the long term, there will be no significant negative impact on the Core Natural Heritage System component or adjacent lands and the proposed development is not prohibited by other policies of the ROP. EPAs and ECAs have been identified in relation to the aggregate resources in Niagara Region on **Figure 4.2**.

Natural Heritage Feature (NP = Not Permitted) (PS = Permitted, Subject to Meeting EIS Standards)	Greenbelt Plan		Niagara Escarpment Plan		Elsewhere in Niagara (outside of NEP & Greenbelt Plan)	
	New Aggregate Operations	Expansions to Existing	New Aggregate Operations	Expansions to Existing	New Aggregate Operations	Expansions to Existing
Provincially Significant Wetland	NP	NP	NP	NP	NP	NP
Provincially Significant Life Science and Earth Science ANSI	NP	NP	NP	NP	NP	NP
Significant Habitat of Threatened or Endangered Species	NP	NP	NP	NP	NP	NP
Significant Woodlands	NP	NP	PS	PS	PS	PS

State of Aggregate Resources in Niagara Region Background Report



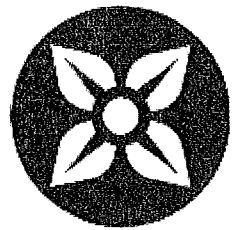
resources

Natural Heritage Feature (NP = Not Permitted) (PS = Permitted, Subject to Meeting EIS Standards)	Greenbelt Plan		Niagara Plan	Escarpment	Elsewhere in Niagara (outside of NEP & Greenbelt Plan)	
	New Aggregate Operations	Expansions to Existing	New Aggregate Operations	Expansions to Existing	New Aggregate Operations	Expansions to Existing
Local or Unevaluated Wetlands	NP	NP	PS	PS	PS	PS
Significant habitat of species of concern;	NP	NP	PS	PS	PS	PS
Regionally significant Life Science ANSIs;	NP	NP	NP	NP	PS	PS
Significant valleylands;	NP	NP	PS	PS	PS	PS
Savannahs and tallgrass prairies;	NP	NP	PS	PS	PS	PS
Alvars;	NP	NP	PS	PS	PS	PS
Publically owned conservation lands	NP	NP	PS	PS	PS	PS

Section 7B of the ROP introduces the concept of “net environmental gain”. Net gain is the principle whereby some disruption to a natural feature may be permitted, provided that improvements and enhancements are implemented and that overall, there is a net improvement within the ecosystem. Policy 7B.1.33.b applies the net gain principle to a specific rehabilitation scenario. An excerpt of the policy is provided below:

When operators are undertaking rehabilitation of mineral aggregate operation sites within the Unique Agricultural Areas in the Greenbelt Area the following provisions apply:

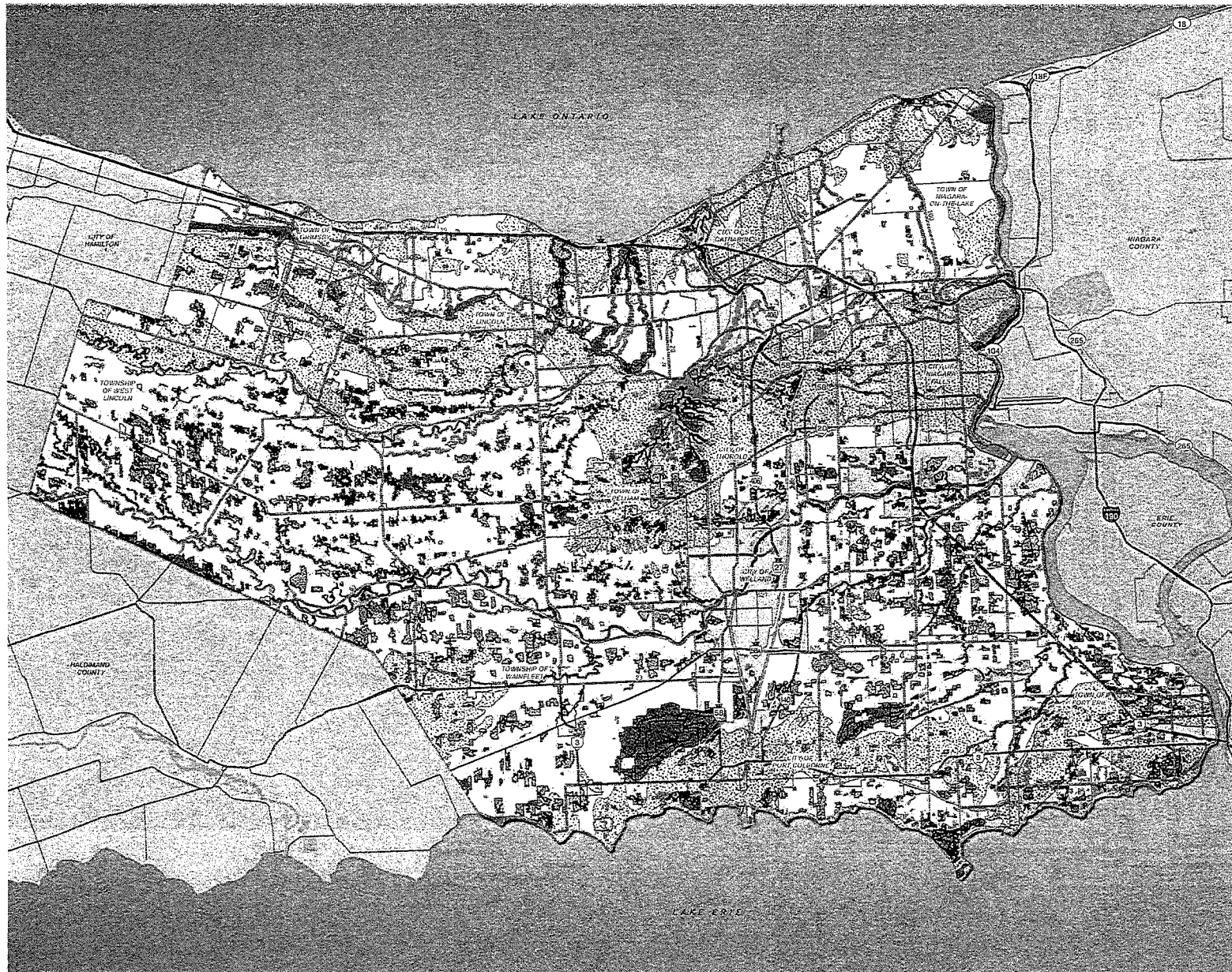
State of Aggregate Resources in Niagara Region Background Report



resources

- a) The disturbed area of a site will be rehabilitated to a state of equal or greater ecological value, and for the entire site, long-term ecological integrity will be maintained or restored, and to the extent possible, improved;
- b) If there are Core Natural Heritage System features or key hydrologic features on the site, or if such features existed on the site at the time of application:
 - i. The health, diversity and size of these features will be maintained or restored and, to the extent possible, improved to promote a net gain of ecological health; and
 - ii. Any permitted extraction of mineral aggregates that occurs in a feature will be completed, and the area rehabilitated, as early as possible in the life of the operation.

There may be other opportunities to further explore the principle of net environmental gain more broadly to address other aspects of aggregate resource planning. The application of net environmental gain will need to be considered in the context of the PPS policy 2.1.5 describing “no negative impacts” on the natural features and their ecological functions for sites and adjacent lands and policy 2.1.6-7 which identified no development or site alteration in fish habitat or habitat of endangered species and threatened species except in accordance with provincial and federal requirements.



NIAGARA REGION
AGGREGATE RESOURCE POLICIES

NATURAL HERITAGE
FIGURE 4.2

- TRANSPORTATION CORRIDOR - PROVINCIAL HIGHWAY
- TRANSPORTATION CORRIDOR - REGIONAL ROAD
- FREEWAY
- EXPRESSWAY / HIGHWAY
- ARTERIAL ROAD
- ▨ AGGREGATE RESOURCES
- ▨ ENVIRONMENTAL PROTECTION AREA BASED ON MNR 2016 DATA
- ▨ ENVIRONMENTAL CONSERVATION AREA BASED ON MNR 2016 DATA
- ▨ ENVIRONMENTAL CONSERVATION AREA BASED ON POP SCHEDULE C, PUBLISHED AUGUST 2014
- ▨ ENVIRONMENTAL PROTECTION AREA BASED ON POP SCHEDULE C, PUBLISHED AUGUST 2014
- ▨ HAMLETS
- ▨ URBAN BOUNDARY
- ▨ URBAN AREAS
- ▨ NIAGARA REGION MUNICIPALITIES
- ▨ OTHER MUNICIPALITIES

SCALE 1:220,000

MAP DRAWING INFORMATION:
DATA PROVIDED BY NIAGARA REGION, NPOA, MNR, MNR AND SRM

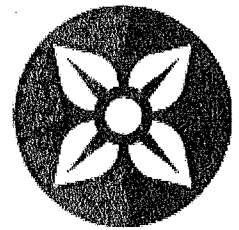
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DATE: 10/15/2015
PROJECT: 149851



PROJECT: 149851
STATUS: FINAL
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State of Aggregate Resources in Niagara Region Background Report



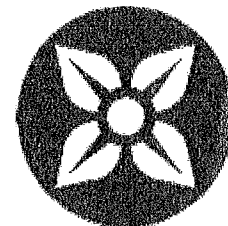
resources

4.1.3 Policy Directions

The following summarizes our policy recommendations for the natural heritage theme related to the impacts of aggregate operations:

- **Provide clear direction on which policies apply:** Niagara Region should consider preparing natural heritage policy direction specific to aggregate operations in order to provide a clear indication of the policies that apply and those that do not, as well as the prevailing policies in the case of a conflict. Niagara may also want to consider including a table which clearly indicates when a policy applies to each type of application⁵⁷. There may be a need to provide some enhanced mapping and corresponding policies so that readers can easily understand how the policies apply based on geography.
- **Provide opportunities for net environmental gain:** It is understood that, from time to time, there will be competing interests and expectations to manage. There is a need to introduce some additional policy tools into the decision-making process on aggregates, which better allow the Region and others to manage environmental impacts in an environmental, economic and socially responsible manner. A holistic/integrated watershed management approach should be considered while addressing critical issues such as the current and future impacts of rapid growth and climate change. The Region should consider including policies that explicitly identifies opportunities for net environmental gain, while managing the need for “no negative impacts” on natural features and their ecological functions on a site or adjacent lands, as described by the PPS. The policies should be placed within a broader hierarchy, where the priority is to avoid, minimize, mitigate and compensate for impacts through net environmental gain (where provincial policy allows for flexibility). As net environmental gain can be subjective, the Region will need to establish a clear definition for net environmental gain and prepare criteria for use in defining the net environmental impact of a proposal and how to measure a gain.

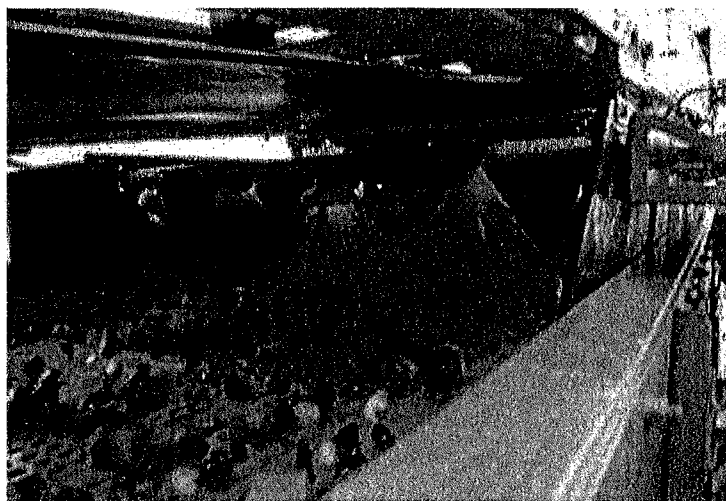
⁵⁷ similar to Table C.2.6.1 and C.2.6.2 of the Hamilton Rural Official Plan.



4.2 Water Resources

4.2.1 Issues & Opportunities

Most aggregate proposals will involve water. Water is used in the day to day operation of aggregate operations to manage and control dust impacts and also for washing extracted materials. Extraction of resources may also involve impacts on water systems in and the around the site. For example, extraction may require discharging where extraction is below the water table. Accordingly, proponents may require a permit to take water from the Ministry of the Environment and Climate Change as part of the license application process. A myriad of concerns typically arise when contemplating aggregate extraction impacts on water systems, such as:



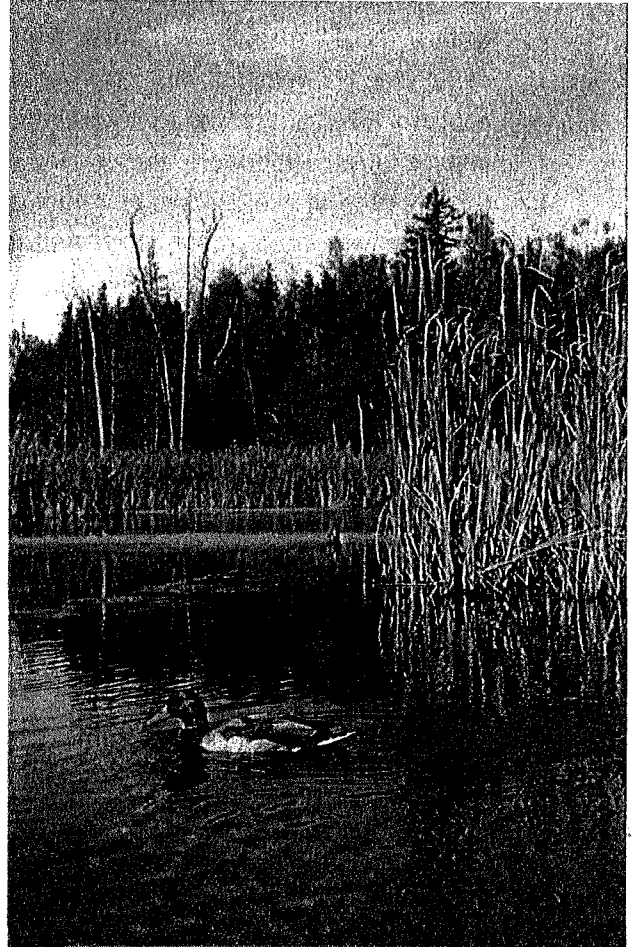
- Impacts on groundwater levels in the immediate vicinity of the extraction area, including impacts on the water well supplies of adjacent land owners;
- Impacts on nearby surface water features, such as reduction of water levels of streams and hydroperiod and wetlands;
- The potential for cumulative impacts of multiple aggregate operations on groundwater levels across the watershed and subwatershed; and,
- The potential for contamination of surface water systems resulting from on-site activities (e.g. fuel storage) or alterations to established drainage patterns (e.g. introduction of an aggregate operation typically would result in changes to the established overland run-off patterns; new patterns may introduce new potential contaminants and impacts to habitat).

4.2.2 Policy Considerations

The Ontario Water Resources Act is administered by the Ministry of the Environment and Climate Change and provides for conservation, protection and management on Ontario's water for efficient and sustainable use in order to promote long-term environmental, social and economic well-being. While there are number of concerns related to water, in general, the ARA process provides the main vehicle for proponents and governments to quantitatively assess and understand potential impacts and propose mitigation strategies and measures to deal with any foreseen consequences.

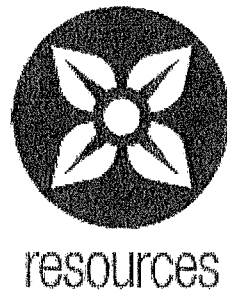
The current version of the ROP includes a high-level policy direction on managing water impacts associated with aggregate proposals. Policy 6.C.5 of the ROP indicates that applications for licenses to open new pits or quarries or changes to or expansions to existing licenced pits or quarries must consider the impact on the natural environment including surface watercourses and groundwater.

The Clean Water Act (2006) is also administered by the Ministry of Environment and Climate Change and, while the process and protocols for dealing with traditional impacts on water quantity and quality are well established, less well-understood are the interplay between source water protection plans and aggregate operations. Source Water Protection Plans (SPP) are administered by conservation authorities and consider and assess the existing and potential threats to drinking water supplies. The Source Protection Plan for the Niagara Peninsula Source Protection Area was approved by the Minister of Environment and Climate Change in 2013 and is in force and effect. The Clean Water Act identifies 21 potential threat categories which were modelled and assessed around sources of drinking water by the Conservation Authorities⁵⁸. It is important to note that aggregate operations are not explicitly listed as a threat; however, some activities and characteristics which may be part of aggregate operations are listed as threats (such as the handling and storage of fuel and the taking of water from an aquifer).



⁵⁸ There are no municipal wells in Niagara. Approximately 80% of residents in Niagara receive drinking water from the 6 Water Treatment Plants (Welland Water Treatment Plant; DeCew Falls Water Treatment Plant; Port Colborne Water Treatment Plant; Niagara Falls Water Treatment Plant; Grimsby Water Treatment Plant; and Rosehill (Fort Erie) Water Treatment Plant). The other 20% of Niagara's residents get drinking water from private wells (Source Water Protection for the Niagara Peninsula Source Protection Area, December 17th, 2013).

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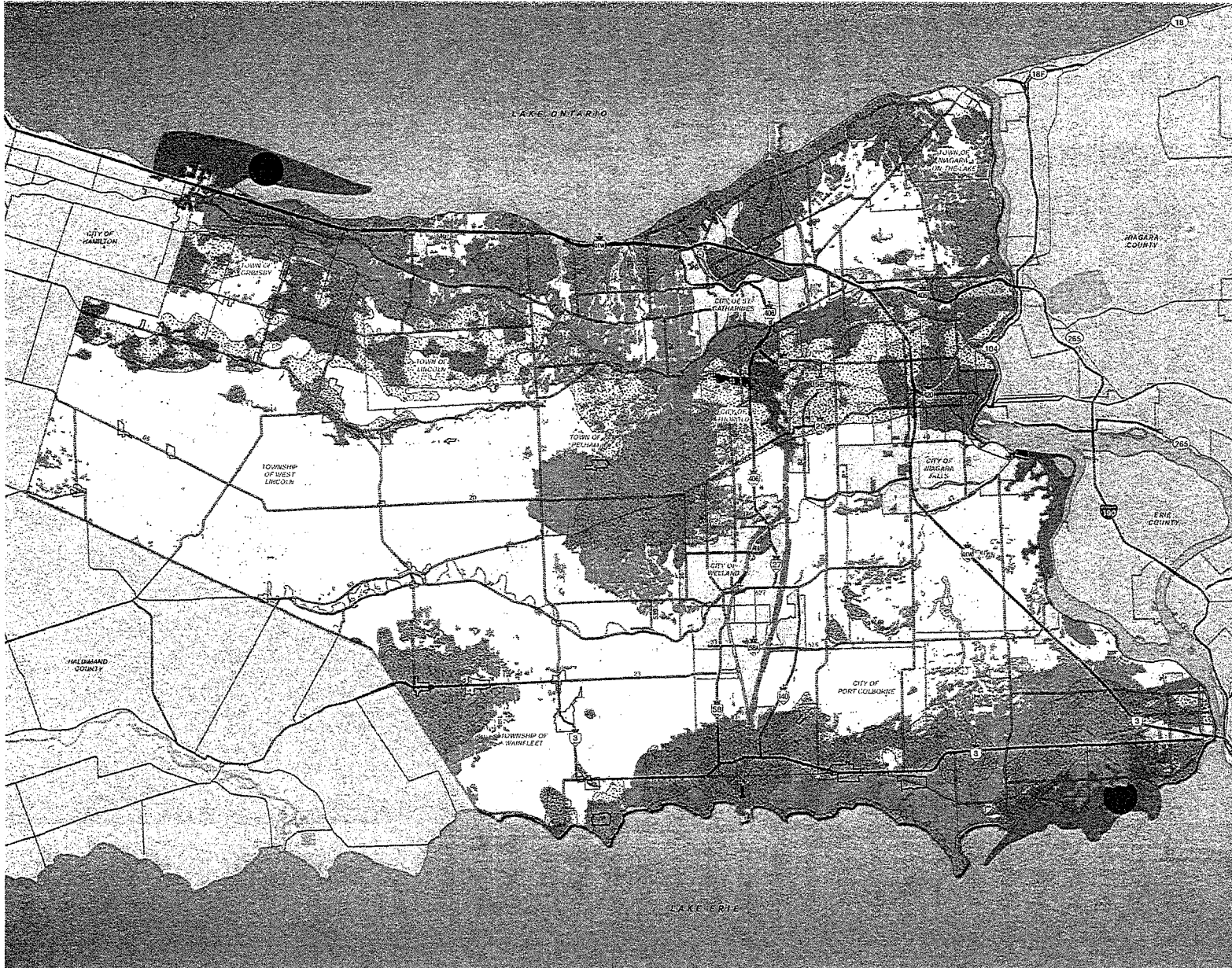


Regional Official Plan Amendment 5 provides policies for regulating land uses in the IPZ's that have been identified to have potential threats associated with them. **Figure 4.3** compares aggregate resource areas against the IPZ mapping within the Region, even where significant threats have not been identified. In comparing IPZ mapping with aggregate resource areas it is apparent that there is limited potential for concern. Most of the IPZs are located in urban areas and would not be subject to new aggregate license applications. Furthermore, the existing policies that address any existing or potential future threats for three of the Intake Protection Zones would be triggered where appropriate. Any additional policies related to the IPZ's would be beyond the requirement of the Source Protection Plan for the Niagara Peninsula Source Protection Area.

The Regional Official Plan does not include policies and mapping for highly vulnerable aquifers and significant groundwater recharge areas, as the Source Water Protection Plan did not develop policies related to them⁵⁹. A "highly vulnerable aquifer" is an aquifer on which external sources have or are likely to have a significant adverse effect, and includes the land above the aquifer⁶⁰. Typically, highly vulnerable aquifers can have characteristics which also make the lands attractive for resource extraction (such as sand and gravel deposits with low overburden). "Significant groundwater recharge areas" are areas within which it is desirable to regulate or monitor drinking water threats that may affect the recharge of an aquifer. As such, it is important that these features are assessed in relation to new or expanding aggregate operations. Additional ground research and analysis needs to be undertaken to better refine the mapping for these two elements; however, the existing information provided by the Ministry of Natural Resources and Forestry should be used as a screening tool at the time of a new application too, if additional study requirements are necessary. **Figure 4.3** illustrates how the existing mapping compares to the aggregate resource mapping and, as discussed, there is a significant correlation between these two elements.

⁵⁹ The mapping for Highly Vulnerable Aquifers and Significant Recharge Areas is currently being reviewed by the NPCA. Mapping for these features is provided for illustration purposes, and should not be considered as the definitive boundaries for these features.

⁶⁰ Ontario Regulation 287/07



NIAGARA REGION
AGGREGATE RESOURCE POLICIES

SOURCE WATER PROTECTION
FIGURE 4-3

- SURFACE WATER INTAKE
- TRANSPORTATION CORRIDOR - PROVINCIAL HIGHWAY
- TRANSPORTATION CORRIDOR - REGIONAL ROAD
- FREEWAY
- EXPRESSWAY / HIGHWAY
- ARTERIAL ROAD
- AGGREGATE RESOURCES
 - IPZ-1
 - IPZ-2
 - IPZ-3
- SIGNIFICANT GROUNDWATER RECHARGE AREA
- HIGHLY VULNERABLE AQUIFER
- HAMLETS
- URBAN BOUNDARY
- URBAN AREA
- NIAGARA REGION MUNICIPALITIES
- OTHER MUNICIPALITIES

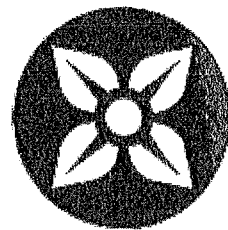
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PROJECT: 148851
STATUS: FINAL
DATE: 02/20/15



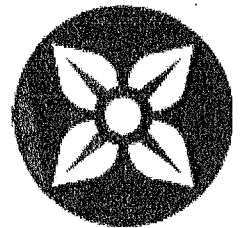
PROJECT: 148851
STATUS: FINAL
DATE: 02/20/15



4.2.3 Policy Directions

The following summarizes our policy recommendations for the water resources theme related to the impacts of aggregate operations:

- **Provide water resources policy direction in the ROP:** The ARA provides a framework for addressing water quality and quantity concerns and the Region may wish to include a brief policy which frames how issues related to water impacts are to be assessed in the decision-making process for expansions to existing aggregate operations and/or new operations. The policy should distinguish between proposals which are below the water table (and those which are not).
- **Identify how to address overlapping geographies through policy:** Where there are overlapping geographies between IPZs and aggregate resource areas, the Region should consider providing some additional policy direction. While most of the IPZ areas fall within urban areas, there are a few select places where they overlap with the potential resource area mapping outside of urban areas. Accordingly, the ROP should provide policy direction for any future extraction within IPZ areas to ensure that potential negative impacts are properly assessed and mitigated. The approach should distinguish between the different levels of significance for the IPZ areas (1, 2 and 3).
- **Provide clear guidance on highly vulnerable aquifers and significant groundwater recharge areas in relation to aggregate resources:** The Region should use the existing data related to highly vulnerable aquifers and recharge areas as a screening tool to provide some direction related to study requirements. When the mapping is more accurately reflected, it should be used to ensure that clear guidance is provided through policy for lands which are classified as “highly vulnerable aquifers” and “significant groundwater recharge areas”. These elements generally correspond with the potential aggregate resource area mapping and represent another area where competing provincial interests need to be carefully balanced and where clear policy guidance is warranted.



4.3 Transportation

4.3.1 Issues & Opportunities

Presently, the most cost-effective way to move aggregate materials from extraction sites to the market is by truck. Perhaps equivalent only to noise and water, traffic is often cited as the main concern brought forward by affected landowners when a new aggregate operation is being proposed. Landowners concerns include early-morning queuing, braking/accelerating on steep hills, increased congestion, traffic infractions and straying from the designated haul route. Municipalities also tend to raise concerns around the haulage of aggregates, as the movement of heavy vehicles can impact the condition of roads and the need for increased maintenance. While levies for haul route maintenance can be used to capture some of the maintenance costs, they are only applicable to host municipalities (and those municipalities which are on haul routes but outside of the host area may be challenged to pay for road maintenance for wear and tear relating to large haul vehicles)⁶¹.

The County of Simcoe established a policy within its Official Plan which may be applied during municipal site plan control review to determine the appropriate use and maintenance of County roads as haul routes for aggregate operations (s4.4.8 pg 40).

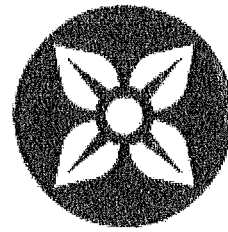
Aggregates are extracted from the ground, sometimes processed onsite and then are trucked to their next destination. In most circumstances travel costs are the largest part of the cost of aggregate materials. In Niagara Region, the majority of aggregates are being used for local consumption and, therefore, the haul routes are based on locations of processing facilities and end users. Over the course of a year, the Region accommodates approximately 250,000 truck round trips⁶² per year (based on 4.6 million tonnes being produced in Niagara Region⁶³). The bulk of these trips occurs on Regional Roads, but can include provincial highways and local roads for connections.



⁶¹ Standing Committee on General Government, Report on the Review of the Aggregate Resource Act

⁶² Assuming a truck capacity of 18 metric tonnes based on the Mineral Aggregate Transportation Study Final Report (Peat, Marwick and Partners and MM Dillon Limited). This estimate is conceptual.

⁶³ Aggregate Resource Statistics in Ontario, production statistics 2013 http://www.toarc.com/pdfs/Stats_2013_Prelim.pdf



4.3.2 Policy Considerations

Haul routes are considered in the ARA process; however, they lie outside of the licensed area for the quarry and, accordingly, there is a limit on the level of regulation that can be applied to haul routes. Typically, haul routes are identified as part of the licensing process under the ARA, but there are no noise limitations of trucks considered as part of this process. In addition, because the licencing process is with the Ministry of Natural Resources and Forestry, enforcement of individuals who don't abide by the

haul route stipulations identified as part of the licence process is difficult.

Existing infrastructure can sometimes require improvements in order to function as a haul route. These improvements may necessitate an approval under the Municipal Class Environmental Assessment (EA) Act, which is municipally initiated. In municipalities where there is opposition to a particular application, the Class EA process can sometimes become drawn-out, stalled or even cancelled (resulting in unresolved infrastructure issues).

The Region identifies the importance of haul routes in reviewing aggregate applications within Policy 6.C.5 of the ROP, which indicates that applications consider the proposed haulage roads and the possible effect on the roads concerned and on adjacent development. The policies within section 9 of the ROP outline the Region's policies for transportation and Regional roads. They include supporting opportunities for goods movement, the establishment of priority routes and considering increased opportunities for goods by rail, where appropriate. The ROP does not present a roads classification system, nor a figure identifying priority goods movement corridors or haul routes.

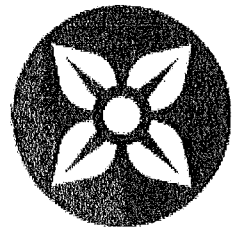
As noted in Chapter 2, the ARA is currently under review. One of the areas of concern raised in the Provincial Review was the importance of haul routes and the need for greater municipal

involvement in route planning. The Committee recommended that all municipalities with active or potential aggregate production apply sound planning principles to the studies of haul routes to minimize disruption and tension with current or future non-aggregate land uses. The report also identified that increased use of marine transport and the possible use of rail transport in the aggregate and related-cement and asphalt industries would be advantageous both for both community and environmental perspectives. The Committee recommended that the Ministry of Natural Resources and Forestry, the Ministry of Transportation and the Ministry of Infrastructure study the opportunities available in Ontario to utilize alternative water and rail modes of transport to move aggregate materials and promote opportunities.

4.3.3 Policy Directions

The following summarizes the policy recommendations for the transportation theme related to the impacts of aggregate operations:

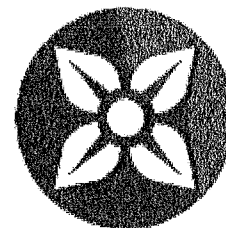
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resources

- **Identify existing haul routes:** The Region should identify the existing haul routes on a ROP Schedule or appendix map⁶⁴ in order to provide transparency and minimize land use conflicts for the community and aggregate operators. Identifying all approved haul routes might also help to manage the potential for cumulative impacts associated with the transport of aggregates.
- **Establish criteria for selection of new haul routes and promote alternative transportation modes:** The ROP should include policies which define an appropriate hierarchy (i.e. identify the types of roads that are suitable for haul routes). The Region should also identify criteria for selecting new haul routes (which might include hierarchy of roads preferred for haul routes, condition/function of road, avoidance of sensitive land uses, cumulative impacts and utilization of existing haul routes). The ROP could also promote opportunities for the transport of aggregate other than by truck (i.e. rail or water).
- **Evaluate alternative haul routes:** As part of the complete application requirements, the Region should consider a transportation and haul route study that evaluates alternative haul routes (and where appropriate, alternative transportation modes) based on the criteria suggested above and identifies the haul route(s) with the least impact on Regional roads, provincial highways, residents and businesses.
- **Allow flexibility in haul routes:** Provide policy provision for designated haul routes to change over time to provide opportunities for more suitable routes as there are changes in haulage patterns, highway and road improvements, measures to manage dust and recent municipal development.

⁶⁴ Mapping of haul routes on ROP schedules implies that the mapping change would be included as part of a ROP amendment. By contrast, appendix maps would not require an amendment to the ROP. Maps of haul routes included in an appendix could be reviewed and updated periodically to reflect new road infrastructure, changing market conditions or other new information which may of relevance.



4.4 Cultural Heritage

4.4.1 Issues & Opportunities

Most applications require an investigation of potential impacts on existing built heritage features, cultural heritage landscapes and archaeological resources. The following section outlines the policy framework for assessing impacts on cultural heritage resources.

4.4.2 Policy Considerations

The PPS recognizes the importance of cultural heritage and directs municipalities to conserve significant aspects of built heritage, cultural heritage landscapes and archaeological resources. Cultural heritage landscapes are areas which have “been modified by human activity and is identified by having cultural heritage value of interest by a community. The area may include features such as structures, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association⁶⁵”. Typical examples of cultural heritage landscapes can include village and neighbourhoods, battlefields, cemeteries and important views and vistas. A built heritage feature is a “building, structure, monument, installation or any manufactured remnant that contributes to a property’s cultural heritage value or interest as identified by a community, including an Aboriginal community. Built heritage resources are generally located on property that has been designated under Parts IV or V of the Ontario Heritage Act, or included on local, provincial and/or federal registers⁶⁶”.

The Hamilton Rural Official Plan in an effort to preserve the scenic beauty and amenity of rural Hamilton and that the City will **encourage and coordinate with owners to existing licences aggregate operations it provide landscaping, screening and buffering, provide adequate off-street parking facilities and well-designed access points to minimize danger to both vehicle and pedestrian traffic and create berms and vegetative screens (that incorporate the natural topography and vegetation of the area).**

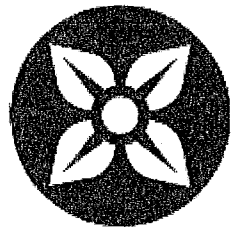
The OP also indicates that development of **mineral aggregate resource extraction areas shall not adversely impact significant cultural heritage resources either directly or indirectly unless suitably conserved or mitigated to the satisfaction of the City.**

The ROP does not include explicit policies for cultural heritage resources within the aggregates section of the Plan. However, Section 10 of the ROP describes the Creative Niagara policies, which cover the role and function of cultural heritage resources in Niagara. The policies identify the importance of cultural assets as essential to maintaining a high quality of life in the Region. The policies of Section 10 are applicable to any existing or future aggregate resource operation within Niagara Region.

⁶⁵ Provincial Policy Statement, Section 6.0 Definitions page 40, 2014.

⁶⁶ Provincial Policy Statement, Section 6.0 Definitions page 39, 2014.

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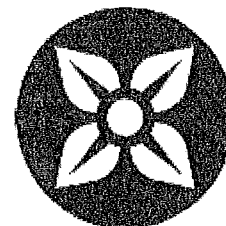
resources

These policies identify that cultural heritage landscapes shall be preserved and encourage local municipalities to develop policies to designate cultural heritage landscapes and heritage conservation districts; however, the Plan does not specifically identify the assets that require preservation (beyond the specific references to heritage landscapes and built heritage resources). There is also no policy direction specific to new aggregate operation or expansion to existing aggregate operations (although the implication is that an aggregate operation represents a form of “development” and, hence, the policies in Section 10 would apply).

4.4.3 Recommendations

The following summarizes the policy recommendations for the cultural heritage theme related to the impacts of aggregate operations:

- **Protect cultural heritage resources:** Ensure that there is a clear linkage between the Region’s Creative Niagara policies and the aggregate resource policies. Identify the basic requirements and conditions to ensure that significant built heritage resources and significant cultural heritage landscapes are conserved. The policies could be linked to land use compatibility policies, which would provide direction for screening, buffering and strategic landscaping which is context sensitive.
- **Identity the tools for assessing the potential for impact:** ROP should identify the need for a cultural heritage impact assessment as part of the review for aggregate proposals. While this type of study is required to satisfy aspects of the ARA, the expectation is that the Region, as a commenting agency and approval authority, would also require an assessment. A cultural heritage assessment is currently included in the requirements for a complete application; however, it should be included in the aggregate section as a standard study requirement. Assessments should examine impacts on the immediate site as well as adjacent lands.



4.5 Agriculture

4.5.1 Issues & Opportunities

Niagara Region's climate and soil conditions allow it to support a variety of agricultural uses. Niagara has one of the Province's most vibrant and diverse agricultural sectors, home to over 2,000 farms and generating over \$725,000,000 in farm receipts⁶⁷ (42% of all gross farm receipts across the GGH). In addition to this, the sector employs over 17,000 people in the Region (direct and indirect employment). While agriculture remains an important part of the regional economy, one of major issues facing the sector is the continued loss of prime agricultural land. Over the last fifteen years, both the total number of farms and the total area of land farmed declined by approximately 3% (from 93,000 hectares in 1996 to 90,000 hectares in 2011). The loss of agricultural land is driven by a myriad of factors including, but not limited to urban development and settlement area expansion, as well as other forms of non-agricultural development, including the development of pits and quarries⁶⁸.

