



COMPETITIVE REGION

**NIAGARA** OFFICIAL PLAN



# COMPETITIVE REGION



## 4.1 The Agricultural System

The *agricultural system* contains a structure for the agricultural land base and the *agri-food network* that enables the agri-food sector to thrive.

The agricultural land base is comprised of *prime agricultural areas*, including *specialty crop areas*, and *rural lands*. The *agri-food network* includes *infrastructure*,

services and assets important to the viability of the agri-food sector. Farm stewardship facilitates agricultural protection and the environmental benefits of *natural heritage features* located throughout the *agricultural system*.

Together, the Region's *agricultural system* and *natural environment system* provide a significant contribution to Niagara's resilience and ability to adapt to *climate change*. The agricultural land base will be protected for the provision of healthy, local food for present and future generations. Farming will be productive, diverse, and sustainable.

### The objectives of this section are as follows:

- a. facilitate a strong, diverse, and resilient agricultural economy;
- b. protect the region's agricultural land base;
- c. ensure agriculture is the predominant land use in *specialty crop areas* and *prime agricultural areas*;
- d. restrict and control non-agricultural uses to minimize potential conflicts;
- e. ensure the long-term sustainability and function of uses within the *agricultural system*;

### Niagara's Agricultural Economy

Niagara region is home to an active and vibrant farming sector, which includes a wide range of farming types including grape and tender fruit; greenhouse, nursery, floriculture operations; oilseeds and grain operations; livestock operations, and more. In Niagara, farmland generates over \$1.4 billion GDP from agriculture and has a high employment impact for the region.

- f. protect *specialty crop areas* from fragmentation;
- g. protect *prime agricultural areas* from fragmentation;
- h. protect and recognize *rural lands* as part of the *agricultural system*;
- i. provide for a limited amount of non-agricultural residential development on *rural lands*; and
- j. recognize and control changes to *existing uses* to ensure a viable *agricultural system*.

#### 4.1.1 Region's Agricultural Land Base

- 4.1.1.1 The geographic continuity of the agricultural land base, as shown in Schedule F, and the functional and economic connections to the *agri-food network* will be maintained and enhanced in accordance with the policies of this section.
- 4.1.1.2 *Prime agricultural areas* and *specialty crop areas*, as shown on Schedule F, shall be protected for long-term use for agriculture.

*Prime agricultural areas* are areas where *prime agricultural lands* predominate. *Specialty crop areas* shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through seven lands within the *prime agricultural area*, in this order of priority.

- 4.1.1.3 *Settlement areas* are not permitted to expand into *specialty crop areas*.
- 4.1.1.4 An *agricultural system* has been identified in which all types, sizes, and intensities of *agricultural uses* and *normal farm practices* shall be promoted and protected in accordance with Provincial standards. Removal of land from *prime agricultural areas* may only occur for expansions or identification of *settlement areas* in accordance with Section 2.2.5 of this Plan. Revisions to the Greenbelt Plan and Niagara Escarpment Plan boundaries and redesignation of *specialty crop areas* are prohibited.
- 4.1.1.5 The removal of topsoil in *specialty crop areas*, *prime agricultural areas*, and *rural lands* is discouraged. Further, the placement of fill in *specialty crop areas* and *prime agricultural areas* is prohibited. Local Area Municipalities are encouraged to enact by-laws to regulate the placement of fill in accordance with Section 3.7 of this Plan.



## 4.1.2 Specialty Crop Areas and Prime Agricultural Areas

- 4.1.2.1 *Specialty crop areas* shall not be redesignated in official plans for non-agricultural uses. Non-agricultural uses may be permitted subject to Policies 4.2 to 4.6 of the Greenbelt Plan and Section 4.1.3 of this Plan.
- 4.1.2.2 In *specialty crop areas*, all *existing uses* lawfully used for such purpose prior to December 16, 2004 are permitted. In *specialty crop areas*, single detached dwellings and accessory structures are permitted on existing lots of record, provided they were zoned for such or permitted through other regulation as of December 16, 2004.
- 4.1.2.3 In *specialty crop areas* and *prime agricultural areas*, all types, sizes and intensities of *agricultural uses* and *normal farm practices* shall be promoted and protected and a full range of *agricultural uses*, *agriculture-related uses* and *on-farm diversified uses* are permitted.
- 4.1.2.4 *Prime agricultural areas* within the Greenbelt Plan as identified on Schedule F are subject to the *prime agricultural area* policies of this Plan.

## 4.1.3 Minimize Conflicts of Non-Agricultural Uses

- 4.1.3.1 Non-agricultural uses should not be located in *specialty crop areas* or *prime agricultural areas*.
- 4.1.3.2 Non-agricultural uses must address Greenbelt Plan policies for non-agricultural uses in *specialty crop areas* and *prime agricultural areas*.
- 4.1.3.3 Applications for non-agricultural uses shall require completion of an *agricultural impact assessment*.
- 4.1.3.4 In *specialty crop areas* lands shall not be redesignated in official plans for