Accordingly, one of primary objectives for the Region is to support agriculture across Niagara. However, as illustrated in **Figure 4.4**, a large portion of the areas which have potential for aggregate resource extraction are also identified as prime agricultural lands. One of the key challenges for the Region is managing the occasions where the objectives of agricultural and aggregate policy conflict. In circumstances where significant aggregate resources are located on prime agricultural lands, the policy framework needs to provide clear direction as to how the conflict in objectives should be addressed. The next subsection provides an overview of the policy considerations.

4.5.2 Policy Considerations

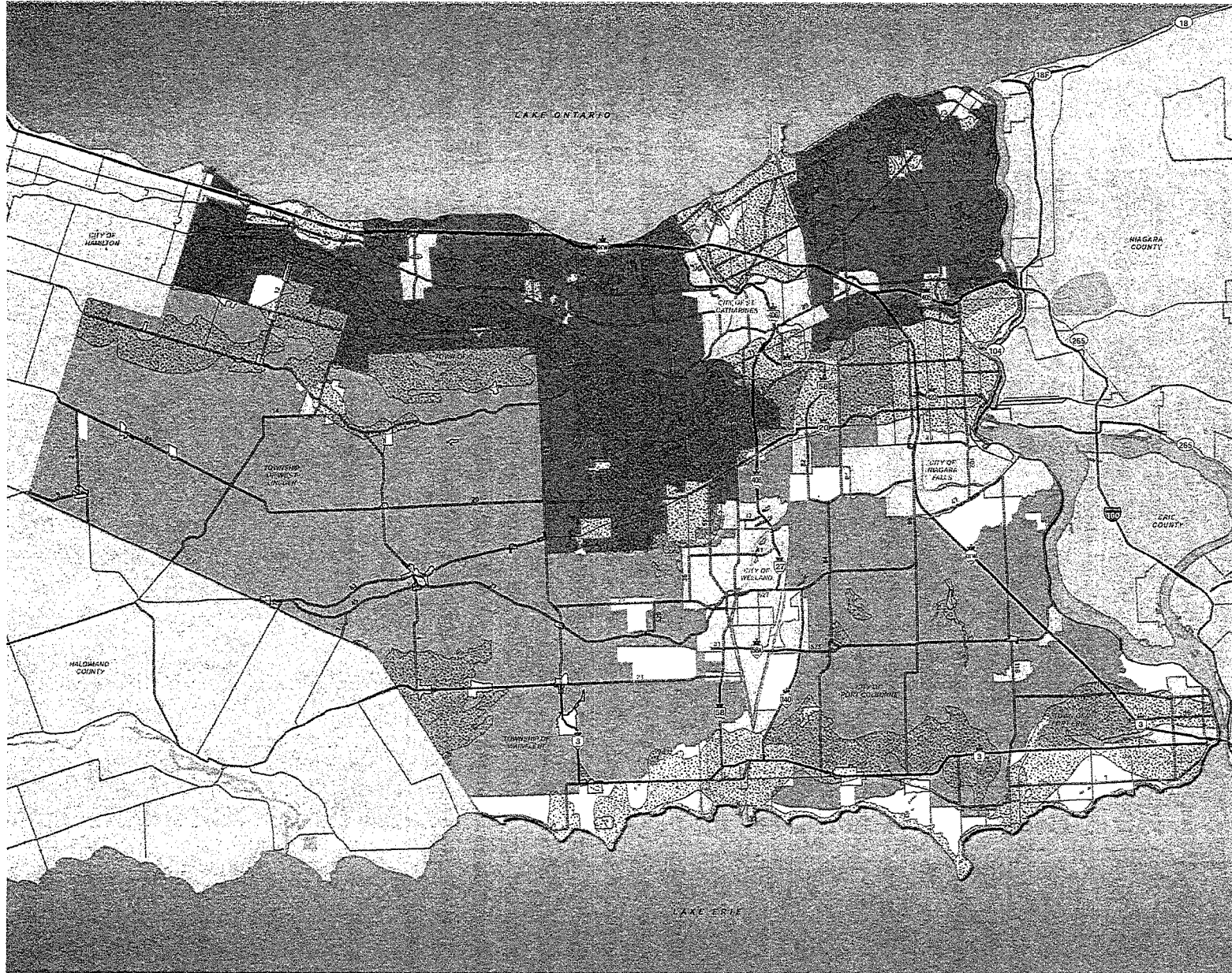
The ROP identifies two types of agricultural lands:

1. Unique Agricultural Areas;
2. Good General Agricultural Areas.

The Unique Agricultural Areas are suitable for tender fruits and grapes and have the highest priority for preservation, with the Good General Agricultural Areas having the second highest priority for protection. The boundary of the Unique Agricultural Area is intended to reflect the Greenbelt Plan Protected Countryside lands and the Niagara Escarpment Plan area. As indicated in the Greenbelt Plan and mentioned previously, no new aggregate operations, wayside pits, quarries or ancillary uses are permitted between Lake Ontario and the Niagara Escarpment Plan area. In general, the ROP discourages the establishment on new non-agricultural uses in all Agricultural Areas. There are two specific places in the current ROP which provide direction for making decisions on non-agricultural applications in agriculture areas:














⁶⁷ Regional Agricultural Economic Impact Study, 2014, Planscape. Figures are estimated for 2011.

⁶⁸ It's worth noting that, in general, aggregate resource extraction accounts for a small percentage of the overall loss of prime agricultural lands. None the less, on a case by case basis, the need to protect prime agricultural lands can emerge as a significant hurdle for aggregate proposals.



NIAGARA REGION
AGGREGATE RESOURCE POLICIES

AGRICULTURAL
FIGURE 4:4

-  TRANSPORTATION CORRIDOR - PROVINCIAL HIGHWAY
-  TRANSPORTATION CORRIDOR - REGIONAL ROAD
-  FREEWAY
-  EXPRESSWAY / HIGHWAY
-  ARTERIAL ROAD
-  AGGREGATE RESOURCES
-  UNIQUE AGRICULTURAL AREA
-  GOOD GENERAL AGRICULTURAL AREA
-  HAMLETS
-  URBAN BOUNDARY
-  URBAN AREAS
-  NIAGARA REGION MUNICIPALITIES
-  OTHER MUNICIPALITIES

SCALE 1:220,000

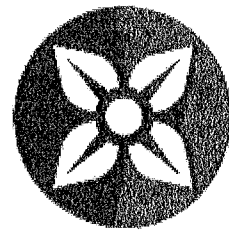
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PROJECT: 146861
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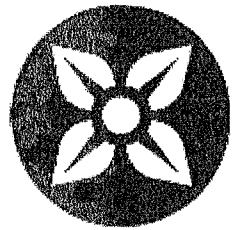


resources

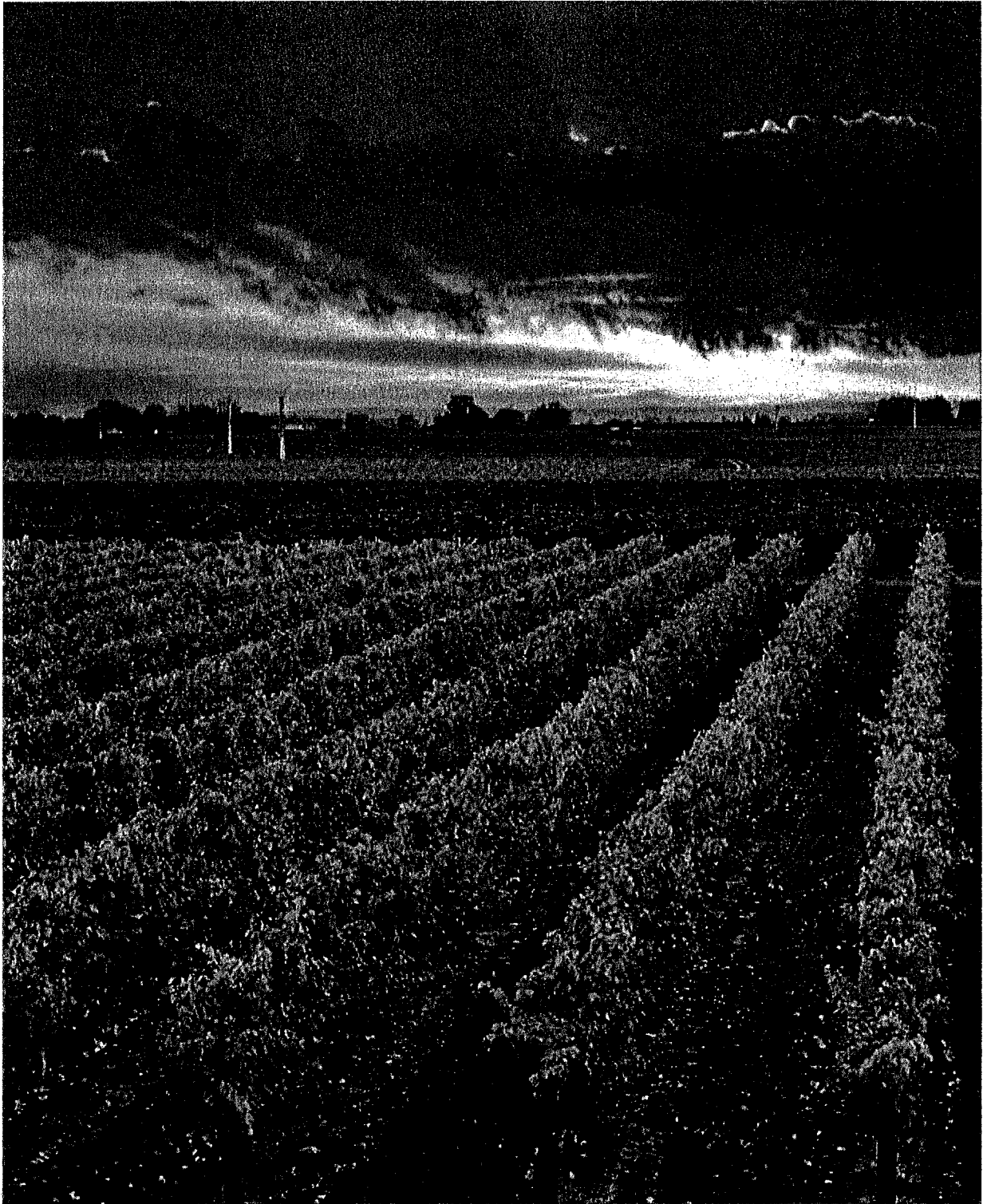
- Policy 5.B.7 (Agriculture section of the Plan) states that “Non-agricultural uses should not be located in Agricultural Areas”. However, the policy goes on to provide a few exceptions where non-agricultural uses may be considered. The following aspects are noted in the Plan:
 - Non-agricultural uses are not permitted in Unique Agricultural Areas;
 - Tender Fruit and Good Grape Areas;
 - There are no reasonable alternatives in Rural Areas or in Urban Areas;
 - There are no reasonable alternative locations in other Good General Agricultural Areas with lower priority agricultural land; and,
 - Conflicts with surrounding agricultural activities can be managed and mitigated.
- Policy 6.C.5.1 (Aggregates section of the Plan) states that a new mineral aggregate operation or the expansion of an existing operation shall only be Permitted in Unique Agricultural Areas where the applicant demonstrates the following:
 - Physical characteristics of the site allow for rehabilitation back to an agricultural condition allowing the same range and productivity of tender fruit and grape crops common to the areas;
 - If this condition cannot be met, the applicant must look for alternative locations;
 - If alternative locations have been considered unsuitable, agricultural rehabilitation in the remaining licenced area must be maximized as a first priority to allow for the production of tender fruit and grape crops.

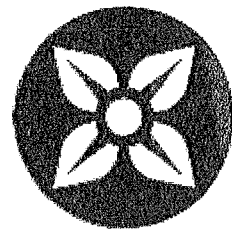
In addition to the above, the recent review of the ARA provides some relevant recommendations for Niagara. Specifically, the ARA review recommended that the Ministry of Natural Resources and Forestry incorporate requirements for monitoring and recording agricultural capabilities or actual agricultural production at aggregate sites where there are opportunities for rehabilitation that restores agricultural capability. Monitoring should take place at the initial site plan review stage and progress should be recorded in annual compliance reports as required by the ARA. The ARA review also recommended aggregate applications on prime agricultural land be filed with the Ministry of Agriculture, Food and Rural Affairs to review and evaluate the rehabilitation plan and potential reduction of local agricultural capacity.

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resources



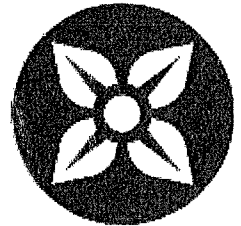


4.5.3 Policy Directions

The following summarizes our policy recommendations for the agriculture theme related to the impacts of aggregate operations:

- **Clarify restrictions on Good General Agricultural Lands and Unique Agricultural Areas:** The ROP's policies in section 6.C.5.1 and 5.B.7 should be harmonized to avoid misinterpretation. Recall that 6.C.5.1 provides policy for Unique Agricultural Areas and 5.B.7 provides guidance for Good General Agricultural Lands. A comprehensive and clear set of policies should be provided in one location of the Plan, with appropriate references.
- **Recognize the potential for conflict:** Based on the review of mapping, it is apparent that the vast majority of all aggregate resource lands are also mapped as prime agricultural lands. As a result, it is likely that any application for a new or expansion to an existing aggregate operation could result in the loss of prime agricultural lands. The PPS allows for the removal of prime agricultural land for the purposes of aggregate extraction under certain conditions. Accordingly, the Region's Official Plan should provide some policy guidance for decision-makers based on the PPS directions which allow for extraction, provided that extraction is identified as an interim use and that the lands will ultimately be rehabilitated to an agricultural use. Complete rehabilitation to an agricultural use is not required where:
 - Outside of a specialty crop area, there is a substantial quantity of mineral aggregate resources below the water table warranting extraction, or the depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible;
 - In a specialty crop area, there is a substantial quantity of high quality mineral aggregate resources below the water table warranting extraction, and the depth of planned extraction makes restoration of pre-extraction agricultural capability unfeasible;
 - Other alternatives have been considered and are found unsuitable; and,
 - Agricultural rehabilitation in remaining areas is maximized.

The above-note decision-making hierarchy needs to be reflected in the Region's Official Plan.

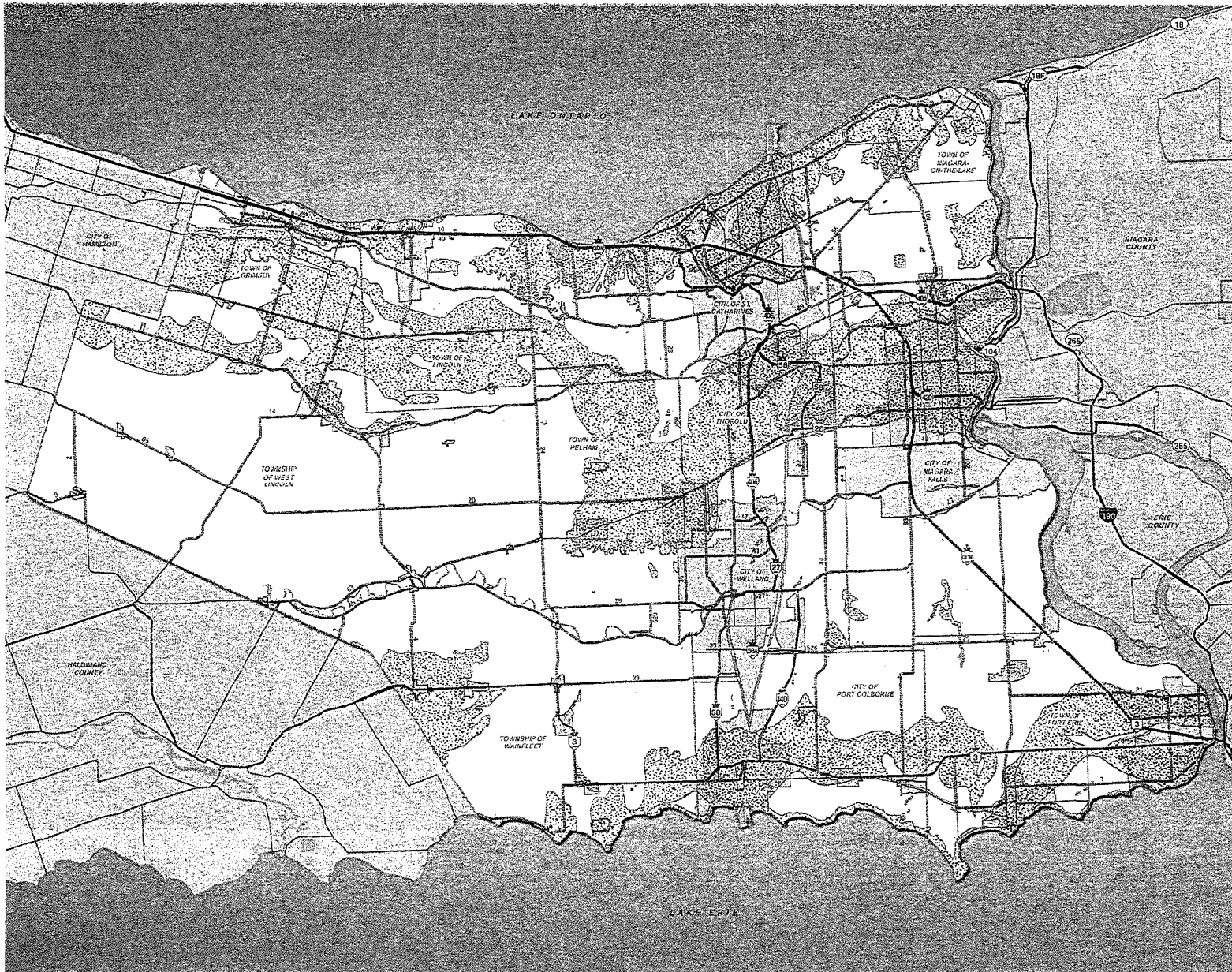


4.6 Compatibility

4.6.1 Issues & Opportunities

Aggregate resource extraction is a form of industrial development and can result in compatibility issues with adjacent activities. Typical impacts include noise, dust, vibration, traffic, impacts on views and vistas and private wells. The potential for conflict can arise in both urban and rural settings, although typically conflict is magnified when operations are close to a large number of residents and/or businesses. Proactive land use planning seeks to minimize and mitigate potential conflicts between non compatible land uses. This is done through the policies prescribed in official plans and zoning by-laws, including the use of setbacks, establishment of buffers, landscaping guidelines and other planning techniques.

Figure 4.5 illustrates Niagara's settlement areas in relation to the aggregate resource areas. The mapping illustrates that there are a number of potential aggregate resource areas which are located within established urban areas.



NIAGARA REGION
AGGREGATE RESOURCE POLICIES

SETTLEMENT AREAS
FIGURE 4.5

- TRANSPORTATION CORRIDOR - PROVINCIAL HIGHWAY
- TRANSPORTATION CORRIDOR - REGIONAL ROAD
- FREEWAY
- EXPRESSWAY / HIGHWAY
- ARTERIAL ROAD
- AGGREGATE RESOURCES
- HAMLETS
- URBAN BOUNDARY
- SETTLEMENT AREAS
- NIAGARA REGION MUNICIPALITIES
- OTHER MUNICIPALITIES

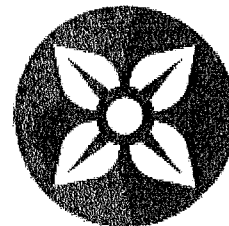
SCALE: 1:200,000

MAP DRAWING INFORMATION:
 DATA PROVIDED BY NIAGARA REGION, NPOA, MINDU, MNR AND ESR
 MAP OPERATED BY: PK
 MAP CHECKED BY: PK
 MAP PROJECTION: NAD 1983 UTM Zone 17N

PROJECION: NAD 1983 UTM Zone 17N



PROJECT: 14081
 STATUS: FINAL
 5/28/2015



4.6.2 Policy Considerations

The ARA considers land use compatibility through its licencing process as it requires applicants to describe the zoning by-laws applicable to the site⁶⁹ and does not permit the issue of a licence where the zoning by-law prohibits the use⁷⁰, except for wayside permit where zoning can be overridden⁷¹; however, compatibility with adjacent lands must be considered in the rehabilitation plans⁷². A Niagara Escarpment Plan Amendment and Development Permit must be obtained prior to any other application where the subject lands are located within the Niagara Escarpment Development Control Area. As described in the policy section previously, the ARA limits the Planning Act approvals available to regulate aggregate resource operations⁷³, and does not allow development permits to be required for an aggregate resource operation.

The PPS deals with land use compatibility by stating:

“Major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety and to ensure the long-term viability of major facilities.”⁷⁴

Major facilities are defined in the PPS as:

“facilities which may require separation from sensitive land uses, including but not limited to airports, transportation infrastructure and corridors, rail facilities, marine facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.”⁷⁵

The PPS further discusses land use compatibility in the Mineral Aggregate Resources policies, where it requires progressive and final rehabilitation for subsequent land uses to promote land use compatibility⁷⁶.

In addition, the Environmental Protection Act ensures no adverse effects are caused to sensitive land uses or the public at large. The Ministry of Environment and Climate Change regulates noise and dust through its regulations (i.e. NPC-300, O.Reg 419-05) and its D-series guidelines, which provide guidance and direction to municipalities when assessing land use compatibility.

⁶⁹ Aggregate Resource Act, Part II, 10

⁷⁰ Aggregate Resource Act, Part II, 12.1

⁷¹ Aggregate Resource Act, Part III, 27 (1)

⁷² Aggregate Resource Act, Part III, 26 (g)

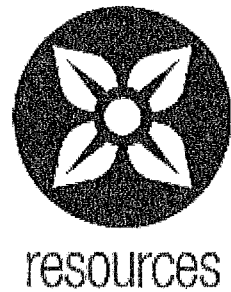
⁷³ Aggregate Resource Act, Part IX, 66(1)

⁷⁴ Provincial Policy Statement, 2014 Section 1.2.6

⁷⁵ Provincial Policy Statement, 2014 Definitions, pg 44

⁷⁶ Provincial Policy Statement, 2014 Section 2.5.3.1

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The ROP identifies the importance of land use compatibility for aggregate operations within Policy 6.C.5, indicating that applications for licenses to open new pits or quarries or changes to or expansions to existing licenced pits or quarries must consider the compatibility with surrounding land uses. The ROP identifies Licenced Pits and Quarries, and Possible Aggregate Resources on Schedule D4. Licenced Pits and Quarries refers to the existing aggregate operation with active licences, while Possible Aggregate Resources includes two areas identified for possible aggregate extraction, which include:

- A small parcel at the south west corner of Tice Road and Effingham Street adjacent to the Lafarge Fonhill pit in Fonhill, Pelham; and,
- A site north of Highway 3 adjacent to the west of the Law Crushed Stone Quarry, operated by Waterford Sand and Gravel Limited in Wainfleet.

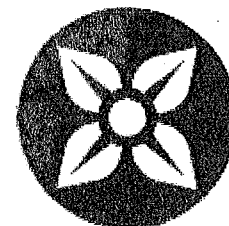
We understand that the Possible Aggregate Resources layer is out of date and requires revisiting. However, based on the policies as they are currently presented, the Possible Aggregate Resource areas still require a ROP amendment to permit aggregate resource extraction. Therefore, the process is no different than an aggregate application anywhere in the Region; however, this layer provides some direction for specific lands that may be suitable for aggregate extraction.

While the ROP provides general direction on land use compatibility, it does not reflect the specific requirements set out in neither the MOECC's D-series guidelines nor the general municipal practices for managing compatibility. The ROP needs to provide more specific direction on buffering and mitigation of potential impacts (noise, dust, vibration, view/vistas) and preservation of land for licenced aggregate extraction expansion in order to proactively manage land use compatibility.

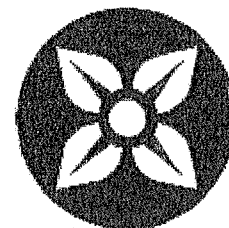
4.6.3 Policy Directions

The following summarizes the policy recommendations for the compatibility theme related to the impacts of aggregate operations:

- **Review "Possible Aggregate Resources" designation in ROP Schedule D4:** Schedule D4 identifies two small areas as "Possible Aggregate Resources" area; however, future development would require a ROPA similar to all other license proposals. The Region should confirm the validity of the designation and update (i.e. remove areas from ROP or add policies and/or include additional areas) ROP policies based on the outcomes of the review.
- **Ensure new development does not impact viability for aggregate expansion:** Include a policy which requires development applications within 1000m or 500m of an existing pit or quarry, as part of the application process, to demonstrate that the proposed development application will not negatively impact the ability of the existing licenced area to maintain its existing operation or future expansion. The area of influence of 1000m is indicated in the Ministries D-series Guidelines for Class 3 industries, while 300m for sand and gravel and 500m for bedrock resources is the distance recommended in the Aggregate Reference Manual (2001).



- **Ensure new development does not restrict future aggregate resource extraction opportunities:** Provide a process for the Region and area municipalities to review any development application on lands within or adjacent to the aggregate resource area, which would include comment on whether the development application will have any adverse effect on the viability of aggregate resource extraction. Rural development forms are not anticipated to undermine the ability to undertake future aggregate extraction operations. Forms of development which could impact the viability of future aggregate resource extraction includes: urban boundary expansions, hamlet expansions, rural subdivisions, waste management sites, golf courses, etc.
- **Provide policies on land use compatibility:** The ROP should be updated to include a general policy which implements the D-Series guidelines for managing the impacts related to noise, dust and vibration. The ROP should also include policies which limit the siting of new facilities in close proximity to sensitive land uses, such as schools, daycares and hospitals (and vice versa).
- **Community engagement to proactively minimize land use compatibility issues:** Conduct robust engagement with landowners who own land outside of settlement areas that have been identified as aggregate resource areas with limited to no constraints for extraction. This engagement could be done through the ROPA process, to ensure that all landowners are aware that the lands have aggregate capability.
- **Study land use to proactively minimize land use compatibility issues:** The Region could consider preparing a detailed land use study for lands in proximity to existing licenced aggregate resource areas to identify opportunities and barriers to expansion of extraction operations on adjacent parcels. While this type of assessment is typically done at the licensing stage, for policy development purposes, the Region might find this type of assessment beneficial (as an indicator of the effectiveness of current planning policies).

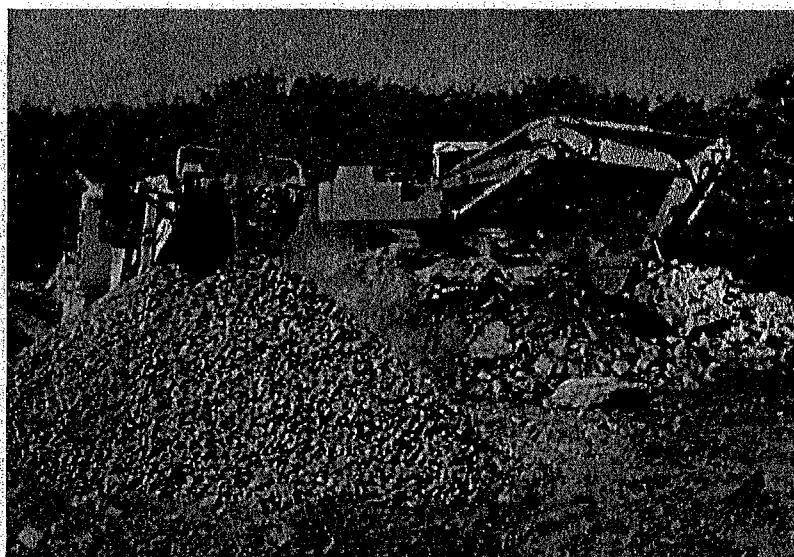


4.7 Recycling

4.7.1 Issues & Opportunities

According to the World Business Council for Sustainable Development, concrete is the second most consumed material after water⁷⁷.

The utilization of waste materials as a secondary raw material provides a solution to the problem of excess waste. Recycling aggregates reduces natural resource exploitation, associated transportation costs and waste going to the landfill⁷⁸. In Ontario, there is significant waste from construction and demolition that is not yet fully being reused. The SAROS Paper 4 identifies that, although the use of recycled materials in road construction grew substantially between 1991 and 2006 (from approximately 6 million tonnes to 13 million tonnes annually), this represents only 18 to 19 percent of the total aggregates used for transportation infrastructure construction and only seven percent of all aggregates used⁷⁹. Barriers to further use of recycled aggregates include resistance by public agencies to the use of unfamiliar materials or construction technology, liability for failed technologies or materials, a lack of funding for new research and development, the physical properties of some forms of industrial waste and by-products, costs associated with the collection, storage and processing of materials and the location and transportation costs relative to where the markets exist⁸⁰.



The cities of Toronto, Hamilton, Guelph and Regional Municipality of York accept the use of recycled aggregate in their municipal construction projects.

Notwithstanding the above, there are a number of governments who have embraced the use of recycled materials in aggregates. For example, in Europe, the Netherlands achieves complete recovery of waste

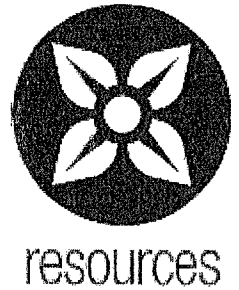
⁷⁷ World Business Council for Sustainable Development, Recycling Concrete Report

⁷⁸ World Business Council for Sustainable Development, Recycling Concrete Report

⁷⁹ Standing Committee on General Government, Report on the Review of the Aggregate Resource Act, page 9

⁸⁰ Canadian Institute for Environmental Law and Policy, Aggregate Extraction in Ontario: A Strategy for the Future, March 2011

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concrete and have banned concrete from landfills. Locally, a number of municipalities are promoting the use of recycled aggregates, including:

- Ontario Hydro;
- Town of Markham;
- Town of Oakville;
- Town of Richmond Hill;
- Ontario's Ministry of Transportation;
- City of Sudbury;
- City of Brampton;
- City of Toronto;
- City of Hamilton;
- City of Ottawa; and,
- Region of York⁸¹.

There are, however, a number of considerations that need to be made when promoting recycling of aggregates, including outlining appropriate recycled product to raw material ratios for different uses and monitoring procedures to avoid contamination from incoming waste products. Many of the guidelines on materials quality is provided by the Ontario Provincial Standards Specifications and the Ministry of Labour and Ministry of Environment and Climate Change (MOECC) standards.

4.7.2 Policy Considerations

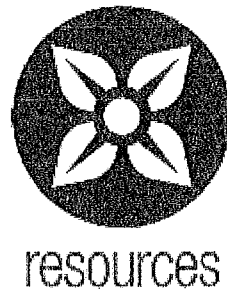
The ARA does not currently contain specific provisions regarding the recycling or conservation of aggregates, however the Provincial Standards indicate the need to identify existing and proposed location of aggregate stockpiles including any recyclable materials on the site as part of the Site Plan. The Aggregate Resources Policies and Procedures Manual Policy A.R. 5.00.15 includes a guiding principle and policy to encourage the reduction, reuse and recycling of aggregate materials in all facets of its

York Region, Halton Hill and Town of Caledon have specific policies that encourage the use of recycled aggregate in their official plans (York Region OP Section 6.5.11, Halton Hills OP Section A2.10.2(h), Caledon OP Section 5.11.2.9.7).

partnerships with the public, the aggregate industry and other key ministries. Recycling was also an important topic of focus for the Standing Committee on General Government report on the review of the ARA, as they indicated this topic needs to be better addressed by the ARA. This report suggested that, as part of the annual compliance reports to the Ministry of Natural Resources and Forestry, operators report on the use of recycled aggregate materials. It also suggested revising the ARA to promote conservation and wider use of recycled aggregate, while defining the requirements for use of

⁸¹ The ABC's of Recycled Aggregates, Ontario Hot Mix Producers Association, 2010.

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recycled aggregate materials⁸². Finally, the Report recommended that the ARA's Licensees Compliance Assessment Report could be an important tool in monitoring recycling activities for a licenced pit and quarry. Currently, the report refers to site access, site protection, operational details, rehabilitation, Niagara's Regional Official Plan is silent on the permissions for or policies on the use of recycled aggregate or establishment of aggregate recycling facilities. Niagara does, however, promote a sustainable urban vision which includes the encouragement of the collection and storage of recyclable waste on site to support environmental sustainability⁸³. Some of the local municipalities within Niagara specifically permit recycled aggregate materials in conjunction with processing aggregate operations, such as Pelham. Others are silent on the permission for on-site recycling.

Niagara Region is one of the primary consumers of aggregates within the Region of Niagara and is in a position to directly impact the market for recycled aggregates. While it is understood that, over the long term, there will be demand for expansions and new aggregate operations; however, a policy shift which embraces more opportunities for the use of recycled aggregates should, slow the pace of expansion (thereby reducing the potential for land use conflict, environmental impacts, loss of prime agricultural land, etc.).

4.7.3 Policy Directions

The following summarizes the policy recommendations for the recycling theme related to aggregate operations:

- **Encourage the use of recycled aggregates in appropriate locations in the ROP policies:** The ROP policies should promote the use of recycled aggregate for public and private applications. The policy framework should be directed both internally, at Regional projects and also towards external users/consumers of aggregates.
- **Permit recycling facilities on licenced aggregate sites:** The ROP is currently silent on the permissions for recycling activities on existing or future aggregate extraction sites. In order to promote recycling of aggregates, the ROP policies should specifically identify that recycling facilities are permitted on licenced pits and quarries sites. The ROP should provide direction on site planning guidance (e.g. need to protect views, vistas, location of stock piles, increased truck traffic, potential for dust impacts and consideration of wind conditions, etc.) and monitoring that would be required to avoid contamination from incoming products.

⁸² Standing Committee on General Government, Report on the Review of the Aggregate Resource Act, page 11

⁸³ Niagara Regional Official Plan Section 4.G.3

4.8 Rehabilitation and After Use

4.8.1 Issues & Opportunities

Rehabilitation of aggregate sites refers to the activities undertaken to bring the land back into use for non-aggregate purposes. Recognizing the interim nature of aggregate extraction, the ARA requires operators to prepare a rehabilitation plan that outlines both progressive rehabilitation and final rehabilitation efforts. Progressive rehabilitation refers to the rehabilitation done sequentially while the aggregate is being excavated, and normally involves the storage and gradual return of topsoil, seeding and grading for the transformation of the site, while final rehabilitation refers to the rehabilitation of the site after the excavation of aggregate and the progressive rehabilitation have been completed.

There are many examples of successful rehabilitations projects which put value back into lands previously used for aggregate extraction. In considering the final use of aggregate sites, OSSGA commissioned a survey of 337 rehabilitated sites in southern and eastern Ontario to look at what the final use of the sites were after rehabilitation (Study of Aggregate Site Rehabilitation in Ontario 1971-2009, 2011). The study found that 32% of the sites were restored to a natural state; 15% residential; 13% recreational; 11% water; 11% open space; and the remaining uses were accounted for as industrial, agriculture, commercial, institutional and other land uses.

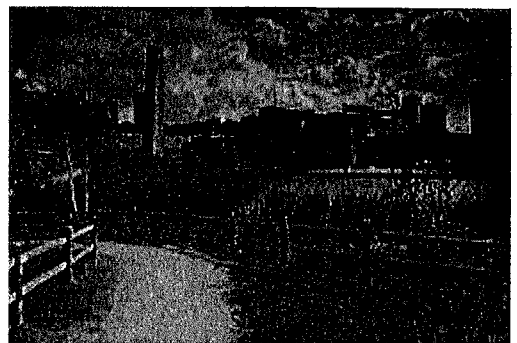
4.8.2 Policy Considerations

Prior to the ARA being enacted, there were a number of challenges for rehabilitation. Many of the sites that predate the ARA licencing requirements need rehabilitation intervention. The Ontario Aggregate Resources Corporation, in the administration of the Management of Abandoned Aggregate Properties Program (MAAP), have assisted in the rehabilitation of almost 3,000 former pits or quarry sites across Ontario that were in operation prior to the area of the Province being designated under the ARA.

For all operations requiring licencing under the ARA, Part 6 of the Act outlines the requirements for progressive and final rehabilitation of aggregate sites. In addition, this part of the Act outlines the provisions for rehabilitation security payments. Once extraction activities cease on a portion of the site and the land has been rehabilitated, the Ministry of Natural Resources and Forestry permits partial

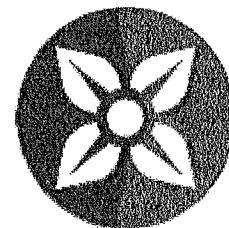


*BEFORE: Don Valley Brickworks Quarry,
May 1977*



*AFTER: Don Valley Brickworks/Evergreen
Brickworks today*

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surrender of aggregate licences. This minor licence and site plan amendment process promotes the accelerated transition of rehabilitated areas to its future uses, where it is compatible with nearby aggregate extraction.

The report on the ARA review recommends the Ministry of Natural Resources and Forestry develop expedited rehabilitation standards and requirements for aggregate operations in locations surrounded by higher population densities, or in the vicinity of settlement areas.

The Region identifies its desire to be part of the licence review process in Policy 6.C.6, where it explains the importance of full consultation among the Ministry of Natural Resources and Forestry, the Region, area municipalities and pit and quarry applicants to ensure rehabilitation plans are found suitable to all parties involved. The Region further supports rehabilitation through ROP policy 6.C.7, which encourages progressive rehabilitation compatible with surrounding land uses.

The ROP provides specific rehabilitation requirements for new mineral aggregate operations or an expansion of an existing operation within Unique Agricultural Areas where extraction is permitted. The ROP specifies that a site be rehabilitated back to an agricultural condition which allows for the same range and productivity of tender fruit and grape crops common to the area and maintenance of the microclimate.

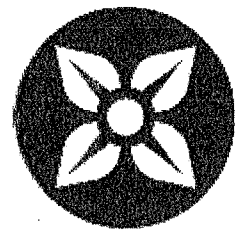


BEFORE

Sand and gravel was extracted from the site between 1920 and 1965.



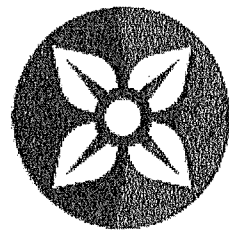
*AFTER: East Park Golf Gardens, London
Today a waterpark, splash pad, go-kart track, batting cages, rock climbing, bumper cars, video arcade, 18 hole golf course, driving range with two mini-golf courses.*



One of Niagara's best known success stories for rehabilitation comes from the Lafarge sand pit in Pelham. Lafarge completed an award winning progressive rehabilitation project by transforming old sections of their pit into pear, peach, plum and sour cherry orchards.

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⁸⁴ <http://www.wellandtribune.ca/2009/06/28/lafarge-wins-major-ward>

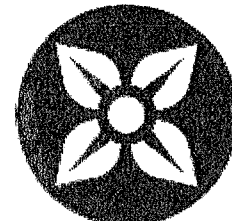


4.8.3 Policy Directions

The following summarizes the policy recommendations for the rehabilitation and after use theme related to the impacts of aggregate operations:

- **Promote rehabilitation:** Through the ROP policies, the Region should promote expedited rehabilitation. The ROP should also articulate the preferred types of after use for rehabilitation.
- **Encourage public access and ownership where feasible:** Through the ROP policy, the Region should encourage, where possible, and appropriate, public access to former aggregate sites upon final rehabilitation. Public access would be encouraged where the proposed re-use of the site is intended to natural, open space or a recreational use. In addition, public ownership could be explored where feasible and desirable.
- **Clarify the process:** The ROP should identify the process for how lands will be re-designated once an aggregate operation has ceased. In most cases, an official plan amendment is required to facilitate the change in use.
- **Provide flexibility for future land use change where appropriate:** Recognizing the rehabilitation plan is reviewed and agreed to during the licensing process and that conditions may change overtime, the Region should allow for some flexibility in the process where appropriate. The policy framework should give priority to the original rehabilitation plan, but allow for deviation where market conditions change. The policy should include reference to appropriate tools for managing change, such as land use study, market study, etc.

The Hamilton Rural Official Plan indicates the process that the City will undertake to re-designate land once an operation ceases and a license has been surrendered.



4.9 Implementation Tools

4.9.1 Issues & Opportunities

One of the major obstacles that the industry cited is the uncertainty surrounding the planning process. Planning for a new operation or an expansion requires significant upfront capital investment in testing, studies, concept plans and approvals. This sentiment was articulated throughout the consultation phases of this project and there was clear support for a transparent and reliable planning process. While the ARA provides a relatively clear process for licensing (from an industry perspective), there are also a number of Planning Act tools which can be used to ensure a clear and transparent process is articulated from the municipal perspective.

4.9.2 Policy Considerations

The ARA defines the process for licencing and operating aggregate resource operations in Ontario. The ARA limits the available Planning Act tools that a municipality might use to manage land uses related to aggregate resources. The Region's Official Plan is the primary Planning Act tool for guiding land use changes, although it is understood that the Region also provides direction into the approvals process through its role as a commenting body during the ARA licencing process. If a NEP Plan Amendment or Development Permit is required the Region would be a commenting agency.

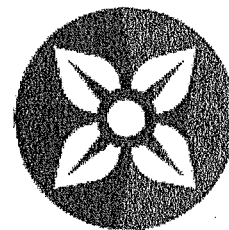
The Region is a commenting body as part of the ARA licencing process. In order to better streamline the agency review process for mineral aggregate applications, the Region has established a Joint Agency Review Team (JART). Protocol for the JART includes the establishment of a team of professional staff for each associated agency depending on the location of the application (Region, area municipality, Niagara Peninsula Conservation Authority and Niagara Escarpment Commission). The members of the JART are responsible for coordinating the technical

The Haldimand County Official Plan has pre-designated land for extraction (any land where Mineral Aggregate Resource has been identified) and does not require an official plan amendment once a zoning by-law amendment has been approved and an ARA license has been obtained.

The County of Brant has separate policies on those lands designated for resource development (existing operations) and those lands with aggregate resources (lands that potentially might accommodate an expansion or new aggregate operation).

The County of Brant allows applications to expand legally existing pits or quarries in the Resource Development designation on the same lot without an amendment to their Official Plan, but requires a Zoning By-law Amendment.

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review of all matters related to the aggregate application⁸⁵. This group does not make a recommendation on the application, but rather ensures the required range of studies and work is completed by the applicant and that they are sufficient, while managing the process for reviews and issuing a technical report once all reviews are complete. The JART process is intended to manage the complexity of the applicants in a manner that achieves a common technical understanding, provide a single point of contact for the applicant, respect the independent decision making authority of agencies and municipalities, and promote consistency and efficiency in the process⁸⁶.

The Region also has the ability to guide planning for aggregate resources through its official plan policies. The current ROP policies provide limited direction to Regional staff when reviewing an ROP amendment for a new aggregate resource operation or expansion to an existing operation. The current framework requires an ROP Amendment for any expansions or new aggregate areas⁸⁷ and that any approvals must align with the policies of applicable provincial plans and legislation (Niagara Escarpment Planning and Development Act⁸⁸ and Pits and Quarries Control Act⁸⁹), as well as limiting some locations for extraction⁹⁰, promoting progressive rehabilitation⁹¹, encouraging the removal of all economically viable material⁹², and setting out a short list of items that should be considered⁹³ (compatibility with surrounding uses, impacts to natural environment including surface watercourses and groundwater, manner of operation, site plan and rehabilitation, proposed haulage roads and possible effects on the roads concerned and on adjacent development). The policies also restrict the use of land in Possible Aggregate Areas and adjacent to a licenced pit or quarry⁹⁴.

Existing policy direction to area municipalities is limited to the following:

- Confirming their role as part of the consultation process for licensing⁹⁵;
- Confirming that they will be notified of wayside pits and quarries and their comments will be responded to⁹⁶; and,
- Direction for area municipalities to establish land-use designations and by-laws for aggregate operations to conform with the Regional policies⁹⁷.

⁸⁵ Niagara Region Staff Report, ICP 85-2013, September 11, 2013

⁸⁶ Niagara Region Staff Report, ICP 85-2013, September 11, 2013

⁸⁷ Niagara Regional Official Plan, Policy 6.C.13

⁸⁸ Niagara Regional Official Plan, Policy 6.C.2

⁸⁹ Niagara Regional Official Plan, Policy 6.C.11. Note that the ROP still references the older Pits and Quarries Act which was superseded by the ARA.

⁹⁰ Niagara Regional Official Plan, Policy 6.C.5.1

⁹¹ Niagara Regional Official Plan, Policy 6.C.7

⁹² Niagara Regional Official Plan, Policy 6.C.8 and 9

⁹³ Niagara Regional Official Plan, Policy 6.C.5

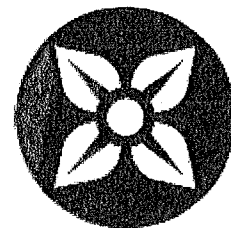
⁹⁴ Niagara Regional Official Plan, Policy 6.C.3 and 4

⁹⁵ Niagara Regional Official Plan, Policy 6.C.6

⁹⁶ Niagara Regional Official Plan, Policy 6.C.10

⁹⁷ Niagara Regional Official Plan, Policy 6.C.12

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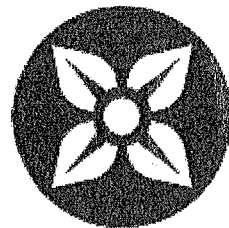
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The Engagement policies within Section 12 of the ROP outline the typical tools and processes for engagement and consultation for all forms of development.

4.9.3 Policy Directions

The following summarizes the policy recommendations for the implementation tool theme related to the impacts of aggregate operations:

- **Recognize provincial, regional and area municipal roles in aggregate planning:** As the planning framework is complex for aggregate resources in Ontario, the ROP should acknowledge the roles and responsibilities of each level of government and the framework set out by the ARA.
- **Update to recognize the Aggregate Resources Act:** The current ROP policies refer to the Pits and Quarries Control Act, which has been replaced by the ARA. The policies should be updated to reflect the ARA.
- **Provide up-to-date resource mapping:** Request the Province update the aggregate resource mapping for the Region of Niagara. This should include an assessment of the unevaluated bedrock resources within Thorold, Niagara Falls and the south portion of Niagara-on-the-lake. Establish a process to update the ROP mapping to ensure the most up-to-date information on the quality and quantity of mineral aggregate resources is available.
- **Clearly articulate the Region's role in pre-consultation process:** The Region should outline its role within the pre-consultation process for both Planning Act applications, as well how the Region expects to be engaged as part of any ARA license applications.
- **Limit ROP amendments:** Identify what components of the ROP aggregate policies can be changed by the Region without an amendment to the ROP (i.e. mapping of licenced pits and quarries, reference to provincial legislation).
- **JART process:** Recognize in policy, the intent of the Region's JART process. Ensure the JART process is implemented in a manner that meets the intent to streamline reviews. Monitor the implementation of the JART process to ensure it continues to meet the intended purpose for a streamlined approach.
- **Direction to area municipalities:** Provide clear direction, for local municipalities to implement, related to appropriate local policies for protecting the resource, supporting aggregate extraction, adequate mitigation measures such as buffering and screening, and minimizing adverse impacts on surrounding land uses.



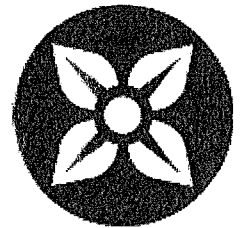
5 KEY RECOMMENDATIONS

The section provides a short summary of our recommendations. For organizational purposes, our recommendations are divided in the following two categories:

1. Policy Recommendations to be considered in Phase 2: ROP Amendment
2. Other Recommendations to be considered in Phase 3: Implementation

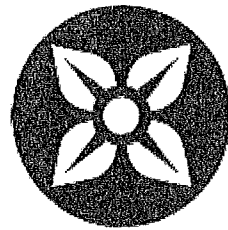
5.1 Policy Recommendations to be considered in Phase 2: ROP Amendment

1. **Provide clear direction on which policies apply:** Niagara Region should consider preparing natural heritage policy direction specific to aggregate operations in order to provide a clear indication of the policies that apply and those that do not, as well as the prevailing policies in the case of a conflict. Niagara may also want to consider including a table which clearly indicates when a policy applies to each type of application. There may be a need to provide some enhanced mapping and corresponding policies so that readers can easily understand how the policies apply based on geography.
2. **Provide opportunities for net environmental gain:** It is understood that, from time to time, there will be competing interests and expectations to manage. There is a need to introduce some additional policy tools into the decision-making process on aggregates, which better allow the Region and others to manage environmental impacts in an environmental, economic and socially responsible manner. The Region should consider including policies that explicitly identifies opportunities for net environmental gain, while managing the need for “no negative impacts” on natural features and their ecological functions on a site or adjacent lands, as described by the PPS. The policies should be placed within a broader hierarchy, where the priority is to avoid, minimize, mitigate and compensate for impacts through net environmental gain (where provincial policy allows for flexibility). As net environmental gain can be subjective, the Region will need to establish a clear definition for net environmental gain and prepare criteria for use in defining the net environmental impact of a proposal and how to measure a gain.
3. **Provide water resources policy direction in the ROP:** The ARA provides a framework for addressing water quality and quantity concerns and the Region may wish to include a policy which frames how issues related to water impacts are to be assessed in the decision-making process for expansions to existing aggregate operations and/or new operations. The policy should distinguish between proposals which are below the water table (and those which are not).
4. **Identify how to address overlapping geographies through policy:** Where there are overlapping geographies between IPZs and aggregate resource areas, the Region should consider providing



some additional policy direction. While most of the IPZ areas fall within urban areas, there are a few select places where they overlap with the potential resource area mapping outside of urban areas. Accordingly, the ROP should provide policy direction for any future extraction within IPZ areas to ensure that potential negative impacts are properly assessed and mitigated. The approach should distinguish between the different levels of significance for the IPZ areas (1, 2 and 3).

5. **Identify existing haul routes:** The Region should identify the existing haul routes on a ROP Schedule or appendix map, in order to provide transparency and minimize land use conflicts for the community and aggregate operators. Identifying all approved haul routes might also help to manage the potential for cumulative impacts associated with the transport of aggregates.
6. **Establish criteria for selection of new haul routes and promote alternative transportation modes:** The ROP should include policies which define an appropriate hierarchy (i.e. identify the types of roads that are suitable for haul routes). The Region should also identify criteria for selecting new haul routes (which might include hierarchy of roads preferred for haul routes, condition/function of road, avoidance of sensitive land uses, cumulative impacts and utilization of existing haul routes). The ROP could also promote opportunities for the transport of aggregate other than by truck (i.e. rail or water).
7. **Allow flexibility in haul routes:** Provide policy provision for designated haul routes to change over time to provide opportunities for more suitable routes as there are changes in haulage patterns, highway and road improvements, measures to manage dust and recent municipal development.
8. **Protect cultural heritage resources:** Ensure that there is a clear linkage between the Region's Creative Niagara policies and the aggregate resource policies. Identify the basic requirements and conditions to ensure that significant built heritage resources and significant cultural heritage landscapes are conserved. The policies could be linked to land use compatibility policies, which would provide direction for screening, buffering and strategic landscaping which is context sensitive.
9. **Identify the tools for assessing the potential for cultural heritage impact:** ROP should identify the need for a cultural heritage impact assessment as part of the review for aggregate proposals. While this type of study is required to satisfy aspects of the ARA, the expectation is that the Region, as a commenting agency and approval authority, would also require an assessment. A cultural heritage assessment is currently included in the requirements for a complete application; however, it should be included in the aggregate section as a standard study requirement. Assessments should examine impacts on the immediate site as well as adjacent lands.
10. **Clarify restrictions on Good General Agricultural Lands and Unique Agricultural Areas:** The ROP's policies in section 6.C.5.1 and 5.B.7 should be harmonized to avoid misinterpretation. Recall that 6.C.5.1 provides policy for Unique Agricultural Areas and 5.B.7 provides guidance for



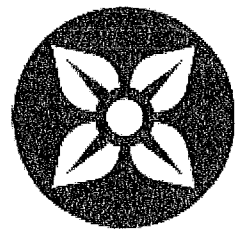
Good General Agricultural Lands. A comprehensive and clear set of policies should be provided in one location of the Plan, with appropriate references.

- 11. Recognize the potential for conflict:** Based on the review of mapping, it is apparent that the vast majority of all aggregate resource lands are also mapped as prime agricultural lands. As a result, it is likely that any application for a new or expansion to an existing aggregate operation could result in the loss of prime agricultural lands. The PPS allows for the removal of prime agricultural land for the purposes of aggregate extraction under certain conditions. Accordingly, the Region's Official Plan should provide some policy guidance for decision-makers based on the PPS directions which allow for extraction, provided that extraction is identified as an interim use and that the lands will ultimately be rehabilitated to an agricultural use. Complete rehabilitation to an agricultural use is not required where:
- Outside of a specialty crop area, there is a substantial quantity of mineral aggregate resources below the water table warranting extraction, or the depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible;
 - In a specialty crop area, there is a substantial quantity of high quality mineral aggregate resources below the water table warranting extraction, and the depth of planned extraction makes restoration of pre-extraction agricultural capability unfeasible;
 - Other alternatives have been considered and are found unsuitable; and,
 - Agricultural rehabilitation in remaining areas is maximized.

The above-note decision-making hierarchy needs to be reflected in the Region's Official Plan.

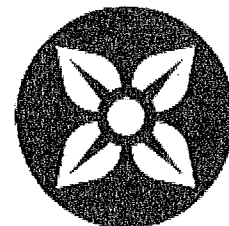
- 12. Review "Possible Aggregate Resources" designation in ROP Schedule D4:** Schedule D4 identifies two small areas as "Possible Aggregate Resources" area; however, future development would require a ROPA similar to all other license proposals. The Region should confirm the validity of the designation and update (i.e. remove areas from ROP or add policies and/or include additional areas) ROP policies based on the outcomes of the review.
- 13. Ensure new development does not impact viability for aggregate expansion:** Include a policy which requires development applications within 1000m or 500m of an existing pit or quarry, as part of the application process, to demonstrate that the proposed development application will not negatively impact the ability of the existing licenced area to maintain its existing operation or future expansion. The area of influence of 1000m is indicated in the Ministries D-series Guidelines for Class 3 industries, while 300m for sand and gravel and 500m for bedrock resources is the distance recommended in the Aggregate Reference Manual (2001).
- 14. Provide policies on land use compatibility:** The ROP should be updated to include a general policy which implements the D-Series guidelines for managing the impacts related to noise, dust and vibration. The ROP should also include policies which limit the siting of new facilities in close proximity to sensitive land uses, such as schools, daycares and hospitals (and vice versa).

State of Aggregate Resources in Niagara Region Background Report



resources

- 15. Encourage the use of recycled aggregates in appropriate locations in the ROP policies:** The ROP policies should promote the use of recycled aggregate for public and private applications. The policy framework should be directed both internally, at Regional projects and also towards external users/consumers of aggregates.
- 16. Permit recycling facilities on licenced aggregate sites:** The ROP is currently silent on the permissions for recycling activities on existing or future aggregate extraction sites. In order to promote recycling of aggregates, the ROP policies should specifically identify that recycling facilities are permitted on licenced pits and quarries sites. The ROP should provide direction on site planning guidance (e.g. need to protect views, vistas, location of stock piles, increased truck traffic, potential for dust impacts and consideration of wind conditions, etc.) and monitoring that would be required to avoid contamination from incoming products.
- 17. Promote rehabilitation:** Through the ROP policies, the Region should promote expedited rehabilitation. The ROP should also articulate the preferred types of activities for rehabilitation.
- 18. Encourage public access and ownership where feasible:** Through the ROP policy, the Region should encourage, where possible and appropriate, public access to former aggregate sites upon final rehabilitation. Public access would be encouraged where the proposed re-use of the site is intended to natural, open space or a recreational use. In addition, public ownership could be explored where feasible and desirable.
- 19. Clarify the process to re-designate lands following aggregate operations:** The ROP should identify the process for how lands will be re-designated once an aggregate operation has ceased. In most cases, an official plan amendment is required to facilitate the change in use.
- 20. Provide flexibility for future land use change where appropriate:** Recognizing the rehabilitation plan is reviewed and agreed to during the licensing process and that conditions may change overtime, the Region should allow for some flexibility in the process where appropriate. The policy framework should give priority to the original rehabilitation plan, but allow for deviation where market conditions change. The policy should include reference to appropriate tools for managing change, such as land use study, market study, etc.
- 21. Recognize provincial, regional and area municipal roles in aggregate planning:** As the planning framework is complex for aggregate resources in Ontario, the ROP should acknowledge the roles and responsibilities of each level of government and the framework set out by the ARA.
- 22. Update to recognize the Aggregate Resources Act:** The current ROP policies refer to the Pits and Quarries Control Act, which has been replaced by the ARA. The policies should be updated to reflect the ARA.
- 23. Clearly articulate the Region's role in pre-consultation process:** The Region should outline its role within the pre-consultation process for both Planning Act applications, as well how the Region expects to be engaged as part of any ARA license applications.
- 24. Limit ROP amendments:** Identify what components of the ROP aggregate policies can be changed by the Region without an amendment to the ROP (i.e. mapping of licenced pits and quarries, reference to provincial legislation).

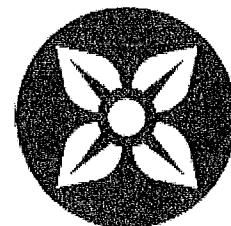


25. **JART process:** Recognize in policy, the intent of the Region's JART process. Ensure the JART process is implemented in a manner that meets the intent to streamline reviews. Monitor the implementation of the JART process to ensure it continues to meet the intended purpose for a streamlined approach.

5.2 Other Recommendations for consideration in Phase 3: Implementation

The following list of recommendations relates to processes and additional study requirements and should be considered as part of the implementation of the ROP Amendment, and as part of Phase 3 of this project:

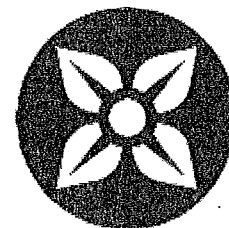
1. **Provide clear guidance on highly vulnerable aquifers and significant groundwater recharge areas in relation to aggregate resources:** The Region should use the existing data related to highly vulnerable aquifers and recharge areas as a screening tool to provide some direction related to study requirements. When the mapping is more accurately reflected, it should be used to ensure that clear guidance is provided through policy for lands which are classified as "highly vulnerable aquifers" and "significant groundwater recharge areas". These elements generally correspond with the potential aggregate resource area mapping and represent another area where competing provincial interests need to be carefully balanced and where clear policy guidance is warranted.
2. **Evaluate alternative haul routes:** As part of the complete application requirements, the Region should consider a transportation and haul route study that evaluates alternative haul routes (and where appropriate, alternative transportation modes) based on the criteria suggested above and identifies the haul route(s) with the least impact on Regional roads, provincial highways, residents and businesses.
3. **Ensure new development does not restrict future aggregate resource extraction opportunities:** Provide a process for the Region and area municipalities to review any development application on lands within or adjacent to the aggregate resource area, which would include comment on whether the development application will have any adverse effect on the viability of aggregate resource extraction. Rural development forms are not anticipated to undermine the ability to undertake future aggregate extraction operations. Forms of development which could impact the viability of future aggregate resource extraction includes: urban boundary expansions, hamlet expansions, rural subdivisions, waste management sites, golf courses, etc.
4. **Community engagement to proactively minimize land use compatibility issues:** Conduct robust engagement with landowners who own land outside of settlement areas that have been identified as aggregate resource areas with limited to no constraints for extraction. This engagement could be done through the ROPA process, to ensure that all landowners are aware that the lands have aggregate capability.



5. **Study land use to proactively minimize land use compatibility issues:** The Region could consider preparing a detailed land use study for lands in proximity to existing licenced aggregate resource areas to identify opportunities and barriers to expansion of extraction operations on adjacent parcels. While this type of assessment is typically done at the licensing stage, for policy development purposes, the Region might find this type of assessment beneficial (as an indicator of the effectiveness of current planning policies).
6. **Provide up-to-date resource mapping:** Request the Province update the aggregate resource mapping for the Region of Niagara. This should include an assessment of the unevaluated bedrock resources within Thorold, Niagara Falls and the south portion of Niagara-on-the-lake. Establish a process to update the ROP mapping to ensure the most up-to-date information on the quality and quantity of mineral aggregate resources is available.
7. **Direction to area municipalities:** Provide clear direction, for local municipalities to implement, related to appropriate local policies for protecting the resource, supporting aggregate extraction, adequate mitigation measures such as buffering and screening, and minimizing adverse impacts on surrounding land uses.

5.3 Next Steps

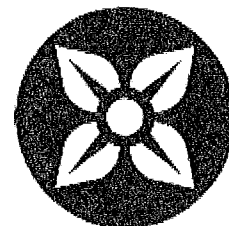
This State of Aggregate Resources in Niagara Region report is intended to document and analyse the existing mineral aggregate resources and policy framework in order to provide recommendations to inform a Regional Official Plan (ROP) amendment. The next steps in this project will be to prepare a draft ROP amendment. At this point, the Region will seek to obtain comments and feedback on the draft ROP amendment. The Region will present the ROP amendment at a Statutory Public Meeting planned for early 2016, to meet the requirements of the Planning Act. Following the Statutory Public Meeting, there will be a 90-day public review period of the ROP amendment. Following the public review period and any changes to the ROP amendment, the ROP amendment will be brought to Council for final recommendation and adoption.



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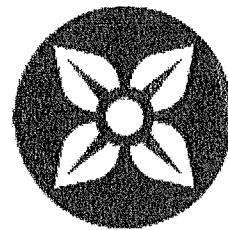
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May 29, 2018

CL 7-2018, May 24, 2018
PEDC 7-2018, May 16, 2018
Report PDS 16-2018

LOCAL AREA MUNICIPALITIES
NIAGARA PENINSULA CONSERVATION AUTHORITY

SENT ELECTRONICALLY

Waterfront Investment Program 2018 Funding Recommendations
PDS 16-2018

Regional Council, at its meeting of May 24, 2018, approved the following recommendation of its Planning and Economic Development Committee:

That Report PDS 16-2018, dated May 16, 2018, respecting Waterfront Investment Program 2018 Funding Recommendations, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the Town of Lincoln New Museum and Culture Centre project in the amount of \$250,000 and the City of Niagara Falls Millennium Trail Section 5 project in the amount of \$400,000 **BE APPROVED** for funding under the 2018 Waterfront Investment Program;
2. That Regional staff **BE DIRECTED** to prepare and execute partnership funding agreements with applicants of the approved projects; and,
3. That Local Area Municipalities and the Niagara Peninsula Conservation Authority (NPCA) **BE ADVISED** of the results of Regional funding support for the 2018 Waterfront Investment Program.

A copy of Report PDS 16-2018 is attached for your information.

Yours truly,



Ann-Marie Norio
Acting Regional Clerk

:jg

CLK-C 2018-75

cc: M. Bannerman, Program Manager, Grants and Incentives, Planning and Development Services
N. Oakes, Executive Assistant to the Commissioner, Planning and Development Services
R. Mostacci, Commissioner, Planning and Development Services

Subject: Waterfront Investment Program 2018 Funding Recommendations

Report to: Planning and Economic Development Committee

Report date: Wednesday, May 16, 2018

Recommendations

1. That the Town of Lincoln New Museum and Culture Centre project in the amount of \$250,000 and the City of Niagara Falls Millennium Trail Section 5 project in the amount of \$400,000 **BE APPROVED** for funding under the 2018 Waterfront Investment Program;
2. That Regional staff **BE DIRECTED** to prepare and execute partnership funding agreements with applicants of the approved projects; and,
3. That Local Area Municipalities and the Niagara Peninsula Conservation Authority (NPCA) **BE ADVISED** of the results of Regional funding support for the 2018 Waterfront Investment Program.

Key Facts

- The purpose of this report is to provide recommendations for the approval of funding under the 2018 Waterfront Investment Program (WIP) for projects in the Town of Lincoln and the City of Niagara Falls as outlined below.
- Two applications were received for the 2018 WIP application year, with other potential applicants indicating they planned to submit in 2019. The applications were evaluated by an independent cross-departmental Regional Staff Advisory Committee.
- The project approved for the Town of Lincoln is the New Museum and Culture Centre situated on Twenty Mile Creek, involving the construction of a single-story museum and cultural center on the Jordan Historical Museum site which will feature outdoor amenity spaces and renewed pedestrian access across the site to Twenty Mile Creek and connecting trails.
- The project approved for the City of Niagara Falls is Section 5 of the Millennium Trail, which will connect three major Regional roads and many community parks, sporting fields and adjacent trail systems, allowing pedestrians and cyclists to move safely through the City along the hydro canal.
- The 2018 WIP budget is \$900,000. The recommendations contained in this report would provide a total of \$650,000 in funding in 2018.

- The WIP is designed to promote partnerships, private sector investment and public access to waterfronts in the Niagara region through support of large-scale and economically significant projects with both local and Regional impact. The WIP is a cost-sharing program with Local Area Municipalities and the NPCA.

Financial Considerations

The request to provide matching funding for the successful WIP 2018 projects are subject to the 2018 annual program budget of \$900,000. This budget derives from a program budget approved by Council beginning in 2013 for \$1 million per year for 10 years, and is currently funded through the Capital Levy Reserve. This report recommends total funding of \$650,000 in 2018, which is within approved 2018 WIP budget limits.

Budget remaining following allocation of funding for the projects in this report will return to the Capital Levy Reserve as per current Council-approved Reserve and Reserve Funds Policy C4-002: "if funds are withdrawn from a Reserve or Reserve Fund and are ultimately not required for the purpose they were withdrawn....they shall be returned to their original source at each year-end through the year-end closeout process."

Analysis

Background

The Waterfront Investment Program is an incentive program that enables a range of stakeholders, including private sector interests, Local Area Municipalities, Niagara Region, the NPCA, non-profit organizations and the public, to work together to improve access to and provide sustainable investment in Niagara waterfronts. The WIP was approved by Regional Council in June 2016 (PDS 25-2016) to replace the former Lakefront Enhancement Strategy incentive program, with subsequent program improvements approved by Council in January 2017 (PDS 3-2017). The WIP incorporates a business case model with evaluation criteria concentrated on leveraging return on investment, regional economic impact and public realm considerations. This is its third funding cycle.

Evaluation and Results

The 2018 WIP applications were evaluated by a cross-departmental Regional Staff Advisory Committee based on specific criteria approved by Council including the overall completeness of an application, strength of project, business case (e.g. budget, drivers for investment, outcomes, project and long-term management), and alignment with WIP goals (e.g., promotes economic prosperity, stimulates investment, enhances public access and public realm). Neither applicant has received a Lakefront Enhancement Strategy or Waterfront Investment Program grant in the past.

The applications recommended for funding approval in 2018 are:

(1) Town of Lincoln New Museum and Culture Centre.

Total project cost: \$3,950,000

Total request from Region through WIP: \$250,000

Funding sources other than Region and applicant: three – two private, one public, for a total of \$1,700,000

Estimated completion: 2019

Project entails the construction of a single-story museum and cultural center of 8,400 total gross square feet on the Jordan Historical Museum site. The new purpose-built facility will be a larger, more accessible home for the museum. Once built, the centre will serve as a community catalyst for inclusion, engagement and connection; a hub for events, meetings, research and exploration for all ages.

Developed through input from various user groups and stakeholders, the facility program aligns to industry best practices, meeting strategic objectives for operations, programs and revenue generation opportunities.

The new site will include environmentally controlled artifact storage and processing areas, work space for staff and volunteers, new parking, additional outdoor amenity spaces including renewed pedestrian access across the site to Twenty Mile Creek.

(1) The City of Niagara Falls Millennium Trail Section 5

Total project cost: \$2,375,000

Total request from Region through WIP: \$400,000

Funding sources other than Region and applicant: three – two private, one public, for a total of \$260,000

Estimated completion: 2019

Section 5 of the Millennium Trail project is the last section of the Millennium Trail System stretching from Whirlpool Road to McLeod Road. Connecting three major Regional roads (Thorold Stone Road, Lundy's Lane, and McLeod Road) and many community parks, exercise equipment, sporting fields and adjacent trail systems, the Millennium Trail allows pedestrian and cyclists to move safely through the City without the encumbrance of traffic.

The Millennium Trail Section 5 project will be constructed along the north side of the Ontario Power Generation (OPG) corridor between Dorchester Road and Drummond Road. An agreement is in place between the City and OPG regarding proposed construction and fencing along the trail. Additional works include design/construction of

the Dorchester cycle track (connection to Millennium Trail Section 6) and design/ construction for the connection to Millennium Trail Section 1 along Drummond Road and Morrison Street. In addition, new fencing will be cost-shared with OPG which allows this previously unoccupied property to be fully accessed by the public.

The new trail system will include native planting species, landscape features and pedestrian rest and gathering areas that will showcase the OPG Hydro Canal. It will also include a portion of storybook trail which is privately funded by the Niagara Falls Rotary Club Foundation and The Rotary Club of Niagara Falls Sunrise. The trail will also connect and integrate with Carolynn Park which is scheduled to be revamped to include updated playground equipment, parking and landscape features.

Next Steps

Should Council approve recommended WIP funding, anticipated next steps are:

- **WIP 2018 Implementation** – This will include the execution of project agreements with the successful applicants and payment of grants contingent upon successful completion of projects and all program requirements, including final reporting and commitment to ongoing project maintenance.
- **Review of the WIP through the Incentive Review** – The WIP is one of 18 Regional incentive programs currently undergoing review. An initial report from Internal Control and Organizational Performance was presented to the Regional Audit Committee on May 7, 2018, with a final audit report to come before Audit Committee on June 18, 2018. Upon completion of the audit, recommendations for incentive program improvements will be developed. WIP stakeholders will be informed of any changes to the program resulting from the Incentive Review prior to the 2019 WIP intake period.

Alternatives Reviewed

N/A

Relationship to Council Strategic Priorities

The WIP supports Council's Strategic Priorities of Fostering Innovation, Investment and Entrepreneurship through the business case approach for improvements that could generate meaningful return on investment and by helping to leverage investment in significant projects from other private and public investors. The WIP also supports Positioning Niagara Globally by improving the public realm in areas that build upon the attractiveness of Niagara which many global visitors appreciate.

Other Pertinent Reports

PDS-C 2-2018	Updates on Public Realm Investment Program and Waterfront Investment Program
PDS 17-2017	Waterfront Investment Program 2017 Funding Recommendations (May 31, 2017)
PDS 3-2017	Waterfront Investment Program 2017 Enhancements (January 11, 2017)
PDS 36-2017	Waterfront Investment Program 2016 Funding Recommendations (November 9, 2016)
PDS 25-2016	Waterfront Investment Program – Program Changes (June 22, 2016)

Prepared by:

Marian Bannerman
Program Manager Grants and
Incentives
Planning and Development Services

Recommended by:

Rino Mostacci, MCIP, RPP
Commissioner
Planning and Development Services

Submitted by:

Carmelo D'Angelo, BSc, MPA
Chief Administrative Officer

This report was reviewed by Danielle De Fields, Manager, Community Planning and Doug Giles, Director, Community and Long Range Planning.

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May 29, 2018

CL 7-2018, May 24, 2018
PEDC 7-2018, May 16, 2018
Report PDS 21-2018

LOCAL AREA MUNICIPALITIES

SENT ELECTRONICALLY

New Regional Official Plan and Growth Management Program
PDS 21-2018

Regional Council, at its meeting of May 24, 2018, approved the following recommendation of its Planning and Economic Development Committee:

That Report PDS 21-2018, dated May 16, 2018, respecting Municipal Comprehensive Review Update: New Regional Official Plan and Growth Management Program, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Regional Council **DEEM** the Municipal Comprehensive Review (MCR) pre 2017 Growth Plan complete;
2. That Regional Council **ENDORSE** Report PDS 21- 2018 as the growth management program (post 2017 Growth Plan) for the Region's new Official Plan; and,
3. That a copy of Report PDS 21-2018 **BE CIRCULATED** to all Local Municipalities.

A copy of Report PDS 21-2018 is attached for your information.

Yours truly,



Ann-Marie Norio
Acting Regional Clerk
:jg

CLK-C 2018-69

cc: B. Dick, Acting Manager, Long Range Planning, Planning and Development Services
N. Oakes, Executive Assistant to the Commissioner, Planning and Development Services
R. Mostacci, Commissioner, Planning and Development Services

Subject: Municipal Comprehensive Review Update: New Regional Official Plan and Growth Management Program

Report to: Planning and Economic Development Committee

Report date: Wednesday, May 16, 2018

Recommendations

1. That Regional Council **DEEM** the Municipal Comprehensive Review (MCR) pre 2017 Growth Plan complete;
2. That Regional Council **ENDORSE** Report PDS 21- 2018 as the growth management program (post 2017 Growth Plan) for the Region's new Official Plan; and,
3. That a copy of Report PDS 21-2018 **BE CIRCULATED** to all Local Municipalities.

Key Facts

- The purpose of this report is to provide Council with an update on the status of the Municipal Comprehensive Review (MCR) and the requirements to integrate the MCR into the new Regional Official Plan.
- Due to the changes in Provincial planning policy, which has redefined the nature of an MCR, the work that has been done by the Region is divided into two stages – the MCR before the Growth Plan (2017) and the MCR after the Growth Plan (2017).
- Launched in 2015, the MCR consisted of four phases – Background and Technical Analysis, Issues and Opportunities, Growth Options and Preferred Growth Option. Phase 3, Growth Options, was presented to Planning and Development Committee in November 2016 (PDS 37-2016) and deferred by Regional Council until Provincial guidance for calculating the land budget was provided which would enable the preferred growth option to be determined.
- Population forecasts that were established in phase 3 of the MCR were utilized:
 - as inputs into the TMP and MSP (Go, Grow and Flow) to help determine the infrastructure requirements needed to support future growth; and
 - to inform the Region's Development Charges Study.
- With the Approval of the Growth Plan for the Greater Golden Horseshoe (May 2017) which took effect on July 1 2017, an MCR is now required as a series of

background reports that inform a new official plan or amendment to an official plan and that comprehensively applies the policies and schedules of the Growth Plan (2017).

- As a result, from a planning point of view, the MCR initiated in 2014 has served its purpose and is complete.
- The work that has been done to date will now be integrated into the growth management program for the new Regional Official Plan. The growth management program consists of the following components – Regional Land Needs Assessment Urban Structure, Employment Lands Strategy and Housing Strategy. Each component is described in this report in terms of work to be done and next steps.

Financial Considerations

MCR pre 2017 Growth Plan work has been fully funded and the post 2017 Growth Plan costs will be accommodated within the council approved budget for the Regional Official Plan.

Analysis

The table below provides a timeline of the key stages of the Regions MCR process and changes to related policy and guidance documents issued by the Province.

Date	Stage	Action/Implication
January 2015	MCR Project Initiation	<ul style="list-style-type: none"> • Council approved, PDS 8-2015
May 2016	MCR Phase 1 and 2 Complete	<ul style="list-style-type: none"> • Council approved, PDS 15-2016
November 2016	MCR Phase 3 Growth Options presented to Committee and Council	<ul style="list-style-type: none"> • Preferred growth option is approved for use in TMP and WWW Plan and for Development Charge study, PDS 37-2016 • Council deferred the consideration of growth options pending the release of and Regional calculations based on Provincial Guidance on Land Needs Assessment
July 2017	Growth Plan 2017 comes into effect	<ul style="list-style-type: none"> • MCR process is redefined
December 2017	Guidance on Land Needs Assessment is released for consultation	<ul style="list-style-type: none"> • Niagara Region provided formal comments to the Ministry of Municipal Affairs in February 2018
March 2018	Draft Guidance on MCR Process is released for consultation	<ul style="list-style-type: none"> • Initial deadline for comment of May 7 2018 is extended to June 19, 2018
March 2018	Draft Guidance on Application of	<ul style="list-style-type: none"> • Initial deadline for comment of May 7

	Intensification and Density Target guidance released	2018 is extended to June 19, 2018
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Background: Niagara 2041: How We Grow – Pre 2017 Growth Plan Municipal Comprehensive Review

The Niagara 2041 Growth Strategy was composed of the Region's Municipal Comprehensive Review (MCR), the Transportation Master Plan (TMP) and the Water/Wastewater Master Servicing Plan (MSP). These three initiatives work together to ensure that future land use planning and infrastructure decisions are integrated. Niagara Region has been undertaking the MCR work program in order to align with Provincial Growth Plan forecasts by allocating population and employment growth to the year 2041 to areas where growth is and will occur from a market perspective while still complying with Provincial policy. The Municipal Comprehensive Review was originally intended to be completed in four phases:

1. Background and Technical Analysis
2. Issues and Opportunities
3. Growth Options
4. Preferred Growth Option

Phase 1 and 2 are complete and were endorsed by Regional Council in March 2016. Phase 3, Growth Options, was presented to Planning and Development Committee in November 2016 (PDS 37-2016) and was subsequently deferred by Regional Council until the specific land needs associated with the Preferred Growth Option were determined.

Phase 3 forecasts were utilized as inputs into the TMP and MSP to help determine the infrastructure project requirements needed to support future growth. These plans in turn informed the Region's Development Charges Study approved by Regional Council thereby, fulfilling one of Council's Strategic Priorities.

2017 Provincial Growth Plan for the Greater Golden Horseshoe

The new Growth Plan was released on May 18, 2017 and took effect on July 1, 2017. Changes to the Growth Plan were the most substantive among the Provincial plans and these changes have the greatest impact on the Region's MCR and growth management program going forward. Post 2017 Growth Plan MCR work including a Preferred Growth Option will now be completed through the growth management program for the new Regional Official Plan. Prior work (Phases 1, 2 and 3) will be incorporated into the growth management program for the new Regional Official Plan.

As outlined in PDS 3-2018 and PDS-C 7-2018, the 2017 Growth Plan now requires a number of functional, interrelated background strategies to be prepared to inform the

allocation of population and employment growth of the MCR. These studies are a Regional Lands Needs Assessment informed by:

- Urban Structure
- Employment Lands Strategy
- Housing Strategy

All of these interrelated studies to support the growth management work for Niagara will require consultation and collaboration with the local municipalities. All of these projects are now underway.

Regional Lands Needs Assessment

Provincial guidance on the Land Needs Assessment Methodology was released in December 2017 and the Region provided comments to the Province in February 2018. The land needs assessment seeks to establish a standard methodology for consistently assessing land use needs to implement the population and employment forecasts associated with Schedule 3 of the Growth Plan.

Impacting the conclusion of the lands needs assessment are two factors. First, the lands needs assessment will need to be informed by the three key studies (Urban Structure, Employment Strategy and Housing Strategy) mentioned above. Each of these background studies is required to be substantially underway prior to the conclusion of the lands needs assessment. While work on each of these strategies has been initiated, the Province has just recently released additional guidance material on the required strategies. Staff are currently reviewing and trying to determine the implications of the additional released guidance material.

The second factor is the new Growth Plan Greenfield density target. The new Growth Plan requires Niagara to increase the Greenfield density target from 50 to 80 residents and jobs per hectare for all designated Greenfield lands. Regional staff are of the opinion that this target is not appropriate for Niagara as the new target, in theory, would require very dense communities to be constructed on the periphery of our urban areas.

In recognition of this concern, the Province has indicated that requests may be considered for alternative density targets for Greenfield areas. To date, the Province has not provided information on the process or timing for the request of an alternative Greenfield target.

Excess Lands and Urban Area Boundary Expansions

The outcome of the land needs assessment will determine if the Region requires more land or has an excess supply of land in order to achieve a population of 610,000 people and 265,000 jobs by 2041. Even with an alternative Greenfield density target, it is

anticipated that the Region, as a whole, will have a surplus 20 year land supply. Per Policy 2.2.1.6 of the 2017 Growth Plan, Niagara Region will be required to identify lands which are Greenfield lands that are in excess of what is needed to accommodate forecasted growth to 2041. However, the new Regional Official Plan does allow an opportunity to rationalize urban area boundaries and ensure that sufficient lands are in the proper location to accommodate growth. Urban area boundary expansions can take place, even if there are excess lands, provided policies are in place to de-designate or phase excess lands from the overall Regional urban land supply.

As the municipalities of Welland, West Lincoln and Fort Erie are seeking urban expansion requests, then the land needs assessment will need to consider these urban expansion asks in the context of an oversupply of urban designated land. Planning staff are establishing criteria to review private requests and will be reviewing these requests and reporting back to Planning and Economic Development Committee.

Urban Structure

Under the 2017 Growth Plan, the Region is required to achieve an eventual 60% intensification rate. To assist in achieving the overall 60% intensification rate, the Province has required the Region develop an Urban Structure. An Urban Structure will create a hierarchy of strategic growth areas that implement an urban vision and growth strategy first identified in PDS 34-2015. Accordingly, growth will be directed to areas best served by a combination of transportation/transit, public works and community infrastructure and services allowing for areas of the most intensive and greatest mix of development. The combination of an urban structure and local secondary planning program will ensure intensification occurs strategically while protecting stable established residential neighbourhoods.

After preliminary discussions with local municipal planners, an urban structure that incorporates the elements as shown in and attached as Appendix I will be pursued for further analysis.

Moving forward, Regional staff will continue to work with impacted municipalities on policy development, policy interpretation and implementation efforts associated with the development of a Regional urban structure.

Regional Employment Strategy

The 2017 Growth Plan has strengthened the protection of employment areas. The Region is now required to prepare an Employment Strategy that identifies and designates employment areas (traditionally industrial designated lands) in the Regional Official Plan for long term protection. Employment areas are clusters of business activity designated in Official Plans. Major retail uses would be prohibited from employment areas. Conversions of employment land to non-employment uses in a designated

employment area will only be considered at the time of a Regional MCR which is then approved by the Province through the updated Regional Official Plan.

The Employment Strategy will identify employment areas, establish a minimum density target for employment areas and identify opportunities for intensification. The primary goal of the employment strategy is to ensure that there is a sufficient supply of employment areas that are marketable, serviceable and in appropriate locations to meet forecasted industrial job growth to the year 2041.

The Region is currently working with the local municipalities, specifically area planners at this stage. This project will be informed by the Region's annual Employment Inventory. With the confirmation of employment areas, a market assessment will be undertaken to analyze the viability of the identified employment areas.

Housing Strategy

The 2017 Growth Plan requires Niagara Region to prepare a Housing Strategy. The Regional Housing Strategy is intended to ensure a proper mix of housing forms over the planning horizon to provide housing choice, aging in place opportunities and affordability. The 2017 Growth Plan now requires that targets for both affordable ownership and rental housing be established. Planning for affordability is to be tied to the needs of future residents. The Housing strategy is to also consider the existing housing stock.

The Housing Strategy will be developed in consultation with the local municipalities, the Province and other stakeholders including Community Services and Niagara Housing. The Region is the process of undertaking a review of the Region's "A Home for All: 10 Year-Housing and Homelessness Action Plan." The results of this work and other future housing work will contribute to the development of the Housing Strategy. Please see Appendix II for an outline of the Housing Strategy work program.

Consultation & Engagement

The growth management program requires consultation and co-operation among the Region, Province and local municipalities. As outlined in this report, the Region will be collaborating extensively with the local municipalities throughout the development of the functional background strategies. Open houses will be held to show the results of the growth management program as it progresses.

Next Steps

With Council's endorsement of this report, Regional Staff will continue to work on the growth management program through the balance of 2018 and into 2019. It is

anticipated that Regional staff will bring an update to Council on the status of this work upon completion of all background work as well as the consideration of options.

Alternatives Reviewed

The studies needed to support the growth management section of the Regional Official Plan is required by the 2017 Growth Plan. Ongoing consultation with the local municipalities will continue to ensure local context and alternatives are considered.

Relationship to Council Strategic Priorities

A new Regional Official Plan will assist in implementing Council's Strategic Priority of Innovation, Investment, and Entrepreneurship. The growth management program will provide a key cornerstone for the new Regional Official Plan.

Other Pertinent Reports

PDS 34-2015 Niagara 2041: Establishing a Growth Strategy
PDS 37-2016 Niagara 2041 Growth Strategy Local Municipal Growth Allocations
PDS 40-2016 Regional Official Plan Update
PDS 41-2016 Co-ordinated Policy Review Proposed Revisions
PDS 41-2017 High Level Official Plan Process Framework
PDS-C 7-2018 Update on the Ministry of Municipal Affairs Proposed Methodology for Land Needs Assessment

Prepared by:

Brian Dick, MCIP, RPP
Acting Manager, Long Range Planning
Planning and Development Services

Recommended by:

Rino Mostacci, MCIP, RPP
Commissioner
Planning and Development Services

Submitted by:

Carmelo D'Angelo, BSc, MPA
Chief Administrative Officer

This report was prepared in consultation with Dave Heyworth, MCIP RPP, Official Plan Policy Consultant and reviewed by Doug Giles, Director Long Range Planning.

Appendices

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Appendix I: Draft Urban Structure Major Components

Downtown St. Catharines Urban Growth Centre (UGC)

The Downtown St. Catharines Urban Growth Centre is the Region's main mixed use node with the highest densities and broadest range of uses. The Downtown St. Catharines UGC, whose boundaries are defined, has a minimum density target of 150 residents and jobs combined per hectare by 2031 or earlier.

Downtown Niagara Falls and Downtown Welland Emerging Urban Centres

Downtown Niagara Falls (incorporating the Niagara Falls GO Major Transit Station Area) and Downtown Welland Emerging Urban Centres are regional focal points that have potential for accommodating population and employment growth. These two emerging urban centres, in the horizon of the Regional Plan (2041), will grow to become as close as possible to become vibrant and dense, transit supportive urban cores.

Major GO Transit Station Areas

With the pending arrival of GO Rail service, the Region in co-operation with the municipalities of Grimsby, Lincoln, St. Catharines and Niagara Falls through secondary plans, are creating vibrant and dense mixed use nodes around the major transit station areas. The proposed urban structure would recognize this work.

Other Regional Growth Areas

Other Regional Growth Areas span multiple jurisdictions that have the potential to become iconic in nature and have the potential to attract new investment, people, jobs and development. The District Plan process is a key process for identifying these significant Regional areas.

Regional Corridors

Regional corridors are the multi-modal linkages that connect Strategic Growth Areas and urban areas across Niagara. The design of Regional Corridors will complement and benefit the landscape they travel through. It is envisioned that lands along Regional Corridors will be intensified with denser forms of higher residential development. The delineation of Regional corridors is still being discussed with local planners.

Local Centres & Local Corridors

Local centres are strategic centres of growth and investment for the local municipality such as the downtown cores or key mixed use areas. Local corridors are local major

roads that facilitate the flow of people and goods and have the potential for intensive and mixed use development supported by public transit.

Both local centres and local corridors will not be reflected in the Regional Official Plan but will be identified in local municipal official plans.

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May 29, 2018

CL 7-2018, May 24, 2018
PEDC 7-2018, May 16, 2018
Report PDS 22-2018

LOCAL AREA MUNICIPALITIES
NIAGARA PENINSULA CONSERVATION AUTHORITY

SENT ELECTRONICALLY

Climate Change Framework
PDS 22-2018

Regional Council, at its meeting of May 24, 2018, approved the following recommendation of its Planning and Economic Development Committee:

That Report PDS 22-2018, dated May 16, 2018, respecting Climate Change Framework, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the work program contained within Appendix 1 of Report PDS 22-2018 for the climate change component of the new Regional Official Plan **BE ENDORSED**;
2. That development of an integrated corporate climate change strategy **BE REFERRED** for consideration in the new Council Strategic Plan for 2019-2022, should climate change be identified as a Council priority; and,
3. That a copy of Report PDS 22-2018 **BE CIRCULATED** to the Local Area Municipalities and the Niagara Peninsula Conservation Authority.

A copy of Report PDS 22-2018 is attached for your information.

Yours truly,



Ann-Marie Norio
Acting Regional Clerk
:jg

CLK-C 2018-70

cc: L. Savage, Planner, Planning and Development Services
N. Oakes, Executive Assistant to the Commissioner, Planning and Development Services
R. Mostacci, Commissioner, Planning and Development Services

Subject: Climate Change Framework

Report to: Planning and Economic Development Committee

Report date: Wednesday, May 16, 2018

Recommendations

1. That the work program contained within Appendix 1 of Report PDS 22-2018 for the climate change component of the new Regional Official Plan **BE ENDORSED**;
2. That development of an integrated corporate climate change strategy **BE REFERRED** for consideration in the new Council Strategic Plan for 2019-2022, should climate change be identified as a Council priority; and,
3. That a copy of Report PDS 22-2018 **BE CIRCULATED** to the Local Area Municipalities and the Niagara Peninsula Conservation Authority.

Key Facts

- The purpose of this report is to seek Council's endorsement of the work program for the climate change component of the new Official Plan (Appendix 1).
- The *Planning Act* identifies climate change as a matter of provincial interest and requires climate change mitigation and adaptation policies in municipal official plans.
- There are both corporate and community approaches to addressing climate change. The Official Plan is predominantly a community approach, as climate change must be addressed in many different areas of the Official Plan relating to the community at large. However, the Official Plan must also reference certain corporate climate change initiatives relating to Niagara Region's municipal facilities and operations.
- Corporate climate change initiatives are undertaken by various departments at Niagara Region to meet provincial legislative and regulatory requirements. However, there is currently no dedicated unit or staff responsible for the general oversight, coordination or strategic planning for climate change at the Region.
- Planning and Development Services has engaged the Corporate Leadership Team regarding potential opportunities relating to climate change from the corporate perspective. If climate change is identified as a Council priority for the

next term of Council, there may be a number of opportunities to enhance coordination and strategic oversight for climate change initiatives at the Region.

Financial Considerations

The completion of the climate change work program for the new Official Plan will require staff resources. These costs can be accommodated within the Council approved Official Plan Project budget.

Analysis

Mandatory Provincial Direction

The existing Official Plan contains basic policies relating to climate change mitigation. Since the policies came into effect, the legislative and policy requirements relating to climate change have evolved considerably. This includes amendments to the *Planning Act* to identify climate change as a matter of provincial interest and require climate change mitigation and adaptation policies in municipal Official Plans. The Province also released a new provincial land use planning policy framework for climate change. As such, the new Official Plan is required to contain climate change policies that align with the new provincial policy framework. See Appendix 2 for an overview of the existing Official Plan policies and new provincial direction on climate change.

Climate Change Framework

Planning staff consulted with the Area Planners Group and the Local Area Municipalities on the development of the climate change framework in early 2018. During these discussions, it was recognized that climate change impacts many different areas of the Official Plan and is an important component of the overall initiative. In addition, it was requested that the Region provide clear direction to the Local Area Municipalities on climate change. See Appendix 3 for an overview of the consultation activities to develop the framework and the input received.

The climate change work program will ensure that the new Official Plan aligns with provincial land use planning policy requirements and reflects new research and best practices on climate change mitigation and adaptation. Up-to-date policies will help to protect public health and safety and protect personal property. The climate change work program will include undertaking research, analysis and consultation to develop new climate change policies for the Official Plan. More specifically, the climate change work program will include:

1. A climate change discussion paper
2. Developing and evaluating policy approaches suitable for the Niagara context
3. Developing climate change policies for the Official Plan
4. Considering policies and other tools to support implementation

See Appendix 1 for an overview of the climate change work program and supporting consultation and engagement activities.

The Corporate Connection

Many municipalities approach climate change on two fronts: corporate and community. Corporate initiatives address municipal facilities and operations, whereas community initiatives generally address broader community-wide matters such as the built environment.

While the Official Plan is predominantly a community-based approach to addressing climate change, it will contain references to certain corporate initiatives, as per provincial requirements in the Growth Plan for the Greater Golden Horseshoe, 2017. The Official Plan work program therefore highlights the need to identify what initiatives Niagara Region as a corporation is undertaking in relation to climate change. It also raises the question of whether Niagara Region may wish to undertake any additional work, beyond minimum provincial requirements, to maximize potential opportunities for the corporation and community residents, businesses and visitors.

Examples of Corporate and Community Approaches to Climate Change at Niagara Region

Through the Federation of Canadian Municipalities' Partners for Climate Protection Program, Niagara Region developed greenhouse gas inventories, forecasts, emissions reduction targets and action plans on both the corporate and community side. These action plans are no longer being monitored and reported on. See Appendix 4 for a summary of the Partners for Climate Protection Program.

Based on a preliminary review, examples of other corporate initiatives that may directly or indirectly address climate change include the Region's Energy Conservation and Demand Management Plan 2014-2018 and Asset Management Plan, 2017. Examples of other community initiatives include the Region's Sustainable Niagara Action Plan, 2012 and the Regional Official Plan.

It is anticipated that the internal Climate Change Working Group for the Official Plan will assist with drawing linkages to corporate initiatives across the organization and drafting appropriate policies for the Official Plan. The Working Group will focus specifically on the work required for the Official Plan, and is not intended to produce a comprehensive understanding of all regional initiatives or any broader strategic plans.

On April 19, 2018, Planning and Development Services engaged the Corporate Leadership Team to discuss the Official Plan work program and the corporate connection. Should Niagara Region wish to undertake further work on climate change, beyond minimum provincial requirements, it was suggested that climate change could be considered in the development of the new Council Strategic Plan for 2019-2022. In addition, a range of implementing actions could be taken. Examples include research projects relating to municipal best practices, value for money, return on investment,

economic opportunities, etc. Council could also consider developing a longer term corporate climate change strategy (e.g. a 10-15 year strategy) to enhance coordination and strategic direction for climate change initiatives at Niagara Region.

Alternatives Reviewed

The alternative would be for Committee and Council to not endorse the climate change work program. This is not recommended as the *Planning Act* requires municipal Official Plans to include climate change mitigation and adaptation policies.

Relationship to Council Strategic Priorities

The climate change work program is part of the new Regional Official Plan which will assist in implementing Council's Strategic Priority of Innovation, Investment & Entrepreneurship.

Other Pertinent Reports

- PDS 3-2018 New Official Plan Update
- PDS 41-2017 High Level Official Plan Process Framework
- PDS 20-2016 Regional Official Plan Update

Prepared by:

Lindsey Savage, MCIP, RPP
Planner
Planning and Development Services

Recommended by:

Rino Mostacci, MCIP, RPP
Commissioner
Planning and Development Services

Submitted by:

Carmelo D'Angelo, BSc, MPA
Chief Administrative Officer

This report was reviewed by David Heyworth, MCIP, RPP, Official Plan Policy Consultant, Danielle De Fields, MCIP, RPP, Manager, Community Planning and Doug Giles, Director, Community and Long Range Planning

Appendices

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APPENDIX 1: OVERVIEW OF CLIMATE CHANGE WORK PROGRAM

The climate change work program for the new Official Plan comprises six phases:

Project Phase	Activities
1. Project Initiation	<ul style="list-style-type: none"> • Prepare work program • Initiate discussions with Regional departments, the Niagara Peninsula Conservation Authority • Prepare Term of Reference and form internal working group
2. Discussion Paper	<ul style="list-style-type: none"> • Prepare discussion paper which includes: <ul style="list-style-type: none"> ○ Legislative/policy context ○ Development/evaluation of policy approaches suitable for the Niagara context ○ Preliminary recommendations
3. Consultation #1	<ul style="list-style-type: none"> • Consult on discussion paper
4. Develop OP Policies	<ul style="list-style-type: none"> • Develop draft Official Plan policies on climate change
5. Consultation #2	<ul style="list-style-type: none"> • Consult on draft Official Plan policies
6. Other Implementation Tools	<ul style="list-style-type: none"> • Finalize tools required for implementation

Reporting to Committee and Council

Reporting to Committee and Council will include the following:

- Phase 1 – Climate Change Work Program (this report)
- Phase 3 – Consultation on Discussion Paper
- Phase 5 – Consultation on Draft Official Plan Policies

Additional memos and correspondence may be provided to give status updates and address emerging issues or items of interest over the course of the work program.

Consultation and Engagement

It is anticipated that the climate change policies will be highly integrated throughout the Official Plan. As such, it will be critical to ensure coordination and alignment with other work programs for the Official Plan. In addition, other Regional departments and the Niagara Peninsula Conservation Authority will be engaged and consulted throughout the climate change work program as needed, where their interests and operations may intersect with the Official Plan policies.

This coordination and alignment will be formalized through the development of an internal Climate Change Working Group with representation from interested/affected Regional departments. The Niagara Peninsula Conservation Authority will also be invited to participate. A mandate and Terms of Reference for the Working Group will be developed as part of the Phase 1 work.

In addition, other committees, working groups, etc. will be leveraged to address specific climate change topics at various points throughout the climate change work program. For example, the Technical Advisory Committee for the Natural Environment Work Program for the Official Plan could be engaged to discuss climate change opportunities from a natural heritage perspective. It is anticipated that some of these groups will have representation from the Local Area Municipalities and the Province.

To supplement these consultations, the Area Planners Group will be engaged regularly on the climate change work program. This will help to ensure that local issues, opportunities and implementation are adequately considered and reflected, as appropriate, in the development of policy options and implementation tools.

Formal consultations will be completed during Phases 3 and 5 of the work program. A range of partners and stakeholders will be engaged during these phases, including but not limited to:

- Committee and Council
- Planning Advisory Committee
- Area Planners Group
- Niagara Peninsula Conservation Authority
- Academic Institutions
- Agricultural Policy and Action Committee
- Agricultural Stakeholders
- Environmental Stakeholders
- Development Community
- The Public

An Indigenous Engagement Strategy for the Official Plan work program is currently being developed. Consultation and engagement for the climate change work program will be consistent with the overall strategy.

Following the completion of the climate change work program there will be a process to ensure alignment across all sections of the new Official Plan. Then there will be a statutory public meeting, and the Official Plan will be brought to Council for adoption as a single comprehensive document.

APPENDIX 2: MANDATORY PROVINCIAL DIRECTION

Niagara Region Official Plan

The existing Official Plan contains 'Air Quality and Climate Change' policies in Chapter 7 – Natural Environment, as well as other policies throughout the Official Plan that support climate change mitigation and adaptation objectives. The 'Implementation Measures' contained in Chapter 7 also indicate how Niagara Region will lead by example and demonstrate environmental responsibility through its own operations. The Natural Environment polices were introduced through Amendment 187 to the Official Plan, which was approved by the Ontario Municipal Board on April 16, 2008.

The Air Quality and Climate Change policies require the Region to:

- Develop and implement a plan to reduce GHG emissions from Regional operations by at least 20% below 1994 levels, and emissions from the community as a whole by at least 6% below 1994 levels by 2014
- Develop and implement climate change adaptation plans
- Encourage and support energy conservation, district heating and combined heat and power, and alternative and renewable energy sources
- Encourage the Federal and Provincial government and Local Area Municipalities to pursue reductions in air pollutants and GHG emissions and to develop and implement climate change adaptation strategies

Mandatory Provincial Direction

Since the Official Plan policies came into effect, the legislative and policy requirements relating to climate change have evolved considerably. The provincial government released its Climate Change Strategy, 2015, which sets out the Province's vision for combating climate change and achieving its GHG reduction targets. The *Climate Change Mitigation and Low-Carbon Economy Act, 2016* embedded the GHG reduction targets in a statute, prescribed content that must be included in the provincial climate change action plans, and set out the framework for the cap and trade program in Ontario.

Ontario's Climate Change Action Plan (CCAP) 2016-2020 includes specific commitments for meeting the 2020 GHG reduction targets, including actions to support municipal land use planning for low-carbon communities. As part of the CCAP, the *Planning Act* was amended to identify climate change as a matter of provincial interest and require climate change mitigation and adaptation policies in municipal Official Plans.

The Province also released a new provincial land use planning policy framework – the Provincial Policy Statement, 2014, Growth Plan for the Greater Golden Horseshoe,

2017, Greenbelt Plan, 2017 and Niagara Escarpment Plan, 2017. The policy framework requires municipalities to address climate change in a variety of ways, including:

- Building compact, complete communities
- Assessing infrastructure risks and vulnerabilities
- Reducing automobile dependence and supporting transit and active transportation
- Water conservation
- Stormwater management planning and watershed planning
- Energy conservation in buildings
- Supporting renewable and alternative energy
- Directing development outside of hazardous lands
- Protecting the natural heritage system and agricultural land base
- Supporting integrated waste management

The Growth Plan *encourages* municipalities to develop GHG inventories, interim and long-term emission reduction targets, and strategies to reduce emissions and improve resilience. Niagara Region has already completed this work through its participation in the PCP Program mentioned above (the GHG inventories are based on 2006 data).

In addition, the Growth Plan requires municipalities to develop Official Plan policies and other strategies for certain municipally owned facilities and operations. Examples include:

- Energy conservation in municipally owned facilities
- Air quality improvement through a reduction in emissions from municipal sources

APPENDIX 3: CLIMATE CHANGE FRAMEWORK DEVELOPMENT

PDS 7-2018 and PDS 8-2018 presented to the Planning and Economic Development Committee on January 31, 2018 provided an overview of the agriculture and natural environment frameworks, and sought direction to consult with the Area Planners Group and local municipal planning staff toward the development of detailed work programs. Individual one-on-one meetings were held with the Local Area Municipalities between February 1 and 21, 2018. Presentations were also made to the Area Planners Group on January 26, March 16, 2018 and April 27, 2018. These meetings and presentations included specific content on climate change to generate early discussion.

During these discussions, climate change was frequently flagged as an important consideration in the development of the agricultural and natural environment work programs, as well as other priority background studies for the Official Plan. Recognizing that climate change impacts many different areas of the Official Plan, it was identified as a significant and important component of the overall initiative.

Input received from the Area Planners Group and the Local Area Municipalities relating to climate change focussed on the following themes:

- The need for clear regional direction on climate change
- The need to engage with other departments (e.g. Public Works, Public Health)
- The importance of education on climate change and drawing policy linkages
- There are a wide range of opportunities in Niagara (e.g. energy conservation in new buildings, GO transit expansion, local transit, stormwater management)
- Integrating climate change policies throughout the new Official Plan may support local conformity exercises and broader implementation

This input provided valuable insight to help shape the climate change work program.

APPENDIX 4: PARTNERS FOR CLIMATE PROTECTION PROGRAM

In 2009, Council endorsed the Region's participation in the Federation of Canadian Municipalities' Partners for Climate Protection (PCP) Program. The program includes five milestones for municipalities to work through to take action on climate change, both corporately and in the community. The five milestones are:

1. Create a GHG emissions inventory and forecast
2. Set an emissions reduction target
3. Develop a local action plan
4. Implement the local action plan or a set of activities
5. Monitor progress and report results

Many municipalities across Canada participated in the PCP Program, including approximately 80 in Ontario. St. Catharines and Welland also joined the PCP Program.

Table 1 – Summary of Niagara Region's Participation in the PCP Program

Milestone	Corporate	Community
1 – Inventory and Forecast	<p>The '2006 Corporate GHG Emissions Inventory' measured emissions by the following sectors: buildings, vehicle fleet, traffic signals and beacons, water and wastewater, and corporate waste</p> <p>The business as usual forecast predicted a 40% total annual emission growth by 2021</p>	<p>The '2006 Community GHG Emissions Inventory' measured emissions in the following sectors: residential, commercial, industrial, transportation, and community waste</p> <p>The business as usual forecast predicted a 20.3% total annual emission growth by 2020</p>
2 – Target	<p>0% growth from the 2006 baseline by 2016</p> <p>10-15% reduction from the 2006 baseline by 2020</p>	<p>6% reduction from the 2006 baseline by 2016</p> <p>10-15% reduction from the 2006 baseline by 2030</p>
3 – Action Plan	<p>'Corporate Climate Change Action Plan' completed in 2013</p> <p>Developed with Corporate Climate Change Steering Committee and informed by paper, Adapting to Climate</p>	<p>'Community Climate Change Action Plan' completed in 2013</p> <p>Developed with Action Team and extensive community consultation over the course of two years; and informed by</p>

Milestone	Corporate	Community
	Change: Challenges for Niagara Region (June 2012)*	paper, Adapting to Climate Change: Challenges for Niagara Region (June 2012)*
4 and 5 – Implementation and Monitoring	Progress report IPC 22-2014 assessed changes in emissions from 2006 to 2012 and concluded that Niagara Region had already surpassed the target set out in the Corporate Climate Change Action Plan, and was on track to reach the long-term GHG reduction goal of 10-15% by 2020	Progress report IPC 22-2014 noted that no data would be collected on the Community Climate Change Action Plan until 2017, as it required access to a number of external data sources

*The action plans were informed by a report that was commissioned to better understand how climate change might impact Niagara. The paper, Adapting to Climate Change: Challenges for Niagara Region, authored by Dr. Jennifer Penney, was released in June 2012. The report describes how climate is changing in the Niagara region, the near-term impacts, climate change activities underway within the region, and gaps that need to be addressed in order to develop and implement adaptation strategies.

Planning and Development Services staff understand that the Corporate Climate Change Steering Committee and the Community Action Team have been dissolved, and the action plans are no longer being actively monitored and reported on.

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MAY 29 2018

Administration

Office of the Regional Clerk

1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2M 1Z7

Telephone: 905-980-6000 Toll-free: 1-800-263-7215 Fax: 905-607-1977

www.niagararegion.ca

May 29, 2018

CL 7-2018, May 24, 2018
PEDC 7-2018, May 16, 2018
Report PDS 23-2018

DISTRIBUTION LIST

SENT ELECTRONICALLY

Development Applications Monitoring Report - 2017 Year End
PDS 23-2018

Regional Council, at its meeting of May 24, 2018, approved the following recommendation of its Planning and Economic Development Committee:

That Report PDS 23-2018, dated May 16, 2018, respecting Development Applications Monitoring Report – 2017 Year End, **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That a copy of Report PDS 23-2018 **BE CIRCULATED** to Local Area Municipalities, the Niagara Peninsula Conservation Authority, Niagara Home Builders Association, Niagara Industrial Association, local Chambers of Commerce and School Boards.

A copy of Report PDS 23-2018 is attached for your information.

Yours truly,



Ann-Marie Norio
Acting Regional Clerk
:jg

CLK-C 2018-71

Subject: Development Applications Monitoring Report - 2017 Year End

Report to: Planning and Economic Development Services Committee

Report date: Wednesday, May 16, 2018

Recommendations

1. That Report PDS 23-2018, dated May 16, 2018, respecting Development Applications Monitoring Report – 2017 Year End, **BE RECEIVED** for information; and,
2. That a copy of Report PDS 23-2018 **BE CIRCULATED** to Local Area Municipalities, the Niagara Peninsula Conservation Authority, Niagara Home Builders Association, Niagara Industrial Association, local Chambers of Commerce and School Boards.

Key Facts

- The purpose of this report is to inform Regional Council of 2017 development application activity in Niagara Region.
- The total number of applications reviewed by Development Planning and Engineering staff in 2017 increased 8.5% compared to 2016.
- Pre-consultation meetings with prospective developers and area municipalities increased 21.5% in 2017.
- Regional Development Services staff satisfied review timeline targets for 95.4% of all circulated applications during 2017.
- The Region received \$832,054 in review fees for development applications in 2017 (11.8% increase over 2016 fees).

Financial Considerations

There are no direct financial implications associated with this report. The 2018 fee revenue budget is reflective of the increase experienced in 2017.

Analysis

Development Applications

Regional Development Services staff reviewed 730 development applications in 2017 representing an 8.5% increase over the 2016 application total. The Region also provided additional review comments on subsequent revisions to many of these

applications. Figure 1 illustrates the number of applications considered by Development Planning and Engineering staff from 2013 to 2017 indicating high activity levels and a general upward trend over the past few years. These development applications are circulated to the Region based on Provincial legislation requirements and the existing Memorandum of Understanding among the Region and local area municipalities.

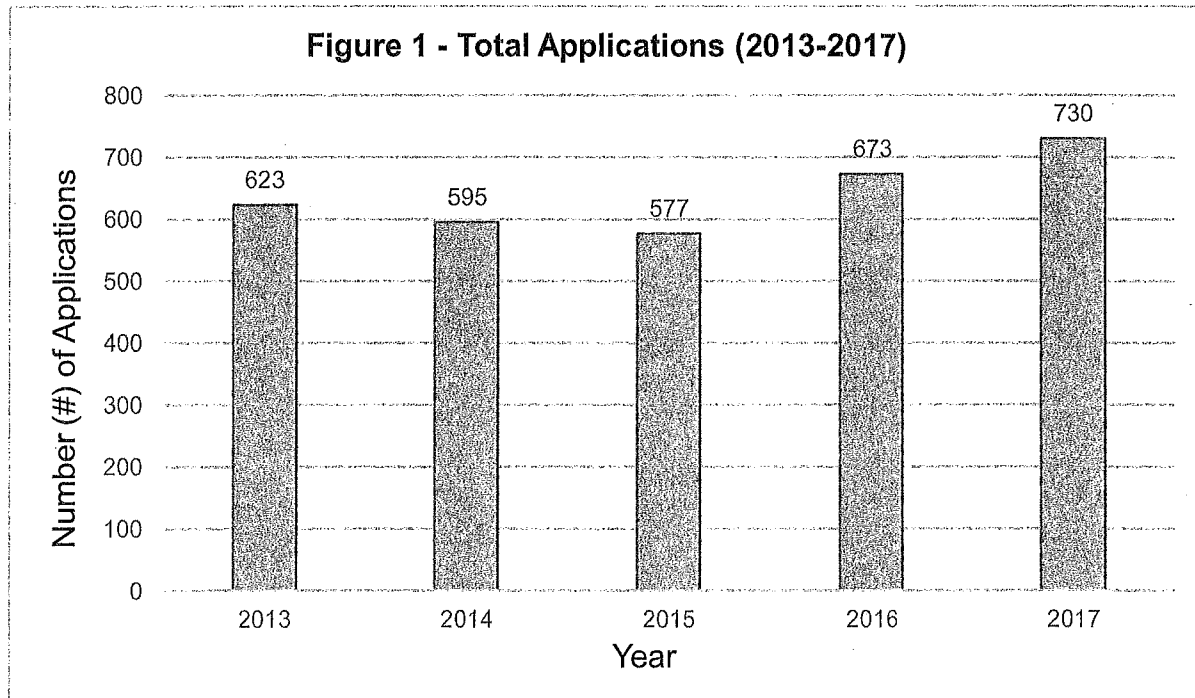
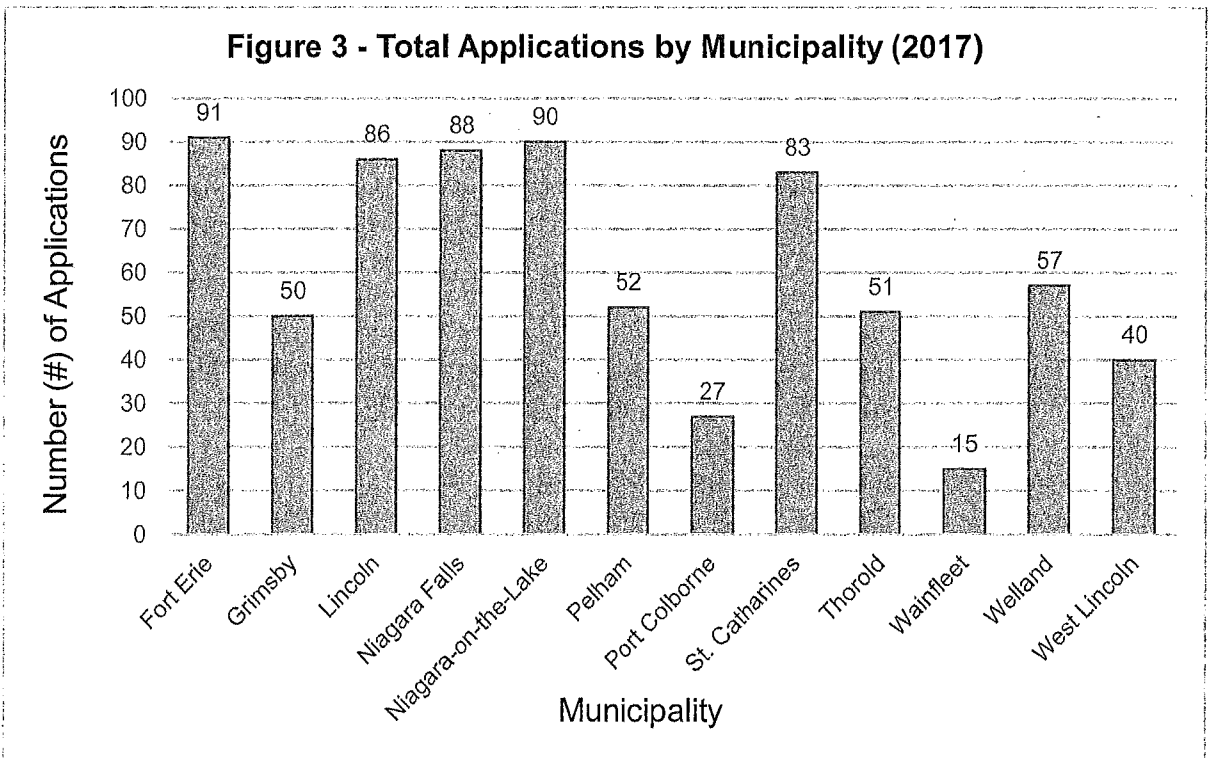
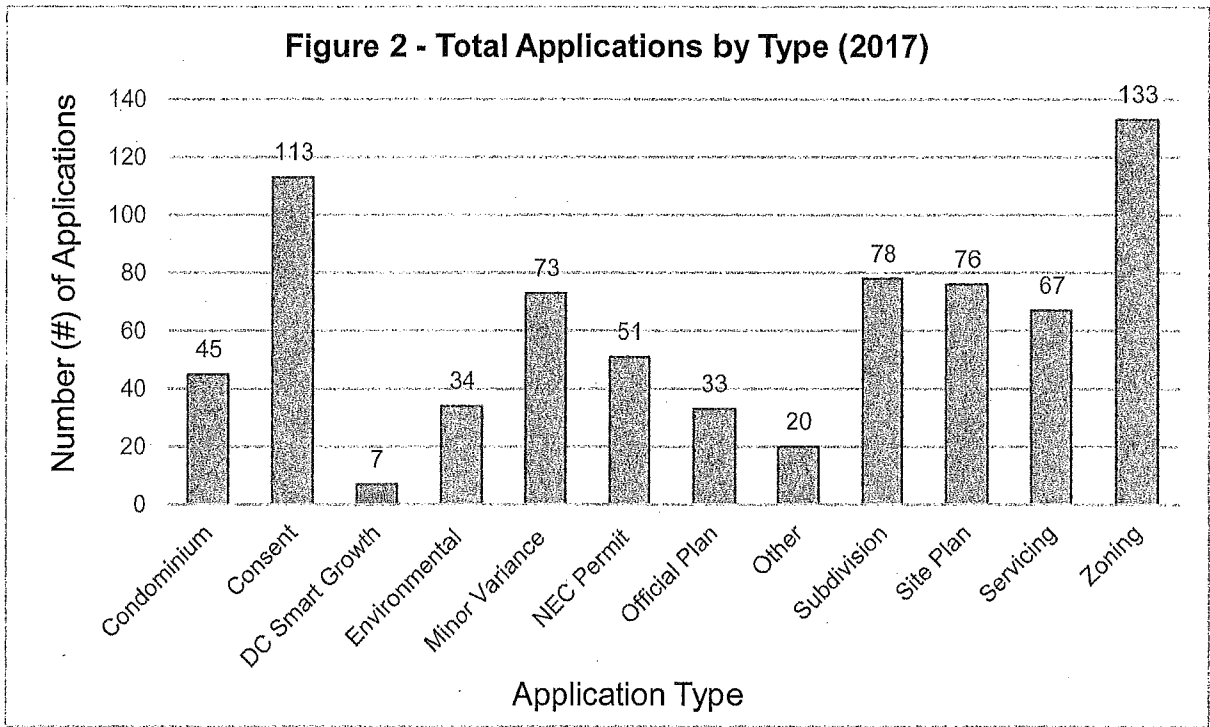


Figure 2 provides the breakdown of the development application types reviewed by Regional staff in 2017. The more complex development proposals require multiple planning approvals. As an example, subdivision and condominium applications may also need amendments to the municipal Official Plan and Zoning By-law to facilitate the development. The categories with the most applications considered by Regional staff were Zoning By-law amendments (133), followed by Consent/Severance (113), Draft Plan of Subdivision (78), Site Plan (76) and Minor Variance (73).

The distribution of applications circulated to the Region by local area municipalities during 2017 is shown on Figure 3. This information indicates relatively high levels of development activity in several communities. The municipalities with the most applications in the year were Fort Erie (91), Niagara-on-the-Lake (90), Niagara Falls (88), Lincoln (86) and St. Catharines (83).



Preconsultation Meetings

Development Services staff are scheduled to attend regular Preconsultation meeting sessions two days each month in each local municipal office. These meetings with developers, property owners, local staff and agencies determine complete application submission requirements and assist in the processing of applications. In 2017, Regional staff attended 622 preconsultation meetings which is a 21.5% increase compared to the 2016 total (see Figure 4). This is the most preconsultation meetings attended in a year and continues the upward trend in activity. The number of preconsultation meetings is an indicator of future development applications.

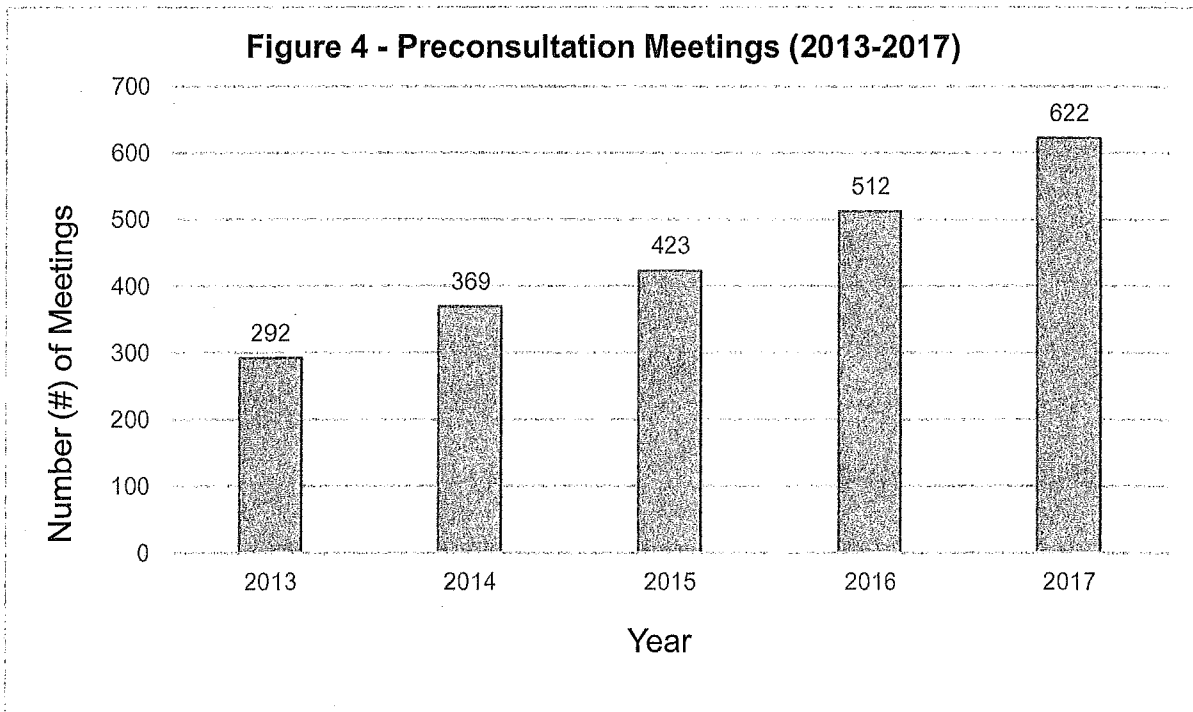
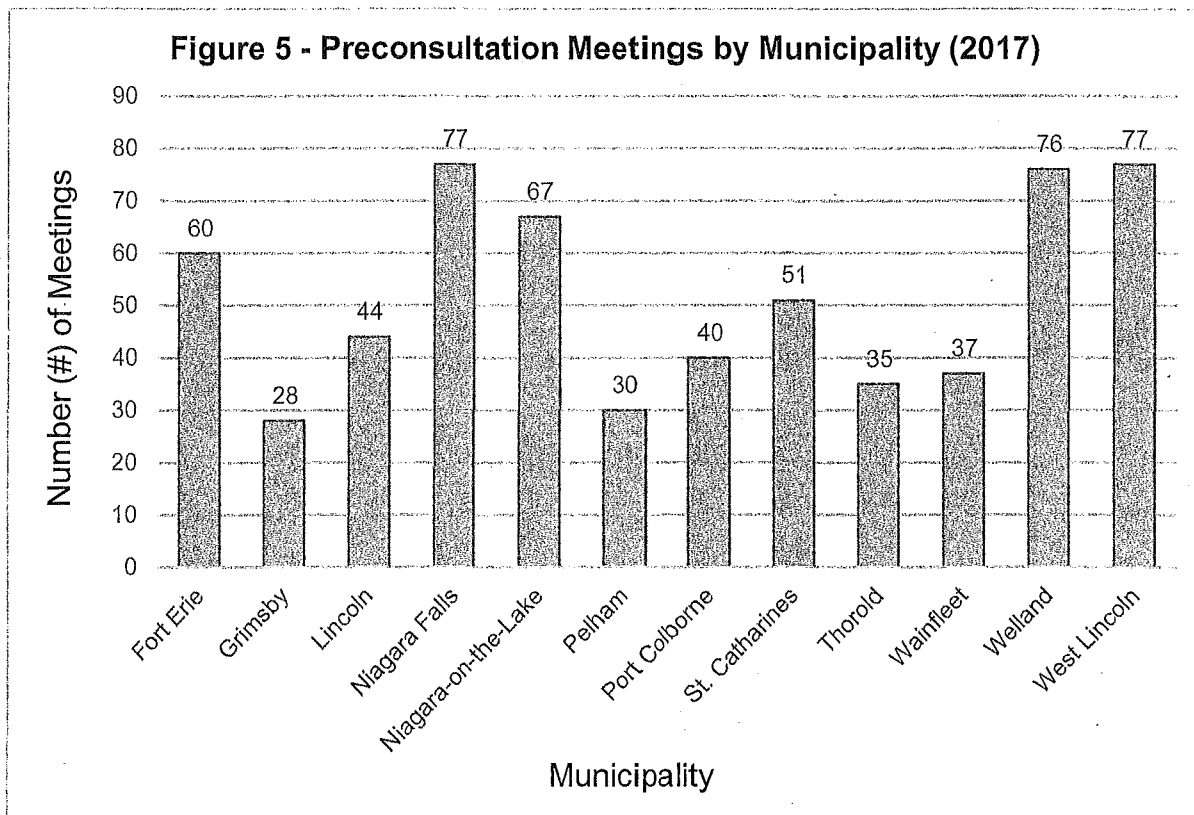
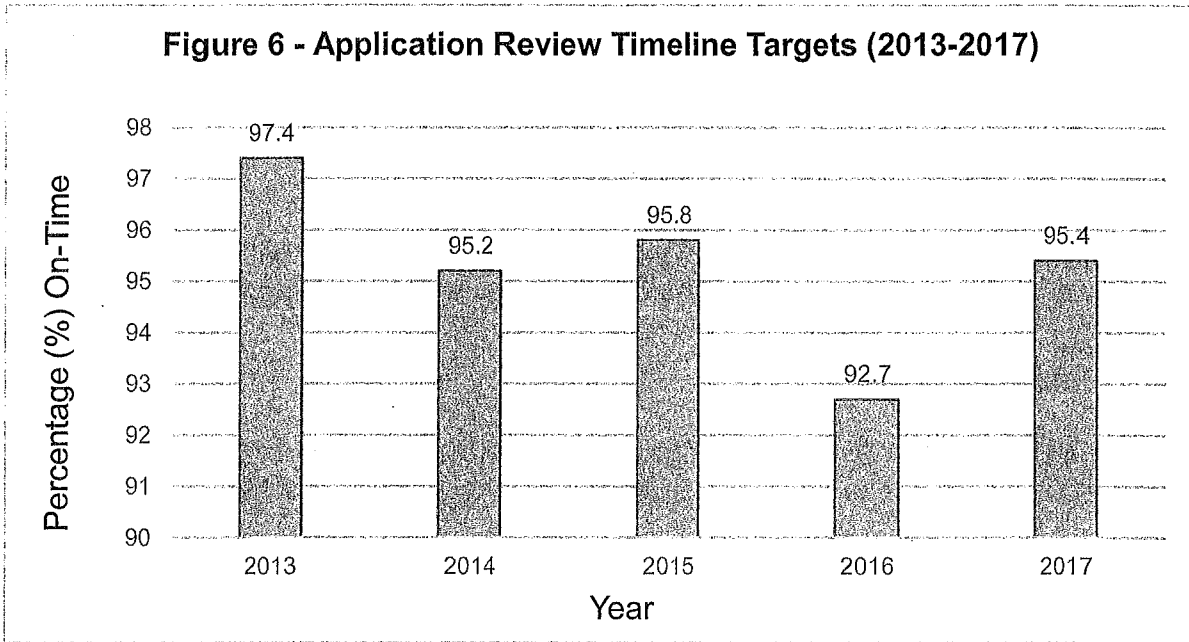


Figure 5 illustrates the number of Preconsultation Meetings by municipality in 2017 that involved Regional staff. The municipalities with the highest levels of preconsultation activity were Niagara Falls and West Lincoln (both with 77 meetings each), followed by Welland (76), Niagara-on-the-Lake (67) and Fort Erie (60).



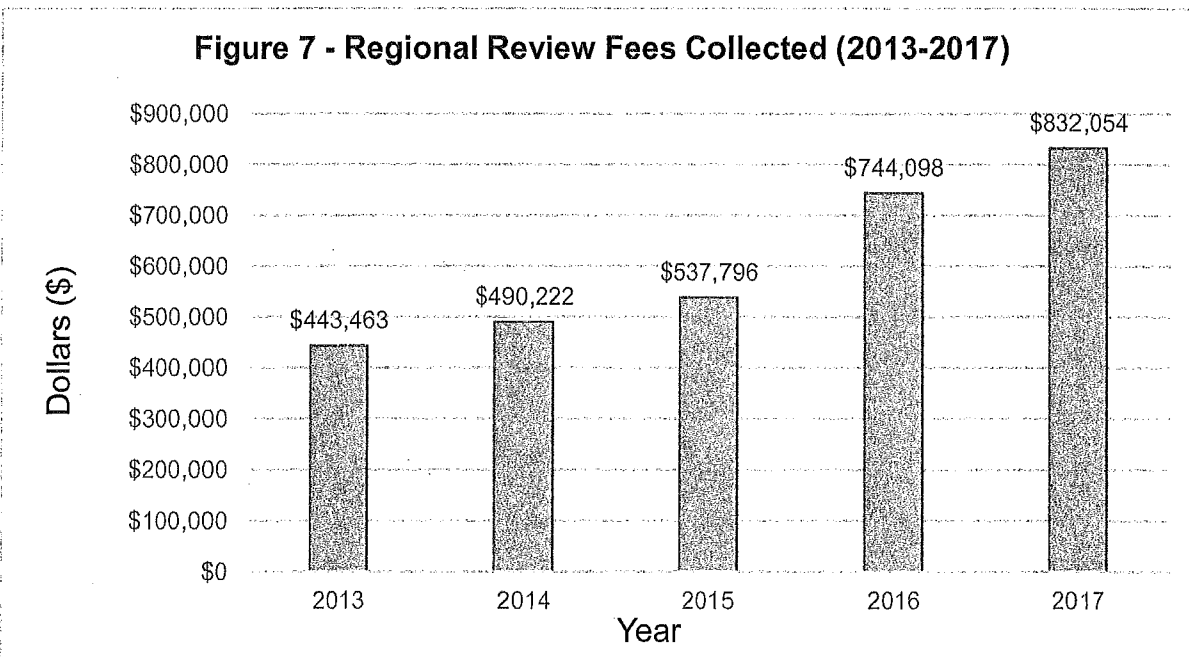
Application Review Timelines

Based on consultation and cooperation with local municipal staff, Regional staff provided review comments satisfying timeline targets for 95.4% of all Development Planning and Engineering applications with due dates in 2017. Figure 6 shows the percentage of applications over the past five years that the Region has met the requested comment period. Timeline response targets for municipal and agency files vary according to application type (complexity) and are established by Planning Act regulations and the current Regional/Local Memorandum of Understanding. Given the increasing volume of applications, the Region consults with municipal staff to establish local priorities and in several cases extensions were granted to initial comment periods. This arrangement allowed for the resolution of issues, submission of additional information where required and addressed workload demands.



Regional Review Fees

Figure 7 summarizes the fees collected between 2013 and 2017 for the Regional review of development applications. The 2017 total of \$832,054 represents an increase of 11.8% over 2016, reflecting the higher number of applications. These fees are intended to offset Regional costs for the development review service.



Alternatives Reviewed

None.

Relationship to Council Strategic Priorities

This report provides information on development application activity that contributes to strong economic prosperity throughout the communities within the Niagara Region.

Other Pertinent Reports

- PDS 48-2017: Niagara Region Mid-Year 2017 Growth Monitoring Report
- PDS 13-2017: 2016 Year End Development Planning Applications Monitoring Report

Prepared by:

Richard Wilson, MCIP, RPP
Senior Development Planner
Planning and Development Services

Recommended by:

Rino Mostacci, MCIP, RPP
Commissioner
Planning and Development Services

Submitted by:

Carmelo D'Angelo, BSc, MPA
Chief Administrative Officer

This report was reviewed by Pat Busnello, MCIP, RPP, Manager, Development Planning.

May 28, 2018

DISTRIBUTION LIST

SENT ELECTRONICALLY

**RE: Taxpayer Affordability Guidelines
Minute Item 11.1, CL 7-2018, May 24, 2018**

Regional Council at its meeting held on May 25, 2018 approved the following recommendations of its Audit Committee:

That Correspondence Item AC-C 2-2018, being a memorandum from F. Fabiano, Acting Regional Clerk, dated January 15, 2018, respecting Status of Audit Committee's consideration of the motion related to Taxpayer Affordability Guidelines, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the Niagara Region **REAFFIRM** its support for the current Regional Taxpayer Affordability Guidelines requiring operating levy increases to be at or below the rate of inflation;
2. That the Niagara Region **REQUESTS** the local area municipalities develop a taxpayer affordability guideline should they not already have one in place; and
3. That this motion **BE CIRCULATED** to Niagara's local area municipalities, the MPP for Niagara West-Glanbrook, the Minister of Municipal Affairs and Housing, Standard & Poor's Ratings Agency, the Auditor General of Ontario, the Premier of Ontario, the Canadian Taxpayers Federation, all local Chambers' of Commerce in Niagara, the Ontario Chamber of Commerce, Canadian Federation of Independent Business, the Pelham Business Association, the Niagara Industrial Association and the Niagara Homebuilder's Association.

Yours truly,



Ann-Marie Norio
Acting Regional Clerk
:mt

CLK-C 2018-72

Distribution List:

Local Area Municipalities

S. Oosterhoff, MPP, Niagara West – Glanbrook

Minister of Municipal Affairs and Housing

Standard & Poor's Ratings Agency

K. Wynne, Premier

B. Lysyk, Auditor General of Ontario

C. Van Geyn, Ontario Director, Canadian Taxpayers Federation

D. Fabiano, Executive Director, Greater Fort Erie Chamber of Commerce

Executive Director, Niagara Falls Chamber of Commerce

Executive Director, Port Colborne/Wainfleet Chamber of Commerce

Executive Director, Welland/Pelham Chamber of commerce

M. Balsom, President and CEO, Greater Niagara Chamber of Commerce

J. Day, Executive Director, Grimsby Chamber of Commerce

J. Thompson, Executive Director, Niagara-on-the-Lake Chamber of Commerce

D. Potter, Office Manager, West Lincoln Chamber of Commerce

J. Goodman, Director of Business Development, Ontario Chamber of Commerce

Canadian Federation of independent Business

Pelham Business Association

Niagara Industrial Association

Niagara Homebuilder's Association

CITY OF QUINTE WEST

*Office of the Mayor
Jim Harrison*



P.O. Box 490
Trenton, Ontario, K8V 5R6

TEL: (613) 392-2841
FAX: (613) 392-5608

May 28, 2018

Ms. Lynn Dollin, President
Association of Municipalities of Ontario
200 University Ave, Suite 801
Toronto, ON M5H 3C6

City of Port Colborne
RECEIVED

MAY 29 2018

CORPORATE SERVICES
DEPARTMENT

RE: Resolution – Cannabis Grace Period Request

Dear: Ms. Lynn Dollin,

This letter will serve to advise that at a meeting of City of Quinte West Council held on May 22, 2018 Council passed the following resolution:

“That the Council of the City of Quinte West requests that once the cannabis legislation is passed that a six month grace period be enacted to ensure that municipal law enforcement officers and the Ontario Provincial Police are adequately trained to enforce the said legislation;

And further that this resolution be circulated to the local MP, MPP, AMO, and other municipalities. **Carried**”

We trust that you will give favourable consideration to this request.

Sincerely,

CITY OF QUINTE WEST

A handwritten signature in black ink that reads "Jim Harrison".

Jim Harrison
Mayor

cc: MP Neil Ellis, Bay of Quinte
cc: MPP Lou Rinaldi, Northumberland-Quinte West

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June 7, 2018

Amber LaPointe
City Clerk
City of Port Colborne
66 Charlotte Street
Port Colborne, ON L3K 3C8

Dear Ms. LaPointe:

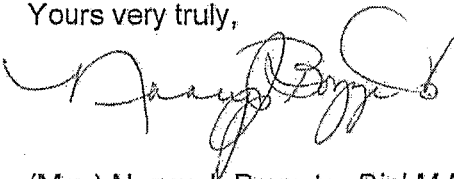
City of Port Colborne, Provincial Funding for Local Public Libraries

At their regular meeting of June 4, 2018, Council of the Town of Pelham received your _____ correspondence and considered the following resolution:

BE IT RESOLVED THAT Council receive correspondence from the City of Port Colborne dated, May 17, 2018 regarding their resolution to support the Town of Niagara-on-the-Lake's resolution to request funding from the Province for Local Public Libraries, for information.

On behalf of Council, thank you for your correspondence.

Yours very truly,



(Mrs.) Nancy J. Bozzato, *Dipl.M.M., AMCT*
Town Clerk

/js

From the Clerk's Department



**Administrative
Services**



Vibrant • Creative • Caring

City of Port Colborne
RECEIVED

JUN 15 2018

CORPORATE SERVICES
DEPARTMENT

June 7, 2018

Amber LaPointe
City Clerk
City of Port Colborne
66 Charlotte Street
Port Colborne, ON L3K 3C8

Dear Ms. LaPointe:

City of Port Colborne, Safe Drinking Water Training – Elected Municipal Officials

At their regular meeting of June 4, 2018, Council of the Town of Pelham received your correspondence and considered the following resolution:

BE IT RESOLVED THAT Council receive correspondence from the City of Port Colborne dated, May 23, 2018 in support of a resolution passed by the Niagara Regional Council regarding Safe Drinking Water Training - Elected Municipal Officials, for information.

On behalf of Council, thank you for your correspondence.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Nancy J. Bozzato".

(Mrs.) Nancy J. Bozzato, *Dipl.M.M., AMCT*
Town Clerk

/js

From the Clerk's Department



JUN 15 2018

CORPORATE SERVICES
DEPARTMENT

June 15, 2018

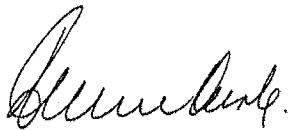
Amber LaPointe
City Clerk
City of Port Colborne
Sent via email to: cityclerk@portcolborne.ca

**Re: Resolution – Niagara Central Dorothy Rungeling Airport – Position regarding
Niagara Region Uptake of Control and Governance of NCDRA and NDA
Our File No. 35.11.2**

Please be advised that the Council of the City of St. Catharines, at its meeting held on June 11, 2018, gave consideration to your Council's resolution respecting the above-noted matter.

The Mayor and Members of Council received and filed the resolution, directing no further action.

If you have any questions, please contact the Office of the City Clerk at extension 1524.



Bonnie Nistico-Dunk, City Clerk
Legal and Clerks Services, Office of the City Clerk
:ks

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**City of Port Colborne
Regular Committee of the Whole Meeting 13-18
Minutes**

Date: June 11, 2018

Time: 7:28 p.m.

Place: Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne

Members Present: R. Bodner, Councillor
B. Butters, Councillor
F. Danch, Councillor
A. Desmarais, Councillor
D. Elliott, Councillor
B. Kenny, Councillor
J. Maloney, Mayor (presiding officer)

Absent: Y. Doucet, Councillor (due to vacation)
J. Mayne, Councillor (due to illness)

Staff Present: D. Aquilina, Director of Planning and Development
T. Cartwright, Fire Chief
J. Douglas, Economic Development Officer
S. Hanson, Supervisor, By-law Enforcement Division (arrived at)
C. Lee, Director of Engineering and Operations
S. Luey, Chief Administrative Officer
C. McIntosh, Deputy Clerk (minutes)
D. Rollo, Health Services Coordinator (for presentation and Item 21)
P. Senese, Director of Corporate Services
D. Suddard, Environmental Compliance Supervisor

Also in attendance were interested citizens, members of the news media, YourTV and WeeStream.

1. Call to Order:

Mayor Maloney called the meeting to order.

2. Introduction of Addendum Items:

Additions:

Item 19, Motion (Councillor Kenny) Re: Request for Proposal Regarding Limiting the City's Water Loss. This item was circulated via addendum on June 8, 2018.

Item 20, Engineering and Operations, Operations Division, Report No. 2018-74, Subject: Operational Overview of Port Colborne's Water Distribution and Wastewater Collection Systems. This item was circulated via addendum on June 8, 2018.

Item 21, Community and Economic Development, Health Services Division, Report No. 2018-87, Subject: Contractual Incentive Agreement with Dr. Kelly Maracle. This item was circulated via addendum on June 8, 2018.

3. Confirmation of Agenda:

Moved by Councillor R. Bodner
Seconded by Councillor D. Elliott

That the agenda dated June 11, 2018 be confirmed, as circulated or as amended.

CARRIED.

By general consensus item 9 (Delegations) was considered prior to item 8 (Presentations). The minutes reflect the order of the agenda.

4. Disclosures of Interest:

Nil.

5. Adoption of Minutes:

(a) Regular meeting of Committee of the Whole 12-18, held on May 14, 2018

Moved by Councillor B. Kenny
Seconded by Councillor A. Desmarais

(a) That the minutes of the special meeting of the Committee of the Whole 12-18, held on May 14, 2018, be approved as presented.

CARRIED.

6. Determination of Items Requiring Separate Discussion:

The following items were identified for separate discussion:

Items 19, 20 and 21.

By general consensus, the Items Requiring Separate Discussion were considered in the following order: 20, 19 and item 21 was considered under Presentations. The minutes reflect the order of the agenda.

7. Approval of Items Not Requiring Separate Discussion:

Moved by Councillor A. Desmarais
Seconded by Councillor B. Kenny

That Items 1 to 18 on the agenda and **addendum items 19, 20 and 21** be approved, with the exception of items that have been deferred, deleted or listed for separate discussion, and the recommendation contained therein adopted.

Items:

1. **Planning and Development Department, Planning Division, Report No. 2018-69, Subject: Easement to Bell Canada – Killaly Street West**

Committee of the Whole recommends:

That an easement over Part 1 & 2 on Plan 59R-14504 and Direction Authorizing Registration be approved for Bell Canada.

That the Mayor and Clerk be authorized to sign and execute any and all documents respecting the easement registration.

2. **Planning and Development Department, Planning Division, Report No. 2018-73, Subject: Chippawa Estates Draft Plan of Subdivision**

Committee of the Whole recommends:

That Fire and Emergency Services Department Report No. 2018-64 with respect to the 2017 emergency call summary be received for information purposes.

3. **Chief Administrative Officer, Special Projects and Corporate Strategic Initiatives, Report No. 2018-83, Subject: Strategic Planning exercise results from Strategic Planning Meetings held on April 20 and 21, 2018**

Committee of the Whole recommends:

That the Strategic Directions document attached as Appendix 1 to Chief Administrative Officer, Special Projects and Corporate Strategic Initiatives Division report 2018-83 be approved.

4. **Corporate Services Department, Finance Division, Report No. 2018-80, Subject: Niagara Regional Housing Property Tax Exemption Analysis**

Committee of the Whole recommends:

That staff be directed to notify the Niagara Region that the Council of the City of Port Colborne supports Scenario 1 being the status quo in keeping the Niagara Regional Housing properties taxable.

5. **Community and Economic Development Department , Parks and Recreation Division, Report No. 2018-75, Subject: Canada Day – 2018 Optimist Day in the Park & Canada Day Fireworks Road Closure**

Committee of the Whole recommends:

That staff issue the appropriate permits for Canada Day – ‘Optimist Day in the Park’ at H.H. Knoll Lakeview Park, and;

That the temporary road closures be approved for the purpose of hosting Canada Day fireworks beginning at 9:00 p.m. until 11:00 p.m., Saturday, July 1, 2018. Temporary barricade road closures at the following intersections to restrict traffic onto: West Street from the Southern limit of Charlotte Street to the Southern limit of the former Public Works Yard (11 King Street) property including closure of the intersections of Kent Street, Victoria Street, Adelaide Street, and Sugarloaf Street at West Street for the purpose of controlling traffic for the Canada Day Fireworks and prohibiting general vehicular traffic and parking by the public, and:

That City sponsorship of the 2018 Optimist Day in the Park be approved, with sponsorship to be provided as follows:

- a. Waiving of permit fees for the use of H.H. Knoll Lakeview Park;
- b. Waiving of permit fees for the use of the pavilion at the Bandshell;
- c. Provision and installation of snow fencing, and waiving of associated fees;
- d. Waiving of the Noise Variance Fee;
- e. Provision of portable washroom facilities and waiving of associated fees;
- f. Waiving of the parking fees in the gravel lot for the duration of the event;
- g. City assistance with event promotion and marketing on social media.

6. Community and Economic Development Department, Parks and Recreation Division, Report No. 2018-76, Subject: 40th Annual Canal Days Festival Request for Road Closures, Parking Restrictions & Patio Extensions

Committee of the Whole recommends:

1. That the closure to through traffic and street parking be approved and authorized for the following roads beginning at 5:00 p.m. Thursday, August 2, 2018 and ending at 6:00 a.m. on Tuesday, August 7, 2018:
 - West Street from the northern limit of Adelaide Street to the southern limit of Sugarloaf Street and;
2. That the closure to through traffic and street parking be approved and authorized for the following roads beginning at 4:00 a.m.

Friday, August 3, 2018 ending at 6:00 a.m. on Tuesday, August 7, 2018.

- West Street from the northern limit of Princess Street to the southern limit of Sugarloaf Street;
 - Princess Street from the eastern limit of King Street to the eastern limit of West Street;
 - Park Street from the eastern limit of King Street to the eastern limit of West Street;
 - Charlotte Street from the eastern limit of King Street to the eastern limit of West Street;
 - Kent Street from the eastern limit of King Street to the eastern limit of West Street;
 - Victoria Street from the eastern limit of King Street to the eastern limit of West Street;
 - Adelaide Street from the eastern limit of King Street to the eastern limit of West Street;
 - Sugarloaf Street from the eastern limit of King Street to the eastern limit of West Street;
 - Clarence Street from the eastern limit of King Street to the western limit of Welland Street;
 - Municipal Parking Lot located west of King Street, east of Catharine Street and south of Princess Street.
3. In addition, the following areas be closed to street parking beginning at 4:00 a.m. on Friday, August 4, 2018 and ending at 6:00 p.m. on Monday, August 7, 2018:
- Northside of Kent Street between the western limit of Catharine Street and the eastern limit of Elm Street.
 - The thirteen (13) parking spaces on the west side of King Street from Sugarloaf Street to Charlotte Street;
 - The two (2) parking spaces on both east and west sides of King Street, north of the Charlotte Street limit, be closed to parking to allow for the shuttle bus stops,
 - The three (3) parking spaces on the south side of Clarence Street in front of the Breakwall Brewery.
4. That the closure to street parking and through traffic be approved and authorized for the following street beginning at 6:00 p.m. on Friday, August 3, 2018 and ending at 5:00 p.m. on Monday, August 6, 2018 for the purpose of hosting the Historical & Marine Museum Canal Days Events.
- Princess Street from the western limit of King Street to the eastern limit of Catharine Street.

5. That the closure to street parking and through traffic be approved and authorized for following roads beginning at 4:00 p.m. to 12:00 a.m. on Friday, August 3 & Saturday, August 4, 2018 for the purpose of hosting the Canal Days concert.
 - Steele Street from the southern limit of Steele Street at Sugarloaf Street;
 - Steele Street from the eastern limit at Steele Street at Sugarloaf Street;
 - Isabel Street from the southern limit of Isabel Street at Sugarloaf Street;
 - Fielden Avenue from the northern limit of Fielden Avenue at Sugarloaf Street;
 - Fielden Avenue from the southern limit at Sugarloaf Street;
 - Lighthouse Lane from the southern limit at Sugarloaf Street;
 - Elm Street from the southern limit of Elm Street at Sugarloaf Street;
 - H.H. Knoll Lakeview Parking lot south of Dawg's Burgers to Fielden Avenue.
6. That there is no objection by the Corporation of the City of Port Colborne to the application by Eh Amigos Cantina to the AGCO for a Special Occasion Permit / Liquor License Extension; and
7. That there is no objection by the Corporation of the City of Port Colborne to the application by The Lock 8 to the AGCO for a Special Occasion Permit / Liquor License Extension; and
8. That there is no objection by the Corporation of the City of Port Colborne to the application by Breakwall Brewery to the AGCO for a Special Occasion Permit / Liquor License Extension; and
9. That there is no objection by the Corporation of the City of Port Colborne to the application by Canadian Corps Association to the AGCO for a Special Occasion Permit/Liquor License Extension; and
10. That the following conditions will apply to Eh Amigos Cantina and The Lock, on Clarence Street:
 - a) That on Friday, August 3, 2018 the selling and serving of alcoholic beverages to the said licensed outdoor area shall occur only between the hours of 11:00 a.m. and 11:00 p.m., and the outdoor area shall be cleared of patrons by 11:30 p.m. on August 3, 2018;
 - b) That on Saturday, August 4, 2018 the selling and serving of alcoholic beverages to the said outdoor area shall occur only between the hours of 11:00 a.m. and 11:00 p.m., and the

outdoor area shall be cleared of patrons by 11:30 p.m. on August 4, 2018;

- c) That on Sunday, August 5, 2018 the selling and serving of alcoholic beverages to the said outdoor area shall occur only between the hours of 11:00 a.m. and 11:00 p.m., and the outdoor area shall be cleared of patrons by 11:30 p.m. on August 5, 2018;
 - d) That on Monday, August 6, 2018 the selling and serving of alcoholic beverages to the said outdoor area shall occur only between the hours of 11:00 a.m. and 5:00 p.m., and the outdoor area shall be cleared of patrons by 5:30 p.m. on August 6, 2018;
 - e) That, notwithstanding clause a, b, c and d above, the occupancy of the said outdoor licensed area shall be open only when Clarence Street is closed in accordance with City by-law;
 - f) That the applicant shall not block or occupy any street with equipment relating to the Canal Days festival & events or patio before 9:00 a.m. on Friday, August 3, 2018 and must have all equipment and supplies related to the patio extension cleared from the streets no later than 7:00 p.m. Monday, August 6, 2018; and
11. That there is no objection by the Corporation of the City of Port Colborne to the application by Canalside Restaurant Inn and Walters and Neptunes to the AGCO for a Special Occasion Permit/Liquor License Extension. That Canalside Restaurant and Walters and Neptunes be approved to maintain the existing patio for the 2018 Canal Days Marine Heritage Festival; and
12. That the six (6) applicants shall provide a Certificate of Insurance (COI) with no less than \$5,000,000 general liability naming the Corporation of the City of Port Colborne as additional insured, and listing The St. Lawrence Seaway Management Corporation, Her Majesty the Queen in Right of Canada, Transport Canada, as an additional insured in accordance with the City's Festivals & Events Insurance Requirements.
13. That Council of the Corporation of the City of Port Colborne exempt the participants of and the Canal Days Marine Heritage Festival from the Noise By-law #4588/119/04 and not be required to apply for the variance in accordance with Section 4(3) Schedule 2(2).
14. That the appropriate by-law be prepared, authorizing the Mayor and City Clerk to execute and sign the Ontario Transfer Payment Agreement for the Celebrate Ontario 2018 Grant on behalf of the Corporation of the City of Port Colborne.

7. Community and Economic Development Department, Parks and Recreation Division, Report No. 2018-77, Subject: 2018 Canal Days Car Parade Request for Road Closures and Parking Restrictions

Committee of the Whole recommends:

That the prohibition of street parking be approved for purpose of hosting the Canal Days Car Parade route beginning at 6:00 p.m. until 7:30 p.m., Saturday, August 4, 2018 to allow for safe viewing of the parade along:

1. Clarence Street from the western limit of Steele Street to the eastern limit of West Street;
2. West Street from the northern limit of Clarence Street to the southern limit of Charlotte Street; and
3. Charlotte Street from the western limit of Elm Street to the eastern limit of King Street.

That the temporary road intersection closures be approved for the purpose of hosting the Canal Days Car Parade route beginning at 6:30 p.m. until 7:30 p.m., Saturday, August 4, 2018. Temporary barricade road closures at the following intersections to restrict through traffic onto the parade route.

1. West and south intersections of Steele Street and Clarence Street
2. North and south intersections of Fielden Avenue at Clarence Street
3. North and south intersections of Elm Street at Clarence Street
4. North and south intersections of Catharine Street at Clarence Street
5. North and south intersections of King Street at Clarence Street

8. Community and Economic Development Department, Parks and Recreation Division, Report No. 2018-82, Subject: Rose City Triathlon Road Closure Request

Committee of the Whole recommends:

That the road closures necessary for the 2018 Rose City Triathlon event on June 23, 2018, as requested by Mr. Chris Pickering, and outlined in Community and Economic Development, Parks and Recreation Division Report No. 2018-82, be approved;

That the following road be closed to general vehicular traffic and parking from 7:30 a.m. to 12:00 p.m.:

- Elm Street at Stonebridge Drive for northbound traffic;

That emergency service vehicles, including ambulance, police and fire, as well as public works and public utility vehicles, be exempt from the above noted closures;

That members, qualified participants, and participants of the Rose City Triathlon, be exempt from the above noted closures, through the issuance of an authorized permit;

That the Rose City Triathlon be required to file a Certificate of Insurance, naming the City as an additional insured, in the amount of \$2,000,000, prior to the event;

That traffic barricades be supplied by Public Works staff, on June 23, 2018 to, and delivered before the start of the race at the predetermined location requiring barricades; and

That the appropriate by-law be presented for approval.

9. St. John Bosco Catholic Elementary School Re: Request for Use of Picnic Tables for a School Event to be held on June 15, 2018

Committee of the Whole recommends:

That the correspondence from St. John Bosco Catholic Elementary School requesting the use of City picnic tables for a School Event to be held on June 15, 2018 be received; and

That the picnic tables be made available for their use, with arrangements for pick-up and return to be the responsibility of St. John Bosco Catholic Elementary School.

10. Canadian Pacific Railway (CP) Re: Canadian Pacific 2018 Vegetation Control Program

Committee of the Whole recommends:

That the correspondence received from Geoff Gordon, Vegetation Management Specialist, Canadian Pacific Railway Re: Canadian Pacific 2018 Vegetation Control Program, be received for information.

11. Karen Usick, Community Coordinator, Mental Health & Addictions – Hepatitis C Care Clinic, Niagara Health Re: Request for Proclamation of World Hepatitis Day, July 28, 2018

Committee of the Whole recommends:

That July 28, 2018 be proclaimed as “World Hepatitis Day” in the City of Port Colborne in accordance with the request received from Karen Usick, Community Coordinator, Mental Health & Addictions – Hepatitis C Care Clinic, Niagara Health.

12. Region of Niagara Re: Agriculture – Project Framework (PDS Report 17-2018)

Committee of the Whole recommends:

That the correspondence received from the Region of Niagara Re: Agriculture – Project Framework (PDS Report 17-2018), be received for information.

13. Region of Niagara Re: Natural Environment – Project Framework (PDS Report 18-2018)

Committee of the Whole recommends:

That the correspondence received from the Region of Niagara Re: Natural Environment – Project Framework (PDS Report 18-2018), be received for information.

14. Niagara Regional Housing Re: Niagara Regional Housing Quarterly Report (January 1 to March 31, 2018)

Committee of the Whole recommends:

That the correspondence received from Niagara Regional Housing Re: Niagara Regional Housing Quarterly Report (January 1 to March 31, 2018), be received for information.

15. Township of Wainfleet Re: Lakewood Beach Property

Committee of the Whole recommends:

That the resolution received from the Township of Wainfleet Re: Lakewood Beach Property, be received for information.

16. Town of Pelham Re: Ministry of Transportation – Local Transit Project

Committee of the Whole recommends:

That the resolution received from the Town of Pelham Re: Ministry of Transportation – Local Transit Project, be received for information.

17. Town of Pelham Re: Ministry of Municipal Affairs – Local Request for Provincial Municipal Audit

Committee of the Whole recommends:

That the resolution received from the Town of Pelham Re: Ministry of Municipal Affairs – Local Request for Provincial Municipal Audit, be received for information.

18. Town of Pelham Re: Ombudsman Investigation Report Re: September 5, 2017

Committee of the Whole recommends:

That the resolution received from the Town of Pelham Re: Ombudsman Investigation Report (Paul Dubé, Ombudsman of Ontario) Re: September 5, 2017, be received for information.

CARRIED.

8. Presentations:**(a) Deborah Rollo, Health Services Coordinator regarding Rural Ontario Medical Program Week Activities (ROMP)**

The Health Services Coordinator presented with respect to the City's hosting of students from the University of Ottawa for Rural Ontario Medicine Week, the week of May 28-June 1, 2018. The Health Services coordinator advised that the City has hosted students during ROMP for more than 10 years, setting the standard for other communities hosting Rural Medicine Week. The Health Services Coordinator explained that the week allows first year medical students to shadow members of the local medical community and introduces the students to what it is like to practice medicine in a small community. The Health Services Coordinator presented a video highlighting this year's Rural Medicine Week (linked to the minutes as https://www.youtube.com/watch?v=38AyLub_gL8).

9. Delegations:**(a) Linda Kramer on behalf of residents of Lakeshore Road East, concerning property located at 709 Lakeshore Road East**

Ms. Kramer addressed Council as a representative of the Lakeshore Road East residents in attendance, as well as Thies Bogner, former owner of 709 Lakeshore Road East. Ms. Kramer provided Council with a number of photographs taken by Mr. Bogner of the 709 Lakeshore East property (attached). Ms. Kramer expressed concern with a number of issues regarding 709 Lakeshore Road East including debris, noise, unsightly appearance, disturbance of the sand dune and shoreline protection. Ms. Kramer advised that she would like for decisive action to be taken to resolve the ongoing concerns with respect to 709 Lakeshore Road East and that she would continue to keep visibility on the issues.

Moved by Councillor A. Desmarais

Seconded by Councillor B. Kenny

That the rules respecting delegations, as outlined under Section 10 of the Procedural By-law, be suspended in order permit members of the public to speak regarding their concerns with respect to 709 Lakeshore Road East.

CARRIED.

Candace Colling, 735 Lakeshore Road East, was in attendance and advised that 709 Lakeshore Road is covered with debris and scrap materials. The Chief Administrative Officer advised that he would investigate the jurisdiction of the Ministry of Environment, Ministry of Natural Resources and the Department of Fisheries and Oceans with respect to the concerns expressed by Ms. Colling about shoreline protection.

Joe Stivoric, 871 Lakeshore Road East, was in attendance and expressed concern that the owner of 709 Lakeshore Road East is using material to enlarge the property to which the Director of Planning and Development responded that he would investigate the fill by-law.

Harry Snider, 688 Lakeshore Road East, was in attendance and expressed concerns with respect to 709 Lakeshore Road East and the location of the septic bed to which the Director of Planning and Development responded that he would investigate via Public Health.

10. **Mayor's Report:**

A copy of the Mayor's Report is attached.

11. **Regional Councillor's Report:**

Nil.

12. **Councillors' Items:**

(a) **Grass cutting along the Friendship Trail (Desmarais)**

In response to a concern expressed by Councillor Desmarais about the length of grass along the Friendship Trail on the north east side of Wyldewood Road, the Director of Engineering and Operations advised that he would inform staff.

(b) **Noise from a pump on Welland Street near Rodney (Desmarais)**

In response to an inquiry from Councillor Desmarais about the source of noise from a pump on Welland Street near Rodney Street, the Director of Engineering and Operations advised that he would request that staff investigate the source.

(c) **Sidewalk on Amelia Street (Desmarais)**

In response to a concern expressed by Councillor Desmarais about an uneven sidewalk on Amelia Street, the Director of Engineering and Operations advised that he would forward the concern to staff to investigate.

(d) Road surface on Port Colborne Drive near Niagara Street (Desmarais)

In response to a concern expressed by Councillor Desmarais about poor road surface on Port Colborne Drive by Niagara Street, the Director of Engineering and Operations advised that he would request that staff investigate.

(e) Citizen issues compiled during the Provincial Election (Desmarais)

Councillor Desmarais advised that she spoke to residents during the provincial election and compiled a list of issues and is meeting with the Chief Administrative Officer to divide the issues between federal, provincial and municipal.

(f) 2018 Municipal Election (Kenny)

Councillor Kenny announced that she will not be seeking re-election in the 2018 municipal election.

(g) Rural Medicine Week (Kenny)

Councillor Kenny thanked Breakwall Brewing Company for sponsoring dinner for the medical students and Tendercuts for donating pigs' feet for the medical students to practice suturing during Rural Medicine Week.

(h) Centennial Park – road line painting and directional signage (Bodner)

In response to inquiries from Councillor Bodner, the Director of Engineering and Operations advised that the centre line painting on the road is complete and City crews will be painting the crosswalk at Centennial Park. The Director also advised that he will discuss directional signage on Vimy Ridge Road to the park with the Director of Community and Economic Development.

(i) Rural stone roads (Bodner)

Councillor Bodner inquired whether it is more cost effective to surface the rural stone roads than to undertake annual grading and dust control. The Director of Engineering and Operations advised that his department would prepare a report for Council's consideration during the 2019 budget detailing the historical and current costs of grading and dust control and providing a complete review of surface treatment options and costs.

(j) Camp fires (Danch)

In response to an inquiry from Councillor Danch with respect to whether camp fires are permitted in Port Colborne, the Fire Chief advised the City's by-law to regulate open air burning, By-law No. 6280/106/15, allows small confined fires used to cook food on a grill, barbecue or spit. The Fire Chief advised that all cooking and camp fires are dealt with on a complaint basis and if complaint is received, the Fire Department would require the fire be extinguished.

(k) Anti-idling by-law (Elliott)

In response to an inquiry from Councillor Elliott, the Director of Planning and Development advised that he would inquire about an anti-idling by-law with the Supervisor of the By-law Enforcement Division.

(l) Grant applications (Elliott)

In response to an inquiry from Councillor Elliott, the Director of Corporate Services advised that a report will be presented for Council's consideration at the June 15, 2018 meeting outlining recent federal, provincial and regional grant opportunities, including an overview of criteria and reasons the City may not have applied. The Director also advised that the report would summarize the grants to which the City did make application.

(m) Sidewalk marking on Clarence Street (Elliott)

In response to an inquiry from Councillor Elliott, the Director of Engineering and Operations advised that the pink sidewalk marking delineates trip hazards and the marking is part of the City's risk management program and helps staff prioritize sidewalk repair.

(n) Crosswalk at Clarence Street and Catharine Street (Elliott)

In response to an inquiry from Councillor Elliott, the Director of Engineering and Operations advised that staff has ordered the hardware and electronics for the crosswalk at Clarence Street and Catharine Street and that the location of the crosswalk will be in front of the Legion, rather than the other side, since bump outs already exist and the crosswalk will be shorter in length.

(o) Downtown Community Improvement Plan construction (Desmarais)

In response to a concern expressed by Councillor Desmarais about the potential hardship that will be experienced by businesses during the Downtown Community Improvement Plan construction, the Chief Administrative Officer advised that the Economic Development Officer would be meeting with businesses for advice and looking at what other communities have done to lessen the impact of construction.

Staff Responses to Previous Councillor Enquiries:**(a) Elevator at 400 Steele Street (Cartwright)**

The Fire Chief advised that staff met with the owner of 400 Steele Street and are working to resolve the elevator issue and have developed a fire safety plan to be used if required in the meantime.

(b) Community Safety Day, May 22, 2018 (Cartwright)

The Fire Chief advised that the 2018 Community Safety Day held at the Fire Station was successful and thanked the community and Council for their support.

(c) Cost recovery of Fire Department charges (Cartwright)

The Fire Chief advised that he and the Director of Corporate Services met with the City's insurer with respect to preparing a Request for Proposal for a service to recover the costs of Fire Department charges through insurance. The Fire Chief also advised that a report would be provided in the future for Council's consideration.

(d) Enbridge Award (Cartwright)

The Fire Chief advised that the department received an award from Enbridge and the company donated 150 fire and carbon monoxide alarms worth approximately \$9,000.

(e) Smoke alarm – door tag for homes (Cartwright)

The Fire Chief announced a new initiative by the Department developed in conjunction with the Corporate Communications Officer and handed out for Council's information the door tag to help bring fire safety awareness to households in the community.

Consideration of Items Requiring Separate Discussion:**19. Motion (Councillor Kenny) Re: Request for Proposal Regarding Limiting the City's Water Loss**

Moved by Councillor B. Kenny

Seconded by Councillor A. Desmarais

That the Director of Operations be directed to issue a Request for Proposal to qualified leak detection firms with terms of reference that require a reduction of loss water to 10%; and

That the Director of Operations issue the Request for Proposal no later than July 30, 2018.

The following was accepted as a friendly amendment:

That the first paragraph of the main motion be amended by striking "10%" and replacing it with "20%"

The vote was then taken on the main motion, as amended:

That the Director of Operations be directed to issue a Request for Proposal to qualified leak detection firms with terms of reference that require a reduction of loss water to 20%; and

That the Director of Operations issue the Request for Proposal no later than July 30, 2018.

LOST.

20. Engineering and Operations Department, Operations Division, Report No. 2018-74, Subject: Operational Overview of Port Colborne's Water Distribution and Wastewater Collection Systems

Moved by Councillor B. Kenny
Seconded by Councillor A. Desmarais

That Engineering and Operations Department, Operations Division Report 2018-74 "Operational Overview of Port Colborne's Water Distribution and Wastewater Collection Systems", be received for information.

CARRIED.

21. Community and Economic Development Department, Health Services Division, Report No. 2018-87, Subject: Contractual Incentive Agreement with Dr. Kelly Maracle

Moved by Councillor B. Kenny
Seconded by Councilor R. Bodner

That an incentive contractual arrangement to Dr. Kelly Maracle be approved at a cost of \$20,000 upon signing of the agreement, with all monies being used for upgrades to technology and all equipment purchased and with the agreement that the purchased capital will remain at 97 Charlotte Street (ultimately the new Boggio build) should Dr. Maracle decide to re-locate; and

That the cost be funded from the medical and physician recruitment reserve; and

That the Clerk be authorized and directed to prepare and present the appropriate by-law and contract.

CARRIED.

13. Notice of Motion:

Nil.

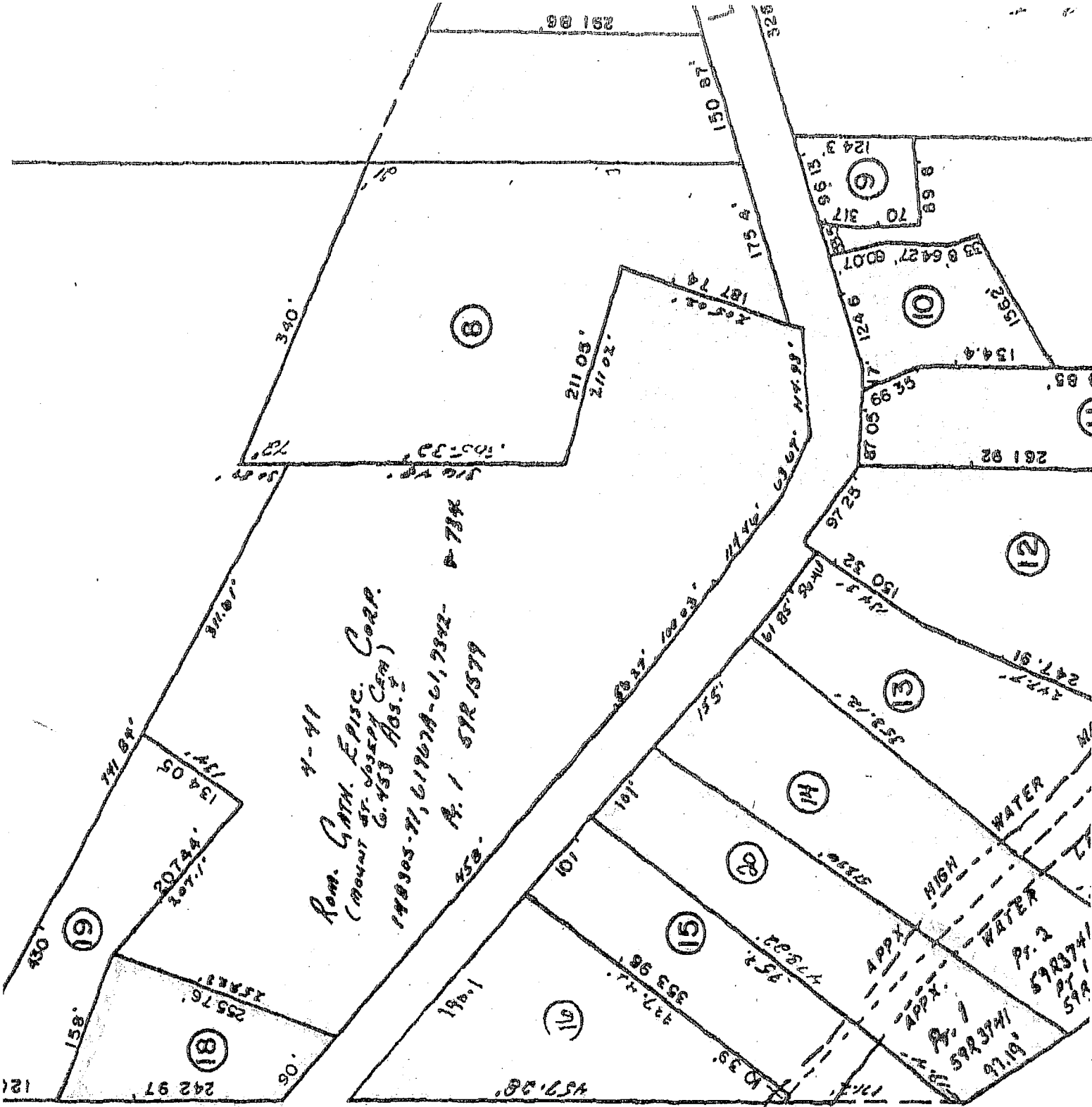
14. **Adjournment:**

Moved by Councillor F. Danch
Seconded by Councillor A. Desmarais

That the Committee of the Whole meeting be adjourned at approximately
9:51 p.m.

CARRIED.

CM/



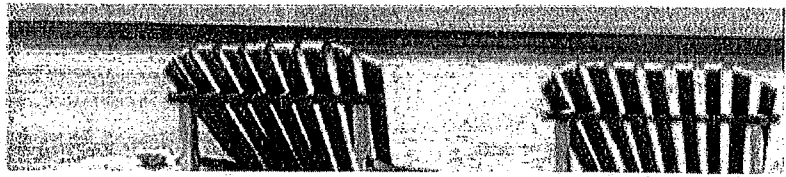
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LINDA KRAMER
 Broker
 With You Every Step Of The Way
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 lindakramerhomesbylinda@gmail.com

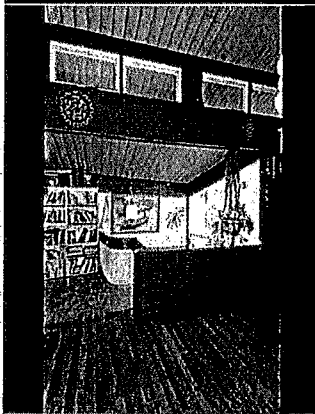
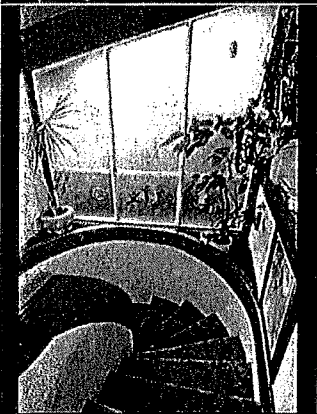
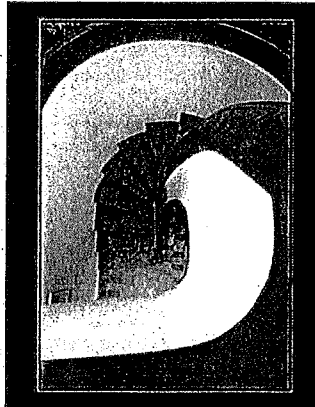


Photos

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709 LAKESHORE Road E Port Colborne, ON L3K 5V3

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Total SqFt: 2,000

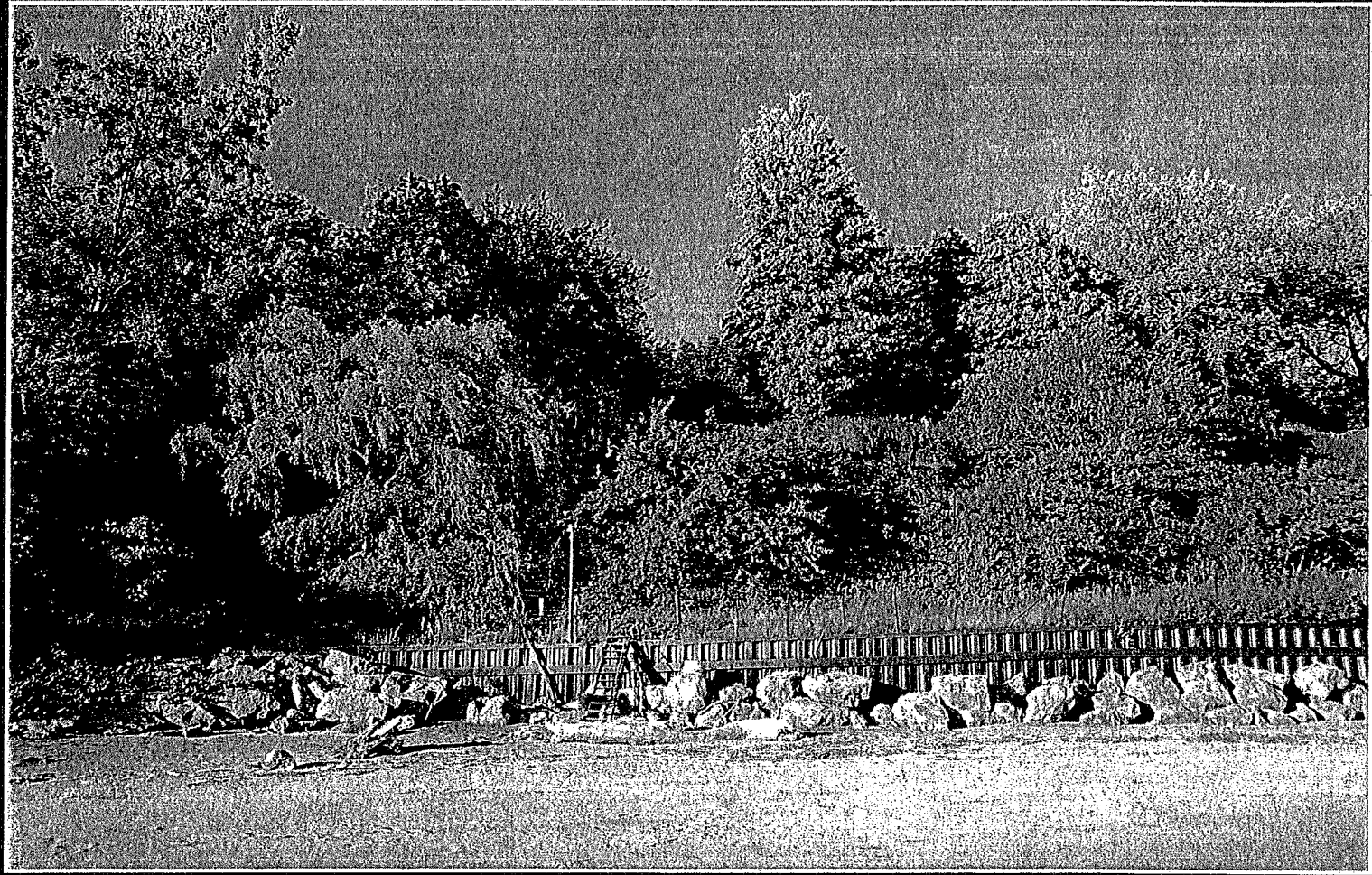


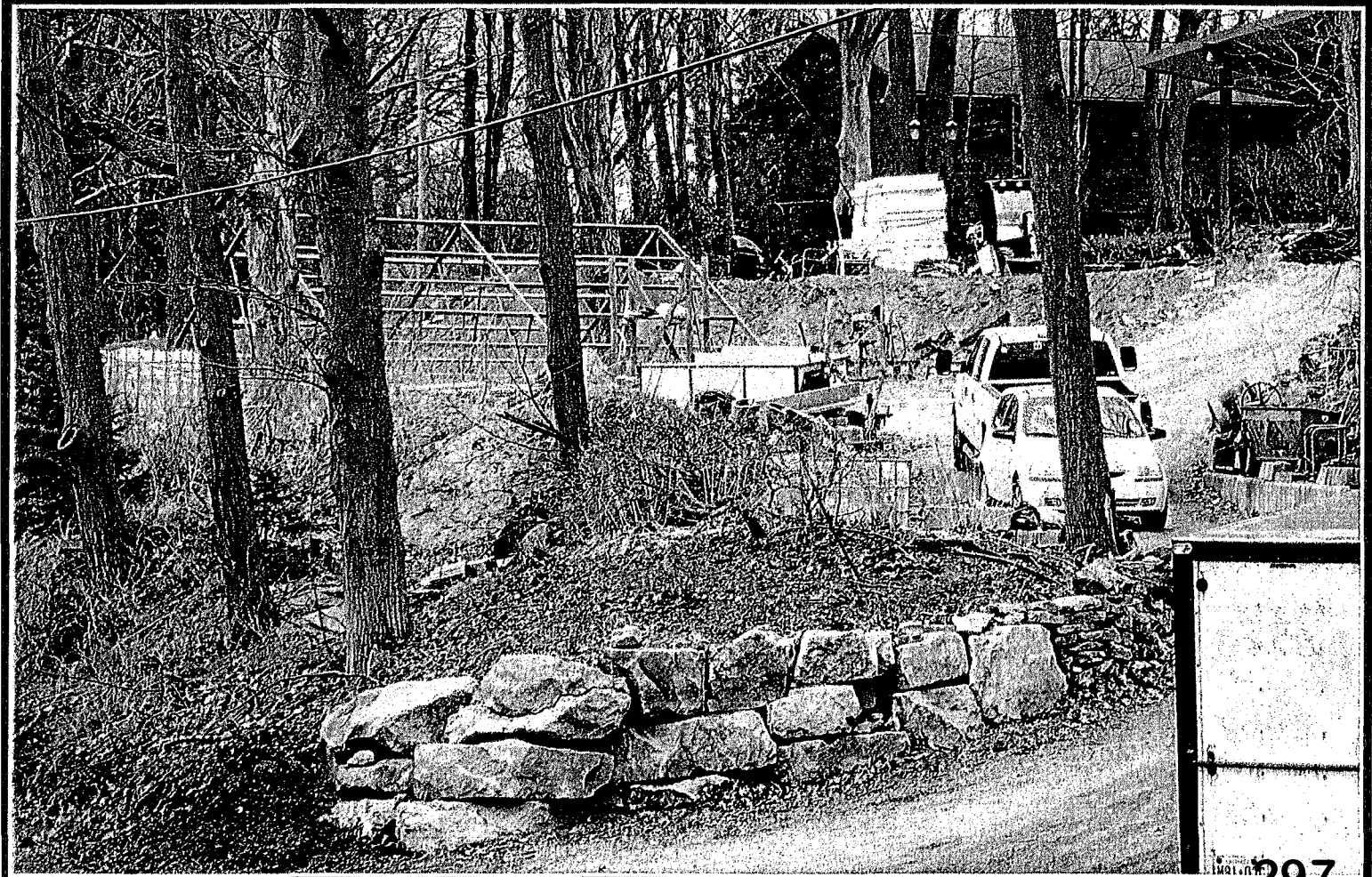


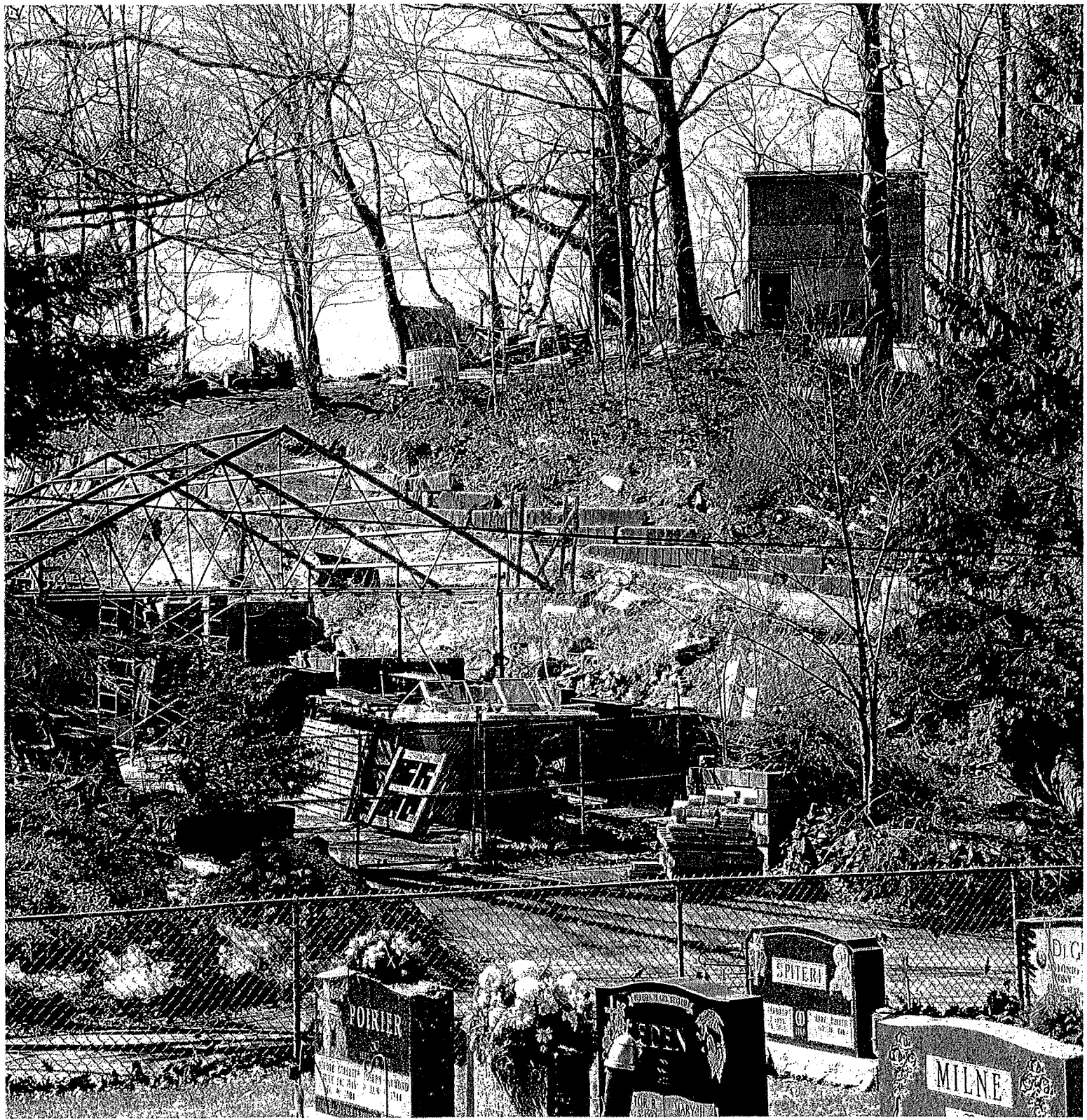
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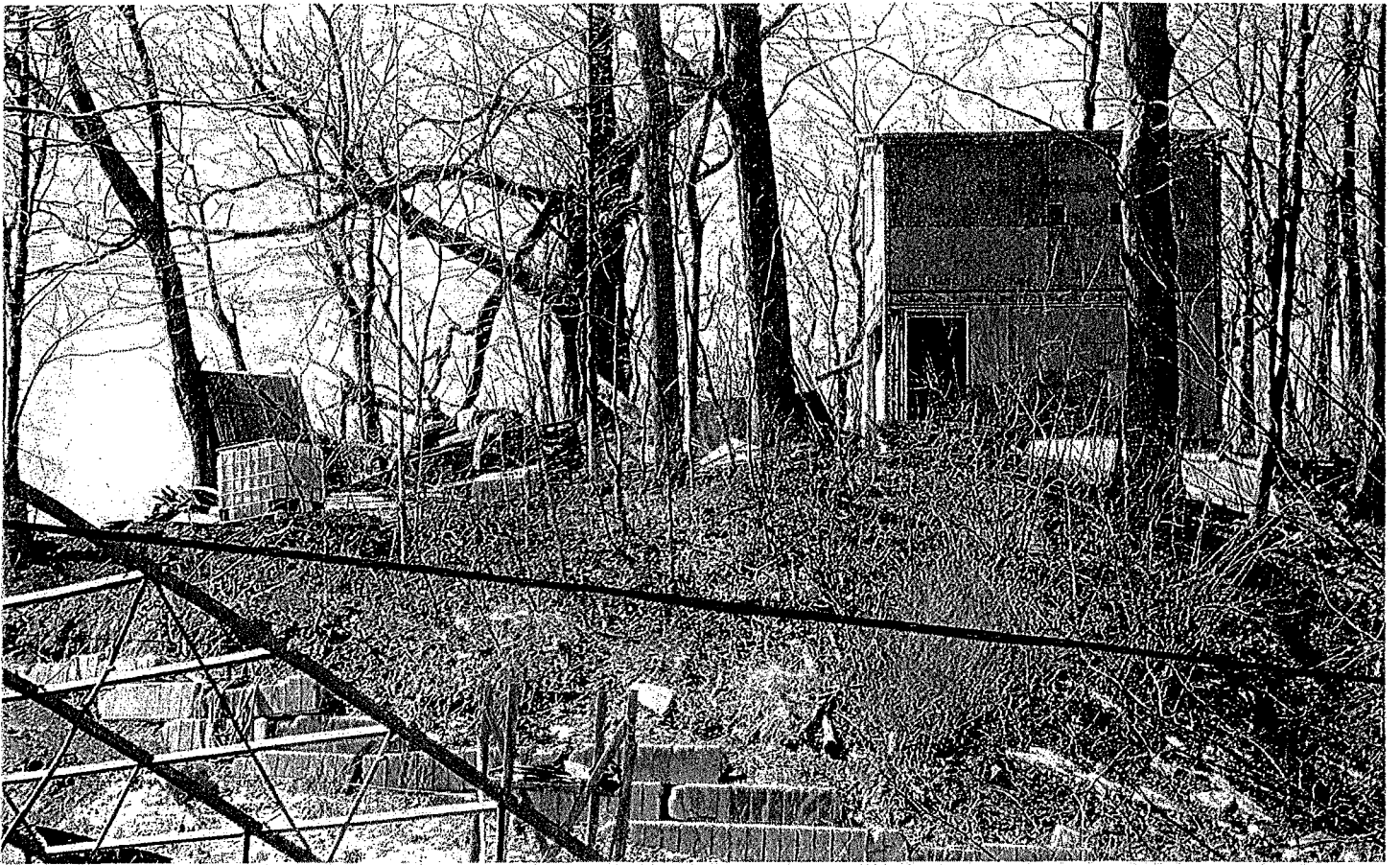
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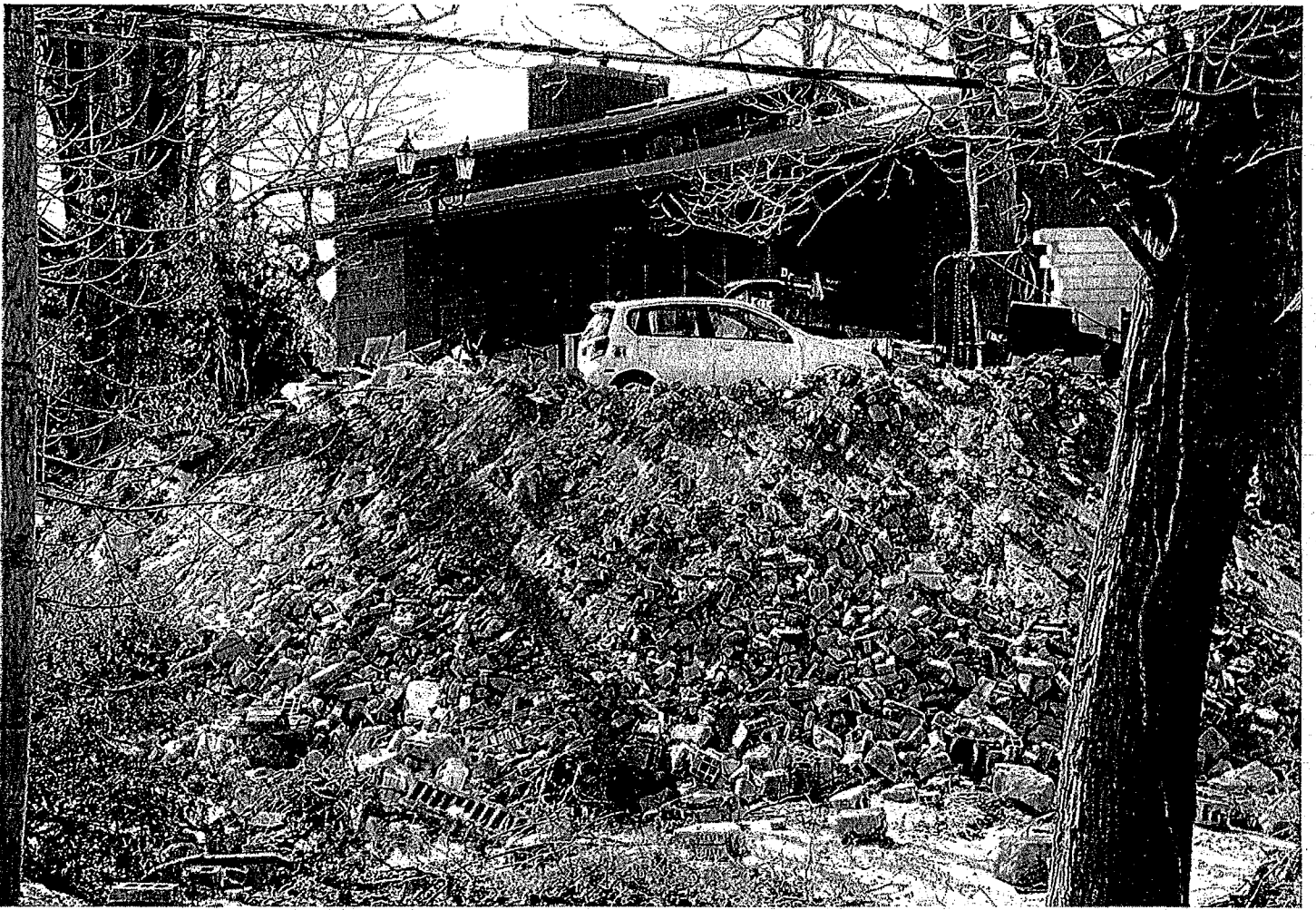














Mayor's Report to the June 11, 2018 Council Meeting

Rural Medicine Week

At the end of May we hosted 5 medical students from the University of Ottawa. They were given the opportunity to work with our local doctors and to experience medical education in a rural setting. We look forward to seeing them return further on in their educational training.

Pride Month Flag Raising

On June 4th we raised in pride flag in recognition of Pride Month. A brief ceremony was held in front of City Hall.

West Street

West Street has seen the opening of the Green Apple Coffee Shop and the re-opening of Crew's Quarters. Both are welcome additions to the downtown core.

Arabella's Tea Room

Arabella's Tea Room has opened it's door for the 40th season. Come out and enjoy a great cup of tea.

79th Lynton Davies Air Cadet Squadron

I had the honour of being the Reviewing Officer at the Annual Review of the 79th Lynton Davies Air Cadet Squadron last week. The young men and women who make up this squadron show great promise for our youth.

Summer Festival Media Launch

Tomorrow we will be holding the media launch for our summer festivals and events. This includes the celebration of the 40th annual Canal Days. Stayed tuned for some exciting announcements.

Kids Fishing Derby

The Port Colborne and District Conservation Club will be hosting their annual Kids Fishing Derby on Father's Day – Sunday June 17th. Bring your children and grandchildren down to H.H. Knoll Lakeview Park for some great together time.

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**City of Port Colborne
Regular Meeting of Council 15-18
Monday, June 25, 2018
following Committee of the Whole Meeting
Council Chambers, 3rd Floor, 66 Charlotte Street**

Agenda

- 1. Call to Order:** Mayor John Maloney
- 2. Introduction of Addendum Items:**
- 3. Confirmation of Agenda:**
- 4. Disclosures of Interest:**
- 5. Adoption of Minutes:**
 - (a) Special meeting of Council 13-18, held on June 11, 2018.
 - (b) Regular meeting of Council 14-18, held on June 11, 2018.
- 6. Determination of Items Requiring Separate Discussion:**
- 7. Approval of Items Not Requiring Separate Discussion:**
- 8. Consideration of Items Requiring Separate Discussion:**
- 9. Proclamations:**

Nil.
- 10. Minutes of Boards, Commissions & Committees:**
 - (a) Minutes of the Port Colborne Transit Advisory Committee Meeting of March 28, 2018
 - (b) Minutes of the Port Colborne Public Library Board Meeting of May 8, 2018
 - (c) Minutes of the Port Colborne Active Transportation Advisory Committee Meeting of May 22, 2018
- 11. Consideration of By-laws:**
- 12. Adjournment:**

Council Items:

Notes	Item	Description / Recommendation
JDM BB RB AD FD YD DE BK JM	1.	<p><u>Corporate Services, Clerk’s Division, Report No. 2018-93, Subject: Restricted Acts of Council (Lame Duck Periods)</u></p> <p>That the City Clerk be directed to prepare the necessary by-law prior to Nomination Day (July 27, 2018) delegating authority to the Chief Administrative Officer (CAO) from July 27, 2018 to the earliest of December 1, 2018 or when quorum of members of the newly elected Council swear their Declaration of Office, as outlined:</p> <ol style="list-style-type: none"> 1. The CAO be delegated the authority as the financial signing authority for expenditures, outside the current budget, exceeding \$50,000; 2. That the CAO be delegated the authority to execute an Agreement of Purchase and Sale pertaining to the disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal for the acquisition of property; 3. That the CAO be delegated the authority to appoint or remove any officer from or to an office with the City of Port Colborne. 4. That the CAO be delegated the authority to hire or dismiss any employee of the municipality; 5. That the CAO will report to Council if the delegation of authority is exercised under the proposed by-law; and <p>That the by-law shall come into force and effect only in the event that less than seventy-five percent (75%) of the current Members of Council will be returning to sit on the new Council after Nomination Day of the 2018 Municipal Election as determined by the City Clerk.</p>
JDM BB RB AD FD YD DE BK JM	2.	<p><u>Corporate Services, Clerk’s Division, Report No. 2018-91, Subject: Joint Niagara Compliance Audit Committee</u></p> <p>That The Corporation of the City of Port Colborne continue its participation in the Joint Niagara Compliance Audit Committee; and</p> <p>That the updated Terms of Reference, attached as Appendix A to Corporate Services Department, Clerks Divisions Report 2018-91, be approved; and</p>

			<p>That authority be delegated to the City Clerk to make legislative or administrative changes to the Terms of Reference; and</p> <p>That authority be delegated to the City Clerk to appoint members to the Compliance Audit Committee.</p>
JDM AD DE	BB FD BK	RB YD JM	<p>3. <u>Corporate Services, Finance Division, Report No. 2018-88, Subject: Grant Funding</u></p> <p>That Corporate Services Department, Finance Division Report 2018-88 with respect to Grant Funding, be received for information.</p>
JDM AD DE	BB FD BK	RB YD JM	<p>4. <u>Planning and Development, Planning Division, Report No. 2018-81, Subject: Biodiversity Offsetting</u></p> <p>The Council of The Corporation of the City of Port Colborne requests that the Region of Niagara and Niagara Peninsula Conservation Authority take the following actions with respect to the issues of Biodiversity Offsetting:</p> <ul style="list-style-type: none"> • Defer support of any Biodiversity Offsetting (BDO) Pilot Project until a thorough public discussion is undertaken regarding the purpose, methodology and evaluation procedure to be applied to any case study; and • Allow the involvement of interested members of the public, but also experts from Brock University, Niagara College, and other Universities and Colleges with specialized fields of Ecological and Environmental studies to allow input to specialized biological questions should they arise • Adopt the position that Provincially Significant Wetlands be protected the greatest extent; and <p>That Council's response with respect to Biodiversity Offsetting be forwarded to the Ministry of Natural Resources and Forestry for consideration in their review of the <i>Conservation Authorities Act</i>.</p>
JDM AD DE	BB FD BK	RB YD JM	<p>5. <u>Engineering and Operations, Operations Division, Report No. 2018-79, Subject: Energy Consumption and Greenhouse Gas Emissions Report (2016)</u></p> <p>That Engineering and Operations Department, Operations Division Report 2018-79 with respect to Energy Consumption and Greenhouse Gas Emissions Report (2016) be received for information.</p>

JDM	BB	RB	6.	<p><u>Community and Economic, Sugarloaf Marina Division, Report No. 2018-89, Subject: Sugarloaf Marina – Herbicide Application</u></p> <p>That the Director of Community and Economic Development be directed to proceed with issuing a purchase order for applications of herbicides to Sugarloaf Marina.</p> <p>After a thorough evaluation of the success of the project staff request the allocation of \$10,000 annually for herbicide application be included during the 2019 budget deliberations weeds as well as \$12,500 to replace the funds for the LED lights to complete this project in 2019.</p>
AD	FD	YD		
DE	BK	JM		

Miscellaneous Correspondence

JDM	BB	RB	7.	<p><u>Email correspondence from Betty Konc dated June 5, 2018 Re: Request for Fireworks Display on August 11, 2018 for an Annual BBQ, located at 831 Highway 3, East, Port Colborne</u></p> <p>That pursuant to Section 6.1.1 of By-law 4989/45/07, the Council of The Corporation of the City of Port Colborne authorize Betty Konc of 831 Highway 3, East, Port Colborne to hold a Display Fireworks Event on August 11, 2018.</p> <p>That such approval be conditional on the issuance of a permit by the Fire Chief, in compliance with By-law 4989/45/07 and payment of the applicable fees.</p> <p>That the following information be submitted to the Port Colborne Fire & Emergency Services a review a minimum of two weeks prior to the holding of the event.</p> <ul style="list-style-type: none"> • A fireworks site plan including but not limited to, separation distances to the public and vulnerable areas, location from where the fireworks are being fired, fallout zone, direction of firing, is to be submitted to this office by the fireworks supervisor for review. • Event description information, including description of fireworks, type size and quantity. <ul style="list-style-type: none"> - firing procedures, manual or electric - emergency procedures - traffic control plans <p>That Betty Konc of 831 Highway 3, East, Port Colborne be advised that as the Authority having jurisdiction, Port Colborne Fire and Emergency Services conduct spot site inspections and may revoke approval for any</p>
AD	FD	YD		
DE	BK	JM		

				<p>violation of the <i>Ontario Fire Code</i> or the <i>Explosives Act</i> prior to or during the scheduled event.</p> <p>**Note** If a fire ban due to dry conditions occur prior to the event, Port Colborne Fire and Emergency Services reserves the right to revoke consent.</p>
JDM AD DE	BB FD BK	RB YD JM	8.	<p><u>Region of Niagara Re: State of Aggregate Resources in Niagara Region – Technical Addendum (PDS Report 12-2018)</u></p> <p>That the correspondence received from the Region of Niagara Re: State of Aggregate Resources in Niagara Region – Technical Addendum (PDS Report 12-2018), be received for information.</p>
JDM AD DE	BB FD BK	RB YD JM	9.	<p><u>Region of Niagara Re: Waterfront Investment Program 2018 Funding Recommendations (PDS Report 16-2018)</u></p> <p>That the correspondence received from the Region of Niagara Re: Waterfront Investment Program 2018 Funding Recommendations (PDS Report 16-2018), be received for information.</p>
JDM AD DE	BB FD BK	RB YD JM	10.	<p><u>Region of Niagara Re: New Regional Official Plan and Growth Management Program (PDS Report 21-2018)</u></p> <p>That the correspondence received from the Region of Niagara Re: New Regional Official Plan and Growth Management Program (PDS Report 21-2018), be received for information.</p>
JDM AD DE	BB FD BK	RB YD JM	11.	<p><u>Region of Niagara Re: Climate Change Framework (PDS Report 22-2018)</u></p> <p>That the correspondence received from the Region of Niagara Re: Climate Change Framework (PDS Report 22-2018), be received for information.</p>
JDM AD DE	BB FD BK	RB YD JM	12.	<p><u>Region of Niagara Re: Development Applications Monitoring Report – 2017 Year End (PDS Report 23-2018)</u></p> <p>That the correspondence received from the Region of Niagara Re: Development Applications Monitoring Report – 2017 Year End (PDS Report 23-2018), be received for information.</p>

JDM	BB	RB	13.	<u>Region of Niagara Re: Taxpayer Affordability Guidelines</u>
AD	FD	YD		That the correspondence received from the Region of Niagara Re: Taxpayer Affordability Guidelines be referred to the Director of Corporate Services.
DE	BK	JM		
Outside Resolutions – Requests for Endorsement				
JDM	BB	RB	14.	<u>City of Quinte West Re: Cannabis Grace Period Request</u>
AD	FD	YD		That the resolution received from the City of Quinte Re: Cannabis Grace Period Request, be supported.
DE	BK	JM		
Responses to City of Port Colborne Resolutions				
JDM	BB	RB	15.	<u>Town of Pelham Re: Provincial Funding for Local Public Libraries</u>
AD	FD	YD		That the resolution received from the Town of Pelham regarding the City of Port Colborne’s support for Provincial Funding for Local Public Libraries, be received for information.
DE	BK	JM		
JDM	BB	RB	16.	<u>Town of Pelham Re: Safe Drinking Water Training – Elected Municipal Officials</u>
AD	FD	YD		That the resolution received from the Town of Pelham regarding City of Port Colborne’s support of Safe Drinking Water Training for Elected Municipal Officials, be received for information.
DE	BK	JM		
JDM	BB	RB	17.	<u>City of St. Catharines Re: Niagara Central Dorothy Rungeling Airport – Position regarding Niagara Region Uptake of Control and Governance of NCDRA and NDA</u>
AD	FD	YD		That the resolution received from the City of St. Catharines regarding City of Port Colborne’s resolution regarding Niagara Central Dorothy Rungeling Airport – Niagara Region Uptake of Control of NCDRA and NDA, be received for information.
DE	BK	JM		

**Consideration of By-laws
(Council Agenda Item 11)**

By-law No.	Title
6595/50/18	Being a By-law to Authorize Entering Into a Contract Agreement with Dr. Kelly Maracle respecting the Maintenance of a Family Practice in Port Colborne
6596/51/18	Being a By-law to Delegate Financial and Staffing Authority to the Chief Administrative Officer during the Lamé Duck period
6597/52/18	Being a By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne at its Regular Meeting of June 25, 2018

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The Corporation of The City of Port Colborne

By-law No. 6595/50/18

Being a by-law to authorize entering into a contract agreement with Dr. Kelly Maracle respecting the maintenance of a family practice in Port Colborne

Whereas at its meeting of June 11, 2018, the Council of The Corporation of the City of Port Colborne ("Council") approved the recommendation of Chief Administrative Officer, Health Services Division, Report 2018-87, Subject: Contractual Incentive Agreement with Dr. Kelly Maracle; and

Whereas Council is desirous of entering into a contract agreement with Dr. Kelly Maracle respecting the maintenance of a family practice at 97 Charlotte Street in Port Colborne.

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. That The Corporation of the City of Port Colborne enter into a contract agreement with Dr. Kelly Maracle respecting the maintenance of a family practice at 97 Charlotte Street in Port Colborne.
2. That the Mayor and the Clerk be and each of them is hereby authorized and directed to sign the said agreement, together with any documents necessary to complete the conditions of the said agreement, and the Clerk is hereby authorized to affix the corporate seal thereto.
3. That this by-law shall come into force and take effect on the date of passing.

Enacted and passed this 25th day of June, 2018.

John Maloney
Mayor

Amber LaPointe
City Clerk

THIS AGREEMENT made the 21 day of June, 2018

A M O N G:

The Corporation of the City of Port Colborne, a corporation incorporated under the laws of the Province of Ontario (hereinafter called the "City"),

OF THE FIRST PART;

- and -

Dr. Kelly Maracle, an individual residing in Welland, ON and registered with the College of Physicians and Surgeons of Ontario, Registration # 100503 (hereinafter called the "Physician").

OF THE SECOND PART.

WHEREAS the City is a city in the Regional Municipality of Niagara operating pursuant to the *Municipal Act* (Ontario) and the regulations thereunder;

WHEREAS the Physician has a licence to practice medicine in the Province of Ontario, unrestricted, and is in good standing with the College of Physicians and Surgeons of Ontario.

AND WHEREAS the City wishes to provide incentives to physicians demonstrating a commitment to serving the population in and around the City of Port Colborne and the Township of Wainfleet (the "Community");

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the respective covenants herein contained, the parties hereto agree as follows;

DESCRIPTION OF INCENTIVES

1. Subject to the terms and conditions hereof, the City agrees to provide certain incentives to the Physician, to support upgrades for the Physician practicing family medicine within the Community of Port Colborne.

2. For the purposes of this Agreement, the incentives ("Incentives") are:
- (a) Upon acceptance of this Agreement, the City shall provide the Physician with the following:
 - (b)
 - (i) A \$20,000.00 capital incentive for computer equipment, and software upgrades upon signing this agreement.

REPAYMENT OF INCENTIVES

3. (a) If for any reason, the physician should decide to leave the practice at Medical Associates of Port Colborne, and /or leave the City of Port Colborne, the equipment will remain at Medical Associates of Port Colborne.

REPRESENTATIONS AND WARRANTIES OF THE PHYSICIAN

4. The Physician hereby represents and warrants as follows and hereby acknowledges and confirms that the City is relying on such representations and warranties in connection with the provision of the Incentives:
- (a) The Physician is in good standing and holds a license for independent practice issued by the College of Physicians and Surgeons of Ontario;
 - (b) At the time of execution of this Agreement, the Physician agrees to not take with him any furnishings or equipment this capital incentive was used to purchase.

AGREEMENT IS NOT A GRANT OF PRIVILEGES

5. The Physician hereby acknowledges that this Agreement shall in no way be construed as a grant of Hospital Privileges.

NOTICE

6. All notices, requests, demands or other communications by the terms hereof required or permitted to be given by one party to another shall be given in writing by personal delivery or by registered mail, postage prepaid, addressed to such other party or delivered to such other party as follows:
- (a) to the City at:

City of Port Colborne
66 Charlotte Street
Port Colborne, ON
L3K 3C8

(b) to the Physician at: Dr. Kelly Maracle
c/o Medical Associates of Port Colborne
97 Charlotte Street
Port Colborne, ON
L3K 3E2

or at such other address as may be given by any of them to the others in writing from time to time and such notices, requests, demands or other communications shall be deemed to have been received when delivered, or, if mailed, forty-eight (48) hours after 12:01 a.m. on the day following the day of the mailing thereof; provided that if any such notice, request, demand or other communication shall have been mailed and if regular mail service shall be interrupted by strikes or other irregularities, such notices, requests, demands or other communications shall be deemed to have been received forty-eight (48) hours after 12:01 a.m. on the day following the resumption of normal mail service.

GENERAL

7. This Agreement shall be governed by the laws of Canada to the extent they apply and by the laws of the Province of Ontario.
8. This Agreement shall constitute the entire Agreement between the parties hereto with respect to all of the matters herein and this Agreement shall not be amended except by a memorandum in writing signed by all of the parties hereto and any amendment hereof shall be null and void and shall not be binding upon any party which has not given its consent as aforesaid.
9. No party hereto may assign this Agreement or any part hereof without the prior written consent of the other parties hereto. Subject to the foregoing, this Agreement shall ensure to be benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF the parties hereto have duly executed this Agreement this _____ day of _____, 2018

SIGNED, SEALED AND DELIVERED)
in the presence of:)

_____)

_____)

_____)

THE CORPORATION OF THE CITY
OF PORT COLBORNE

Mayor John Maloney

Amber LaPointe, Clerk

Kelly Maracle (seal)

Dr. Kelly Maracle

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The Corporation of the City of Port Colborne

By-law no. 6596/51/18

Being a by-law to delegate financial and staffing authority to the Chief Administrative Officer during the lame duck period.

Whereas Section 275 of the *Municipal Act, 2001* provides that if three quarters (3/4) of the members of the outgoing Council of the municipality will not be returning, the following restrictions on the Council will be in effect:

- a) The appointment or removal from office of any officer of the municipality;
- b) The hiring or dismissal of any employee of the municipality;
- c) The disposition of any real or personal property of the municipality which has a value exceeding \$50,000.00 at the time of disposal;
- d) Making any expenditure or incurring any other liability which exceeds \$50,000.00;

Now therefore the Council of The Corporation of the City of Port Colborne hereby enacts as follows:

1. The Chief Administrative Officer be delegated authority as the financial signing authority for any expenditures, outside the current budget, exceeding \$50,000.
2. That the Chief Administrative Officer be delegated the authority to execute agreements of purchase and sale pertaining to the disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal.
3. That the Chief Administrative Officer be delegated the authority to appoint or remove from office any officer of the City of Port Colborne.
4. That the Chief Administrative Officer be delegated the authority to hire or dismiss any employee of the municipality.
5. That the Chief Administrative Officer shall report to Council if any delegation of authority is exercised under this by-law.
6. That the by-law shall come into force and effect only in the event that Section 275(1)1 of the *Municipal Act, 2001* (the *Act*) applies as determined in accordance with Section 275(2) of the *Act* and shall remain in force only until the earliest of December 1, 2018 or where a quorum of members of the newly elected Council have sworn in their declarations of office.

Enacted and passed this 25th day of June, 2018.

John Maloney
Mayor

Amber LaPointe
City Clerk

The Corporation of the City of Port Colborne

By-Law No. 6597/52/18

Being a By-Law to adopt, ratify and confirm the proceedings of the Council of The Corporation of the City of Port Colborne at its Special and Regular Meetings of June 25, 2018.

Whereas Section 5(1) of the *Municipal Act, 2001*, provides that the powers of a municipality shall be exercised by its council;

Whereas Section 5(3) of the *Municipal Act, 2001*, provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

Whereas it is deemed expedient that the proceedings of the Council of The Corporation of the City of Port Colborne be confirmed and adopted by by-law;

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. Every action of the Council of The Corporation of the City of Port Colborne taken at its Special and Regular Meetings of June 25, 2018 upon which a vote was taken and passed whether a resolution, recommendations, adoption by reference, or other means, is hereby enacted as a by-law of the City to take effect upon the passing hereof except where the approval of the Ontario Municipal Board is required, in which case the effective date shall be the day after the approval of the Ontario Municipal Board is obtained or such other day as the Ontario Municipal Board may order; and further
2. That the Mayor and Clerk are authorized to execute any documents required on behalf of the City and affix the corporate seal of the City and the Mayor and Clerk, and such other persons as the action directs, are authorized and directed to take the necessary steps to implement the action.

Enacted and passed this 25th day of June, 2018.

John Maloney
Mayor

Amber LaPointe
City Clerk

**City of Port Colborne
Special Council Meeting 13-18
Minutes**

Date: June 11, 2018
Time: 6:32 p.m.
Place: Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne

Members Present: R. Bodner, Councillor
B. Butters, Councillor
F. Danch, Councillor
A. Desmarais, Councillor
Y. Doucet, Councillor
D. Elliott, Councillor
B. Kenny, Councillor
J. Maloney, Mayor (presiding officer)

Absent: Y. Doucet, Councillor (due to vacation)
J. Mayne, Councillor

Staff Present: D. Aquilina, Director of Planning and Development
C. MacIntosh, Deputy City Clerk
C. Lee, Director of Engineering and Operations
S. Luey, Chief Administrative Officer
C. Vincent, Manager of Strategic Projects
P. Senese, Director of Corporate Services

Also in attendance were interested citizens, members of the news media and YourTV.

1. Call to Order:

Mayor Maloney called the meeting to order.

2. National Anthem:

Joel Longfellow sang O Canada.

3. Confirmation of Agenda:

No. 80 Moved by Councillor Kenny
Seconded by Councillor Desmarais

That the agenda dated June 11, 2018 be confirmed, as circulated or as amended.
CARRIED.

4. Disclosures of Interest:

Councillor Bodner declared a pecuniary interest with regard to the Planning and Development Department, Planning Division Report 2018-72, Subject: Stopping Up and Closing a Part of Empire and Michael Roads as his business is located in Sherkston Shores. Councillor Bodner left the room during the Public Meeting and refrained from discussing or voting on that item.

5. Public Meeting Under the Municipal Act:

Proposed Road Closure for part of the Michael and Empire Road road allowances.

(i) Purpose of Meeting:

Mr. Aquilina advised that the purpose of this meeting, pursuant to the Municipal Act is to consider a proposed closing of a part of the Empire & Michael Road allowance.

(ii) Method of Notice

Mr. Aquilina advised that Notice of the Public Meeting was advertised in the Niagara this Week and placed on the City's website.

(iv) PRESENTATION OF REPORT 2018-72

Mr. Aquilina presented highlights of the Planning and Development Division Public Meeting Report 2018-37 through a PowerPoint presentation. Mr. Aquilina illustrated the proposed closures through a series of maps and surveys containing their legal descriptions.

Mr. Aquilina provided comments made by a letter received from Cindy Mitchell raising that Sherkston Shores has enjoyed the use of the roads for financial gain and unrestricted access while the community has not.

Mr. Aquilina advised that Mr. Vincent was in attendance as he has been involved on the matter and that Council will have the opportunity to ask any questions.

Councillor Butters requested Mr. Vincent's involvement and to provide information that can be shared. Mr. Vincent provided a history of his involvement with Sherkston Shores and with recent matters dealing with the potential road closures & land sale. Mr. Vincent indicated that any land sale would require Council approval and would include a requirement that residents within the L0s 1R0 postal code would have access in perpetuity

to the beach. Mr. Vincent also informed that access to the cemetery would also be included.

Councillor Kenny raised that it appeared that structures were located on the road allowances. Mr. Vincent eluded to raising the existence of structures with the new owners of Sherkston Shores and Mr. Aquilina provided the history of the City's role in reviewing their location.

(vi) ORAL PRESENTATIONS AND/OR QUESTIONS BY PUBLIC

Cindy Mitchell of 974 Pleasant Beach Road addressed Council and highlighted the uncertainty of being able to enter into Sherkston Shores as it was inconsistent. Mrs. Mitchell mentioned Sherkston Shores being benefitted for using municipal land with no compensation. Mrs. Mitchell asked if there would be more public meetings on the matter to which Mr. Aquilina stated that the public would be made aware of Council's consideration if they filled in the sign-in sheet.

Rick Hesp and Mr. Brooks, lands west of Michael Road questioned the purpose of road closure and Sherkston Shores plans. Mr. Vincent provided the closure and sale to Sherkston Shores and Council would have to approve any use.

Mr. Hesp was provided the zoning of surrounding properties by Mr. Aquilina. Mr. Brooks inquired to the road closure limit, maintenance of the road and use by Sherkston Shores. Mr. Vincent responded that he has no knowledge and that development is restricted by the wetland on the property.

Paul Dockert, 4771 Michael Rod. Informed Council of the use of Michael Road being experienced and the restricted access to Sherkston Shores. Mr. Dockert was interested to know future use of the road.

Robert South, 789 Michael Road. Concerned for future use of Michael Road by Sherkston Shores.

Darrel Moore, 554 Empire Road. Provided a history of living at his residence and negative impacts experienced. Mr. Moore questioned the process involved in the purchase of the road. Mr. Vincent & Aquilina provided a response under the Municipal Act and disposal of land policy and Councils approval required first. Mr. Moore expressed concerns that Sherkston Shores would relocate its gate closer to his residence and that there has been use of City property by Sherkston Shores with no payment in return.

(viii) EXPLANATION OF FUTURE MEETINGS

Mr. Aquilina advised that this concludes the Public Meeting and will be placed on Council's agenda in the near future. Mr. Aquilina responded to

Councillor Butters that the residents who signed the sheet would be made aware when Council would be considering the matter.

6. **Adjournment:**

No. 81 Moved by Councillor Desmarais
Seconded by Councillor Kenny

That the Council meeting be adjourned at approximately 7:27 p.m.
CARRIED.

John Maloney
Mayor

Carrie MacIntosh
Deputy City Clerk

Minutes prepared by the Department of Planning and Development.

**City of Port Colborne
Regular Council Meeting 14-18
Minutes**

Date: June 11, 2018

Time: 9:51 p.m.

Place: Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne

Members Present: R. Bodner, Councillor
B. Butters, Councillor
F. Danch, Councillor
A. Desmarais, Councillor
D. Elliott, Councillor
B. Kenny, Councillor
J. Maloney, Mayor (presiding officer)

Absent: Y. Doucet, Councillor (due to vacation)
J. Mayne, Councillor (due to illness)

Staff Present: D. Aquilina, Director of Planning and Development
T. Cartwright, Fire Chief
J. Douglas, Economic Development Officer
S. Hanson, Supervisor, By-law Enforcement Division
C. Lee, Director of Engineering and Operations
S. Luey, Chief Administrative Officer
C. McIntosh, Deputy Clerk (minutes)
P. Senese, Director of Corporate Services

Also in attendance were interested citizens, members of the news media, YourTV and WeeStream.

1. Call to Order:

Mayor John Maloney called the meeting to order.

Note: the following motion was approved prior to 11:00 p.m.

No. 82 Moved by Councillor D. Elliott
Seconded by Councillor A. Desmarais

That, in accordance with Subsection 4.1(d) of the Procedural By-law, the meeting shall hereby extend past 11:00 p.m.
CARRIED.

2. Introduction of Addendum Items:

Nil.

3. Confirmation of Agenda:

No. 83 Moved by Councillor F. Danch
Seconded by Councillor B. Butters

That the agenda dated June 11, 2018 be confirmed, as circulated or as amended.

CARRIED.

4. Disclosures of Interest:

Nil.

5. Adoption of Minutes:

No. 84 Moved by Councillor R. Bodner
Seconded by Councillor B. Butters

(a) That the minutes of the regular meeting of Council 11-18, May 14, 2018, be approved as presented.

(b) That the minutes of the special meeting of Council 12-18, May 23, 2018, be approved as presented.

CARRIED.

6. Determination of Items Requiring Separate Discussion:

Nil.

7. Approval of Items Not Requiring Separate Discussion:

No. 85 Moved by Councillor A. Desmarais
Seconded by Councillor B. Kenny

That Items 1 to 21 on the agenda be approved, with the exception of items that have been deferred, deleted or listed for separate discussion, and the recommendation contained therein adopted.

Items:

- 1. Planning and Development Department, Planning Division, Report No. 2018-69, Subject: Easement to Bell Canada – Killaly Street West**

Council resolved:

That an easement over Part 1 & 2 on Plan 59R-14504 and Direction Authorizing Registration be approved for Bell Canada.

That the Mayor and Clerk be authorized to sign and execute any and all documents respecting the easement registration.

2. Planning and Development Department, Planning Division, Report No. 2018-73, Subject: Chippawa Estates Draft Plan of Subdivision

Council resolved:

That Fire and Emergency Services Department Report No. 2018-64 with respect to the 2017 emergency call summary be received for information purposes.

3. Chief Administrative Officer, Special Projects and Corporate Strategic Initiatives, Report No. 2018-83, Subject: Strategic Planning exercise results from Strategic Planning Meetings held on April 20 and 21, 2018

Council resolved:

That the Strategic Directions document attached as Appendix 1 to Chief Administrative Officer, Special Projects and Corporate Strategic Initiatives Division report 2018-83 be approved.

4. Corporate Services Department, Finance Division, Report No. 2018-80, Subject: Niagara Regional Housing Property Tax Exemption Analysis

Council resolved:

That staff be directed to notify the Niagara Region that the Council of the City of Port Colborne supports Scenario 1 being the status quo in keeping the Niagara Regional Housing properties taxable.

5. Community and Economic Development Department , Parks and Recreation Division, Report No. 2018-75, Subject: Canada Day – 2018 Optimist Day in the Park & Canada Day Fireworks Road Closure

Council resolved:

That staff issue the appropriate permits for Canada Day – ‘Optimist Day in the Park’ at H.H. Knoll Lakeview Park, and;

That the temporary road closures be approved for the purpose of hosting Canada Day fireworks beginning at 9:00 p.m. until 11:00 p.m., Saturday, July 1, 2018. Temporary barricade road closures at the following intersections to restrict traffic onto: West Street from the Southern limit of Charlotte Street to the Southern limit of the former Public Works Yard (11 King Street) property including closure of the intersections of Kent Street, Victoria Street, Adelaide Street, and Sugarloaf Street at West Street for the purpose of controlling traffic for the Canada Day Fireworks and prohibiting general vehicular traffic and parking by the public, and:

That City sponsorship of the 2018 Optimist Day in the Park be approved, with sponsorship to be provided as follows:

- a. Waiving of permit fees for the use of H.H. Knoll Lakeview Park;
- b. Waiving of permit fees for the use of the pavilion at the Bandshell;
- c. Provision and installation of snow fencing, and waiving of associated fees;
- d. Waiving of the Noise Variance Fee;
- e. Provision of portable washroom facilities and waiving of associated fees;
- f. Waiving of the parking fees in the gravel lot for the duration of the event;
- g. City assistance with event promotion and marketing on social media.

6. Community and Economic Development Department, Parks and Recreation Division, Report No. 2018-76, Subject: 40th Annual Canal Days Festival Request for Road Closures, Parking Restrictions & Patio Extensions

Council resolved:

1. That the closure to through traffic and street parking be approved and authorized for the following roads beginning at 5:00 p.m. Thursday, August 2, 2018 and ending at 6:00 a.m. on Tuesday, August 7, 2018:
 - West Street from the northern limit of Adelaide Street to the southern limit of Sugarloaf Street and;
2. That the closure to through traffic and street parking be approved and authorized for the following roads beginning at 4:00 a.m. Friday, August 3, 2018 ending at 6:00 a.m. on Tuesday, August 7, 2018.
 - West Street from the northern limit of Princess Street to the southern limit of Sugarloaf Street;
 - Princess Street from the eastern limit of King Street to the eastern limit of West Street;
 - Park Street from the eastern limit of King Street to the eastern limit of West Street;
 - Charlotte Street from the eastern limit of King Street to the eastern limit of West Street;
 - Kent Street from the eastern limit of King Street to the eastern limit of West Street;
 - Victoria Street from the eastern limit of King Street to the eastern limit of West Street;
 - Adelaide Street from the eastern limit of King Street to the eastern limit of West Street;
 - Sugarloaf Street from the eastern limit of King Street to the eastern limit of West Street;

- Clarence Street from the eastern limit of King Street to the western limit of Welland Street;
 - Municipal Parking Lot located west of King Street, east of Catharine Street and south of Princess Street.
3. In addition, the following areas be closed to street parking beginning at 4:00 a.m. on Friday, August 4, 2018 and ending at 6:00 p.m. on Monday, August 7, 2018:
- Northside of Kent Street between the western limit of Catharine Street and the eastern limit of Elm Street.
 - The thirteen (13) parking spaces on the west side of King Street from Sugarloaf Street to Charlotte Street;
 - The two (2) parking spaces on both east and west sides of King Street, north of the Charlotte Street limit, be closed to parking to allow for the shuttle bus stops,
 - The three (3) parking spaces on the south side of Clarence Street in front of the Breakwall Brewery.
4. That the closure to street parking and through traffic be approved and authorized for the following street beginning at 6:00 p.m. on Friday, August 3, 2018 and ending at 5:00 p.m. on Monday, August 6, 2018 for the purpose of hosting the Historical & Marine Museum Canal Days Events.
- Princess Street from the western limit of King Street to the eastern limit of Catharine Street.
5. That the closure to street parking and through traffic be approved and authorized for following roads beginning at 4:00 p.m. to 12:00 a.m. on Friday, August 3 & Saturday, August 4, 2018 for the purpose of hosting the Canal Days concert.
- Steele Street from the southern limit of Steele Street at Sugarloaf Street;
 - Steele Street from the eastern limit at Steele Street at Sugarloaf Street;
 - Isabel Street from the southern limit of Isabel Street at Sugarloaf Street;
 - Fielden Avenue from the northern limit of Fielden Avenue at Sugarloaf Street;
 - Fielden Avenue from the southern limit at Sugarloaf Street;
 - Lighthouse Lane from the southern limit at Sugarloaf Street;
 - Elm Street from the southern limit of Elm Street at Sugarloaf Street;
 - H.H. Knoll Lakeview Parking lot south of Dawg's Burgers to Fielden Avenue.

6. That there is no objection by the Corporation of the City of Port Colborne to the application by Eh Amigos Cantina to the AGCO for a Special Occasion Permit / Liquor License Extension; and
7. That there is no objection by the Corporation of the City of Port Colborne to the application by The Lock 8 to the AGCO for a Special Occasion Permit / Liquor License Extension; and
8. That there is no objection by the Corporation of the City of Port Colborne to the application by Breakwall Brewery to the AGCO for a Special Occasion Permit / Liquor License Extension; and
9. That there is no objection by the Corporation of the City of Port Colborne to the application by Canadian Corps Association to the AGCO for a Special Occasion Permit/Liquor License Extension; and
10. That the following conditions will apply to Eh Amigos Cantina and The Lock, on Clarence Street:
 - a) That on Friday, August 3, 2018 the selling and serving of alcoholic beverages to the said licensed outdoor area shall occur only between the hours of 11:00 a.m. and 11:00 p.m., and the outdoor area shall be cleared of patrons by 11:30 p.m. on August 3, 2018;
 - b) That on Saturday, August 4, 2018 the selling and serving of alcoholic beverages to the said outdoor area shall occur only between the hours of 11:00 a.m. and 11:00 p.m., and the outdoor area shall be cleared of patrons by 11:30 p.m. on August 4, 2018;
 - c) That on Sunday, August 5, 2018 the selling and serving of alcoholic beverages to the said outdoor area shall occur only between the hours of 11:00 a.m. and 11:00 p.m., and the outdoor area shall be cleared of patrons by 11:30 p.m. on August 5, 2018;
 - d) That on Monday, August 6, 2018 the selling and serving of alcoholic beverages to the said outdoor area shall occur only between the hours of 11:00 a.m. and 5:00 p.m., and the outdoor area shall be cleared of patrons by 5:30 p.m. on August 6, 2018;
 - e) That, notwithstanding clause a, b, c and d above, the occupancy of the said outdoor licensed area shall be open only when Clarence Street is closed in accordance with City by-law;
 - f) That the applicant shall not block or occupy any street with equipment relating to the Canal Days festival & events or patio before 9:00 a.m. on Friday, August 3, 2018 and must have all equipment and supplies related to the patio extension cleared from the streets no later than 7:00 p.m. Monday, August 6, 2018; and

11. That there is no objection by the Corporation of the City of Port Colborne to the application by Canalside Restaurant Inn and Walters and Neptunes to the AGCO for a Special Occasion Permit/Liquor License Extension. That Canalside Restaurant and Walters and Neptunes be approved to maintain the existing patio for the 2018 Canal Days Marine Heritage Festival; and
12. That the six (6) applicants shall provide a Certificate of Insurance (COI) with no less than \$5,000,000 general liability naming the Corporation of the City of Port Colborne as additional insured, and listing The St. Lawrence Seaway Management Corporation, Her Majesty the Queen in Right of Canada, Transport Canada, as an additional insured in accordance with the City's Festivals & Events Insurance Requirements.
13. That Council of the Corporation of the City of Port Colborne exempt the participants of and the Canal Days Marine Heritage Festival from the Noise By-law #4588/119/04 and not be required to apply for the variance in accordance with Section 4(3) Schedule 2(2).
14. That the appropriate by-law be prepared, authorizing the Mayor and City Clerk to execute and sign the Ontario Transfer Payment Agreement for the Celebrate Ontario 2018 Grant on behalf of the Corporation of the City of Port Colborne.

7. Community and Economic Development Department, Parks and Recreation Division, Report No. 2018-77, Subject: 2018 Canal Days Car Parade Request for Road Closures and Parking Restrictions

Council resolved:

That the prohibition of street parking be approved for purpose of hosting the Canal Days Car Parade route beginning at 6:00 p.m. until 7:30 p.m., Saturday, August 4, 2018 to allow for safe viewing of the parade along:

1. Clarence Street from the western limit of Steele Street to the eastern limit of West Street;
2. West Street from the northern limit of Clarence Street to the southern limit of Charlotte Street; and
3. Charlotte Street from the western limit of Elm Street to the eastern limit of King Street.

That the temporary road intersection closures be approved for the purpose of hosting the Canal Days Car Parade route beginning at 6:30 p.m. until 7:30 p.m., Saturday, August 4, 2018. Temporary barricade road closures at the following intersections to restrict through traffic onto the parade route.

1. West and south intersections of Steele Street and Clarence Street

2. North and south intersections of Fielden Avenue at Clarence Street
3. North and south intersections of Elm Street at Clarence Street
4. North and south intersections of Catharine Street at Clarence Street
5. North and south intersections of King Street at Clarence Street

8. Community and Economic Development Department, Parks and Recreation Division, Report No. 2018-82, Subject: Rose City Triathlon Road Closure Request

Council resolved:

That the road closures necessary for the 2018 Rose City Triathlon event on June 23, 2018, as requested by Mr. Chris Pickering, and outlined in Community and Economic Development, Parks and Recreation Division Report No. 2018-82, be approved;

That the following road be closed to general vehicular traffic and parking from 7:30 a.m. to 12:00 p.m.:

- Elm Street at Stonebridge Drive for northbound traffic;

That emergency service vehicles, including ambulance, police and fire, as well as public works and public utility vehicles, be exempt from the above noted closures;

That members, qualified participants, and participants of the Rose City Triathlon, be exempt from the above noted closures, through the issuance of an authorized permit;

That the Rose City Triathlon be required to file a Certificate of Insurance, naming the City as an additional insured, in the amount of \$2,000,000, prior to the event;

That traffic barricades be supplied by Public Works staff, on June 23, 2018 to, and delivered before the start of the race at the predetermined location requiring barricades; and

That the appropriate by-law be presented for approval.

9. St. John Bosco Catholic Elementary School Re: Request for Use of Picnic Tables for a School Event to be held on June 15, 2018

Council resolved:

That the correspondence from St. John Bosco Catholic Elementary School requesting the use of City picnic tables for a School Event to be held on June 15, 2018 be received; and

That the picnic tables be made available for their use, with arrangements for pick-up and return to be the responsibility of St. John Bosco Catholic Elementary School.

10. Canadian Pacific Railway (CP) Re: Canadian Pacific 2018 Vegetation Control Program

Council resolved:

That the correspondence received from Geoff Gordon, Vegetation Management Specialist, Canadian Pacific Railway Re: Canadian Pacific 2018 Vegetation Control Program, be received for information.

11. Karen Usick, Community Coordinator, Mental Health & Addictions – Hepatitis C Care Clinic, Niagara Health Re: Request for Proclamation of World Hepatitis Day, July 28, 2018

Council resolved:

That July 28, 2018 be proclaimed as “World Hepatitis Day” in the City of Port Colborne in accordance with the request received from Karen Usick, Community Coordinator, Mental Health & Addictions – Hepatitis C Care Clinic, Niagara Health.

12. Region of Niagara Re: Agriculture – Project Framework (PDS Report 17-2018)

Council resolved:

That the correspondence received from the Region of Niagara Re: Agriculture – Project Framework (PDS Report 17-2018), be received for information.

13. Region of Niagara Re: Natural Environment – Project Framework (PDS Report 18-2018)

Council resolved:

That the correspondence received from the Region of Niagara Re: Natural Environment – Project Framework (PDS Report 18-2018), be received for information.

14. Niagara Regional Housing Re: Niagara Regional Housing Quarterly Report (January 1 to March 31, 2018)

Council resolved:

That the correspondence received from Niagara Regional Housing Re: Niagara Regional Housing Quarterly Report (January 1 to March 31, 2018), be received for information.

15. Township of Wainfleet Re: Lakewood Beach Property

Council resolved:

That the resolution received from the Township of Wainfleet Re: Lakewood Beach Property, be received for information.

16. Town of Pelham Re: Ministry of Transportation – Local Transit Project

Council resolved:

That the resolution received from the Town of Pelham Re: Ministry of Transportation – Local Transit Project, be received for information.

17. Town of Pelham Re: Ministry of Municipal Affairs – Local Request for Provincial Municipal Audit

Council resolved:

That the resolution received from the Town of Pelham Re: Ministry of Municipal Affairs – Local Request for Provincial Municipal Audit, be received for information.

18. Town of Pelham Re: Ombudsman Investigation Report Re: September 5, 2017

Council resolved:

That the resolution received from the Town of Pelham Re: Ombudsman Investigation Report (Paul Dubé, Ombudsman of Ontario) Re: September 5, 2017, be received for information.

19. Motion (Councillor Kenny) Re: Request for Proposal Regarding Limiting the City's Water Loss

Note: The motion to approve issuing a Request for Proposal to qualified leak detection firms to reduce the City's water loss was lost during Committee of the Whole. No further action taken.

20. Engineering and Operations Department, Operations Division, Report No. 2018-74, Subject: Operational Overview of Port Colborne's Water Distribution and Wastewater Collection Systems

Council resolved:

That Engineering and Operations Department, Operations Division Report 2018-74 "Operational Overview of Port Colborne's Water Distribution and Wastewater Collection Systems", be received for information.

21. Community and Economic Development Department, Health Services Division, Report No. 2018-87, Subject: Contractual Incentive Agreement with Dr. Kelly Maracle

That an incentive contractual arrangement to Dr. Kelly Maracle be approved at a cost of \$20,000 upon signing of the agreement, with all monies being used for upgrades to technology and all equipment purchased and with the agreement that the purchased capital will remain at 97 Charlotte Street (ultimately the new Boggio build) should Dr. Maracle decide to re-locate; and

That the cost be funded from the medical and physician recruitment reserve; and

That the Clerk be authorized and directed to prepare and present the appropriate by-law and contract.

CARRIED.

8. Consideration of Items Requiring Separate Discussion:

Nil.

9. Proclamations:

(a) World Hepatitis Day, July 28, 2018

No. 86 Moved by Councillor R. Bodner
Seconded by Councillor B. Butters

Whereas an estimate of about 600,000 Canadians living with hepatitis B or C can potentially develop cirrhosis, liver failure, liver cancer and related illnesses; and

Whereas Ontario has over 110,000 people living with hepatitis B or C, both of which are slow and progressive diseases; and

Whereas there are vaccines available for hepatitis A and B; emerging hepatitis C treatment therapies can cure nearly 95% of cases; and

Whereas world hepatitis day provides an opportunity to reach out to millions of Canadians and encourage hepatitis testing, provide treatment and care for those affected while paving the way towards elimination of hepatitis as a public health concern in Canada by 2030;

Now therefore, I, Mayor John Maloney, proclaim July 28th, 2018 as "Hepatitis Awareness day" in the City of Port Colborne.

CARRIED.

10. Minutes of Boards, Commissions & Committees:

No. 87 Moved by Councillor F. Danch
Seconded by Councillor R. Bodner

- (a) That the minutes of the Port Colborne Public Library Board meeting of April 3, 2018, be received.
- (b) That the minutes of the Environmental Advisory Committee meeting of March 21, 2018, be received.
- (c) That that minutes of the Port Colborne Historical & Marine Museum Board of Management meeting of April 17, 2018, be received.

CARRIED.

11. Consideration of By-laws:

No. 88 Moved by Councillor R. Bodner
Seconded by Councillor B. Kenny

That the following by-laws be enacted and passed:

- 6585/40/18 Being a By-law to Appoint a Deputy Clerk (Commissioner for Taking Affidavits)
- 6586/41/18 Being a By-law to Appoint a Deputy Clerk (Commissioner for Taking Affidavits)
- 6587/42/18 Being a By-law to Authorize Entering Into an Easement with Bell Canada over Parts 1 & 2 on Plan 59R-14504
- 6588/43/18 Being a By-law to Amend By-law 5806/61/12, Being a By-law to Approve a Draft Plan of Subdivision, Known as Chippawa Estates
- 6589/44/18 Being a By-law to Temporarily close Sections to Various Streets to Vehicular Traffic for the Purpose of the Canada Day Fireworks
- 6590/45/18 Being a By-law to Temporarily close Sections of Various Streets to Vehicular Traffic for the Purpose of the 40th Annual Canal Days Festival
- 6591/46/18 Being a By-law to Authorize the Execution of a Transfer Payment Agreement with Her Majesty the Queen in Right of Ontario as Represented by the Minister of Tourism, Culture and Sport respecting the Celebrate Ontario 2017 Grant
- 6592/47/18 Being a By-law to Temporarily close Sections of Various Streets to Vehicular Traffic for the Purpose of the 2018 Canal Days Car Parade

- 6593/48/18 Being a by-law to Temporarily close Sections of Various Streets to Vehicular Traffic for the Purpose of the Rose City Triathlon
- 6594/49/18 Being a By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne at its Special and Regular Meetings of June 11, 2018

CARRIED.

12. Council in Closed Session:

Motion to go into closed session – 9:59 p.m.

No. 89 Moved by Councillor A. Desmarais
Seconded by Councillor B. Butters

That Council do now proceed into closed session in order to address the following matter(s):

- (a) Minutes of the closed session portion of the following Council meetings: May 14, 2018.
- (b) Planning and Development Department, Planning Division Report 2018-73, concerning the potential sale of City-owned land, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board.
- (c) Community and Economic Development Department, Economic Development Division Report 2018-84, concerning the potential acquisition of land by the municipality, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board.
- (d) Chief Administrative Officer, Special Projects and Corporate Strategic Initiatives Division Report 2018-85, concerning the Nyon Energy Lands and the Nyon Tank Farm property, pursuant to *Municipal Act, 2001*, Subsection 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.
- (e) Planning and Development Department, By-law Enforcement Division Report 2018-86, concerning an update with respect to ongoing property investigations, pursuant to *Municipal Act, 2001*, Subsection 239(2)(b), personal matters about an identifiable individual, including municipal or local board employees and Subsection 239(2)(e) litigation or potential litigation, including matters

before administrative tribunals, affecting the municipality or local board.

CARRIED.

Motion to rise without report – 11:44 p.m.

No. 89 Moved by Councillor A. Desmarais
Seconded by Councillor B. Kenny

That Council do now rise from closed session without report at approximately 11:44 p.m.

CARRIED.

13. Disclosures of Interest Arising From Closed Session:

Nil.

14. Report/Motions Arising From Closed Session:

- (b) **Planning and Development Department, Planning Division Report 2018-73, concerning the potential sale of City-owned land, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board.**

The Deputy Clerk reported that direction was provided to staff during closed session in accordance with the *Municipal Act, 2001*.

- (c) **Community and Economic Development Department, Economic Development Division Report 2018-84, concerning the potential acquisition of land by the municipality, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board.**

The Deputy Clerk reported that direction was provided to staff during closed session in accordance with the *Municipal Act, 2001*.

- (d) **Chief Administrative Officer, Special Projects and Corporate Strategic Initiatives Division Report 2018-85, concerning the Nyon Energy Lands and the Nyon Tank Farm property, pursuant to *Municipal Act, 2001*, Subsection 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.**

The Deputy Clerk reported that direction was provided to staff during closed session in accordance with the *Municipal Act, 2001*.

- (e) **Planning and Development Department, By-law Enforcement Division Report 2018-86, concerning an update with respect to ongoing property investigations, pursuant to *Municipal Act, 2001*, Subsection 239(2)(b), personal matters about an identifiable individual, including municipal or local board employees and Subsection 239(2)(e) litigation or potential litigation,**

including matters before administrative tribunals, affecting the municipality or local board.

The Deputy Clerk reported that direction was provided to staff during closed session in accordance with the *Municipal Act, 2001*.

15. Adjournment:

No. 90 Moved by Councillor F. Danch
Seconded by Councillor R. Bodner

That the Council meeting be adjourned at approximately 11:45 p.m.
CARRIED.

John Maloney
Mayor

Carrie McIntosh
Deputy Clerk

CM/

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**PORT COLBORNE TRANSIT ADVISORY COMMITTEE MEETING
WEDNESDAY, MARCH 28, 2018
COMMITTEE ROOM 2 ENGINEERING & OPERATIONS CENTRE**

Attendance:

Scott Mathieson, Denise Archer, Melissa Bigford, Alfred Stockwell, Bea Kenny, Jim Huppunen, Peter Senese, Stephen Corr, Mayor John Maloney, Julian Douglas, Casey Forgeron, Janice Peyton,

Regrets:

Yvon Doucet, Casey Biko

Melissa called the meeting to order at 3:00 p.m.

City of Port Colborne
RECEIVED
JUN 07 2018
CORPORATE SERVICES
DEPARTMENT

1. Adoption of Agenda

Moved by B. Kenny
Seconded by C. Forgeron

That the agenda dated March 28, 2018 be accepted as presented.
CARRIED.

2. Disclosures of Interest

Alfred declared a conflict with regard to item 6(c), Upcoming Agreement Renewal with Welland Transit, as Alfred is the Manager of Welland Transit.

3. Approval of Minutes of January 24, 2018

Moved by D. Archer
Seconded by S. Mathieson

That the minutes of January 24, 2018 be approved as presented.
CARRIED.

4. Actions Arising from Previous Minutes

a) Bus Stop at Canadian Tire – Request for Bench

Jim will follow up on this item. Alfred noted that he discussed this with the bench supplier and that it may be an issue because of private property. Jim has obtained contact information and is working on this.

Moved by B. Kenny
Seconded by C. Forgeron

That a letter be sent to the Mall Manager requesting permission to place a bench near the propane tank station at the Port Colborne Mall.

CARRIED.

b) Regional Transit Update – Alfred

Alfred gave an update on Regional Transit. The two committees are continuing to meet and make progress and are working on obtaining uniform policy and procedures and fare structure. Through the AODA, they are working on a uniform pass for support persons. Work on destination signs is taking place. Port Colborne will be 700 series destination. The committees will be in discussions with the MTO regarding the financial impact on gas tax. There are many details to work out as everyone works towards regionalization. This is no longer a pilot process; the committees are now working towards a final agreement.

Bea asked if Port Colborne is the only community that has separate rates for seniors and students. The rates for seniors and students differ in St. Catharines also.

Peter advised that he would be taking a report to Council to increase the rates so that Port Colborne rates coincide with Welland's rates.

c) Community Transportation Grant Program

Peter advised that a grant application (\$80,000 for 5 years) for Saturday service has been submitted. We would provide the service for 5 years, Council will receive reports on the ridership and a decision would be made regarding continuing with the service at the end of the 5 years.

5. **Information Items**

Nil.

6. **Other Business**

a) Email of Lucy Reynolds, March 15, 2018 re: Link Service

The committee reviewed the email of Lucy Reynolds regarding the link service. Alfred advised that this is a timing issue that could be resolved by riding to the Welland terminal and transferring to the bus that will take the rider to the desired destination. Alfred added that this is also a safety issue with regard to the location that the bus stops. The link bus cannot stop at a non-designated stop as it has to remain on schedule for transfer connections. Alfred advised that this will change with the new link proposal, as there will not be any wait time should the new proposal be accepted. Melissa will reply to this inquiry.

b) New Community Bus Fare Increases Effective Summer 2018

Peter advised that a fare increase was discussed during budget deliberations and that Council has directed Peter to prepare a report regarding the new community bus fare increase.

Moved by D. Archer
Seconded by B. Kenny

That Council be informed that the Transit Advisory Committee is in agreement with increasing the Port Colborne Community Bus fares to coincide with Welland Transit fares, effective July 1, 2018.

CARRIED.

Bea asked that notice of the fare increase be posted on the busses.

Peter advised that the route change for the Link will be brought to Council in a report, effective September 1st, for the new school year.

c) Upcoming Agreement Renewal with Welland Transit

Peter advised that he has met with Welland Transit. The rates for Welland Transit are going forward with a request for an increase. Peter has budgeted \$44,000 for 2018 to accommodate the increase. Peter has been working with Regional Transit to bring the cost to a 50/50 split, currently the cost is split 60/40 with Port Colborne paying 60% of the cost of the Link service provided by the City and the Region. The current cost of services are \$315,000, however the new cost will be \$373,000., which amounts to an increase of approximately 17%. Once the agreement renewal is complete it will be brought before Council.

7. **New Business**

a) Ridership

Peter will provide ridership numbers at the next meeting.

b) Public Transit Infrastructure Fund 2

Peter advised that staff are awaiting the criteria of the second round of the public transit infrastructure fund to decide how to spend the funds. The spending suggestion will be brought before Council and to the Transit Advisory Committee. Port Colborne will receive \$239,000 over a 10 year period.

c) Alfred Stockwell

Alfred announced that this will be his last meeting with the Port Colborne Transit Advisory Committee as he will retire from his position of Manager of Welland Transit at the end of April. Dave Stuart will be the Acting Manager of Welland Transit.

8. **Next Meeting**

The next meeting of the Transit Advisory Committee will be held on Wednesday, May 23, 2018 at 3:00 p.m.

9. **Adjourn**

Moved by C. Forgeron
Seconded by A. Stockwell

That there being no further business to discuss, the meeting be adjourned at 4:10 p.m.
CARRIED.



MINUTES of the 4th Regular Board Meeting of 2018

Held Tuesday, May 8, 2018, 6:00 p.m.

Port Colborne Public Library, Auditorium

310 King St., Port Colborne, ON

- Present:** Michael Cooper (Chair), Valerie Catton (Vice Chair), Harmony Cooper, Jeanette Frenette, William Higgins, Bryan Ingram, Ann Kennerly Cheryl MacMillan,
- Staff:** Scott Luey (CEO), Susan Therrien (Director of Library Services), Rachel Tkachuk (Librarian)
- Regrets:** Councilor John Mayne

1. Michael Cooper, Chair, called the meeting to order.

2. The invocation was read.

3. Mr. Cooper welcomed the Board members.

4. Approval of the Agenda

Moved by H. Cooper
Seconded by A. Kennerly

**18:024 That the agenda be adopted as circulated.
CARRIED.**

5. Declaration of Conflict of Interest: None

6. Delegations: None

7. Minutes of the Previous Meeting of Tuesday, April 3, 2018

Moved by J. Frenette
Seconded by C. MacMillan

**18:025 That the minutes of the April 3, 2018 meeting be adopted as circulated.
CARRIED.**

8. Business Arising from the Minutes: None



9. Agenda Items

i. Strategic Plan 2018-2022

The Board reviewed and approved the final version of the strategic plan presented by CEO Scott Luey. A copy will be provided to City Council.

Moved by W. Higgins
Seconded by B. Ingram

18:026 **That the Port Colborne Public Library Strategic Plan 2018-2022 be accepted as presented by CEO Scott Luey.**
CARRIED.

ii. Cultural Block

Board members from the Library and Museum will form a Joint Advisory Sub-Committee to assist in developing the Cultural Block. Ann Kennerly nominated Michael Cooper and Valerie Catton; Brian Ingram seconded the nominations.

Moved by A. Kennerly
Seconded by H. Cooper

18:027 **That Valerie Catton and Michael Cooper be named to the Cultural Block Joint Sub-Committee of the Port Colborne Public Library and Port Colborne Marine & Historical Museum Boards.**
CARRIED.

iii. Use of Corporate Resources for Election Purposes

The Board reviewed and approved the "Library and Political Elections Policy."

Moved by H. Cooper
Seconded by C. MacMillan

18:028 **That the "Library and Political Elections Policy" be approved and adopted as presented.**
CARRIED.

iv. PC Lions Outdoor Seating Area: Update

The Dedication Ceremony for the PC Lions Club Gazebo is scheduled for May 27, 2018. A hand-



crafted wooden sign will be carved by Brian Heaslip, Museum Board Chair, to be affixed to the structure. Exterior lighting will be installed on the north side of the library for added security.

v. Risk Assessment: Updates

Safety mirrors have been installed throughout the library as recommended by the Risk Assessment Report. The Director is waiting for a quote on security cameras and a swipe card entry system.

vi. Shelving, Furniture, and Flooring Projects: Update

As directed by the Board, the Director contacted the Ontario Education Collaborative Marketplace (OECM) to proceed with the purchasing of new furniture and shelving. King Contractors was contacted for a quote to finish the carpeting project.

vii. Accessible Public Washrooms: Update

A quote from Shoalts Engineering was received and accepted for a design of barrier-free renovations for the public washrooms.

Committee Reports: None

10. ADMINISTRATIVE BUSINESS

Correspondence: None

Public Relations Report

i. Pop-Up Library and Outreach

Librarian Rachel Tkachuk reported on Pop-Up Library outreach and services to local schools and nursing homes.

ii. Healthy Kids Community Challenge: Update

The library will receive \$5610.00 in funding to spend on activities that encourage families to "Power Off and Play." The Seed Library launched on April 21, 2018. A water refill station has been ordered; the installation date is to be determined.



iii. Displays and Art in the Atrium

Student art from Lakeshore Catholic High School was showcased in April. Student art from Port Colborne High School will be on display in May. The front entrance display will promote the Port Colborne Festival of the Arts.

iv. City Hall News, April 2018

Moved by H. Cooper
Seconded by B. Ingram

18:029 **That the Public Relations report be received for information purposes.**
CARRIED

Chief Executive Officer's Report: None

Treasurer's Report: None

Director's Report

i. Library Staff

The library hired one additional part-time staff member and welcomes Amanda Emery to the position of Librarian Assistant III.

ii. Partnership with John Howard Society of Niagara

Shanen Smith from the John Howard Society of Niagara started her assignment at the Library on May 2, 2018, and will be available only for the month of May unless funding is approved and the program extended for another year. She will connect with library staff to assess needs and coordinate training requested by the Director.

iii. Meetings, Workshops, Training

a. Social Determinants of Health Advisory Committee—Everyone Matters

The meeting included reports on affordable housing and a presentation by Christine Clark-Lafleur, Port Cares, on the *Health Equity 2018 Report*. The findings indicate several areas in which the library can be a positive influence. Library services may include online training/educational opportunities, outreach, and programming to target user groups identified



to be in need of assistance.

b. Age-Friendly Niagara Network

The event was an opportunity to learn more about implementing and sustaining age-friendly action in Niagara, and included a panel discussion regarding education and research into the benefits of having an age-friendly community.

c. Social Media Webinar

The session examined social media accounts of three municipalities of varying populations. Policies and procedures were presented for comparison with representatives from each municipality providing further insight into the advantages of social media engagement.

iv. Photocopier

A new photocopier has been ordered for the administrative level of the library.

v. Wireless Printing

Configuration of wireless printing is now complete with payment for print jobs processed through the existing coin-box system. Print services at the library now include: b&w and colour copying, outgoing faxes, scanning to USB drives, and wireless print.

vi. Health and Safety

a. Sharps Training 2015

Conducted May 2, 2018 for all library staff.

b. Stand-Up Stations at the Information Desk

A stand-up station will be installed at the Information Desk for registering new patrons. The need for this stems from safety concerns regarding the current configuration of the service desk where staff are seated with their backs to the front entrance for extended periods.

c. Sidewalks

Sidewalks and ramps were inspected for uneven surfaces, cracks and potential trip hazards.



Moved by J. Frenette
Seconded by A. Kennerly
18:030 That the Director of Library Services' report be received for information purposes.
CARRIED

Circulation Report: 1st Quarter 2018

Moved by W. Higgins
Seconded by V. Catton
18:031 That the Circulation report be received for information purposes.
CARRIED

11) Board Members' Items: None

12) Notices of Motion: None

13) Date of the Next Meeting

Tuesday, June 5, 2018, 6:00 p.m.
Port Colborne Public Library, Auditorium
310 King St., Port Colborne, ON

14) Adjournment

MOVED by A. Kennerly
Seconded by J. Frenette
18:032 That the meeting be adjourned.
CARRIED.

Michael Cooper, Library Board Chair
June 5, 2018

Susan Therrien, Secretary
June 5, 2018

MAY 22, 2018
MEETING OF THE PORT COLBORNE ACTIVE TRANSPORTATION
ADVISORY COMMITTEE

Minutes of the ninth regular meeting of the Committee Members of the Port Colborne Active Transportation Advisory Committee, held in the Library, Third Floor Library, City Hall, 66 Charlotte Street, Port Colborne May 22, 2018, 6:00 p.m.

The following Committee Members were in attendance:

- Committee Members: Ann Kennerly, George McKibbon, Michael Scott, Wade Smith
- Councillor: Angie Desmarais
- Staff: Nicole Halasz, Stefanie DeCicco, Karen Walsh

1. CALLED TO ORDER: 6:00 p.m.

Round table introductions.

2. CONFIRMATION OF PREVIOUS MINUTES:

- Moved by: George McKibbon
- Seconded by: Mike Scott

THAT the minutes from the March 19, 2018 be accepted as presented.
CARRIED

3. BUSINESS ARISING FROM THE MINUTES:

None

4. BUSINESS

- Memo to City Clerk and By-law to have similar policy as Hamilton for vehicle types, multi-use recreational trails and sidewalks.
- Workshop Review
- Angie – ATNN – presentation good, Bikes being circulated to farm workers, next meeting in Fort Erie

5. NEW BUSINESS

- a) Workshop – March 26 & 27 – Karen following up with Justin on the report
- b) Community Safety Day 11 a.m. – 2 p.m., people arrive 1 hour ahead, MYAC doing barbeque, ATV club, YMCA, Services group not attending. 24th year.

Looking at changing the date in 2019 to Fire Prevention week for the 25th week. Free event.

c) Handouts – Mike contacted public health Canada. Different tips to get active for different ages. Broken Spoken table. (200 5-11, 50 - 12-17, 50 for everyone else). Also, promote at market days & school. We can create our own brochure or pamphlet and display them at Visitor Information Centre & other city facilities, distribute them at schools, and work with Michelle for communications on it.)

Create an awareness campaign for the fall. Everyone bring examples for what they would like to see. Maps for bike trail and included. QR Codes. Seasons, winter trails.

Michelle being good about updating the trails. Communication for trail maintenance.

d) Share the Road summit – April 17 & 18 – Karen attended, Tuesday session on grants from Provincial government was not as detailed as I hoped. The Tuesday night speaker was from Vancouver and was very good. Waterloo received their gold level bike friendly community.

e) Air Quality Results review maps, Air quality alliance in Toronto, Collingwood, Hamilton, monitors are 4 years ago, 1 monitor didn't download. (more times you do the area, the better the reading results). Particular matter, dust and respiratory. Major driver for cancer. Some types are very toxic. (the wind may have caused the high reading in some areas). High Areas, by Snider Docks (near trail), In construction area couple of roads over was a high reading. Environmental committee is looking at purchasing a machine. Street cleaning – the cleaners are not really doing anything.

Exit out of Snider have something like a car wash to spray down the trucks when they live, not to have the dust from the trucks blow around.

f) Robin Hood – vandalize test wells, from where the work was done, the trees have fallen.

If you know of any areas on the trails please let the City know what work the needs to be done.

- The City needs better accessibility, to get to some playgrounds. The City would like to target problem areas and accessibility.
- Robin Hood trail starting on Omer and up around the bend.
- Trial allow accessibility vehicles on it?
- Motor vehicle – public awareness.
- Snowmobile on the trails, would cause more repair work on trails. – part of the masterplan.

- Horses on the trails – they are there, cons – not be cleaning up after but more importantly 1,000 pound animal on an inexperienced rider to a cyclist is danger. Force cyclist to stop to let the horse on trail.
- ATAC – to craft ideas for to keep motorize vehicles off the trails and why shouldn't they be on the trails.
- PR piece to sit down with Michelle. City Hall News in Spring 2019, Winter piece. Committee to put together.
- Conditions well you are riding. Fill cracks with rubber asphalt like the roads, one it is hot it is really soft and can fall. Could be in Fort Erie.
- Engineering – is looking at Bike path on streets.
- Trails are great but then we just dump people. No connection between Friendship trail and Gord Harry Trail. How to make the connection.
- We have good infrastructure but we have take your through trail.
- Along the weir by the railroad track, parallel to King St. The path is used but would be nice to have something more finalized.
- Sunset Park – public meeting, plans to do some trail and will do some trails. reservoir park needs a path to get in, no sidewalks on either side of the road, stone parking lot. The playground is great. Running tracks around the playgrounds. Pickle ball courts outdoor – could be on the basketball court.

6. INFORMATION/CORRESPONDENCE

Bike repair stands are ready – being powder spread. They will be put up at

- Sherkston Community Centre
- Library
- H.H, Knoll Park

Bike Rack by Canalside - across the road over the burn.

Bike corrals – Canal Days, summer coral, would need volunteers.

Multipurpose space with services, leave bike and equipment. Train station, have staging area.

7. ADJOURNMENT:

Moved by: George McKibbon
 Seconded by: Mike Scott

Resolved that we do now adjourn.
 CARRIED

Time of adjournment 7:13 pm

Next Meeting: Monday, July 16, 2018 at 6:00 p.m.

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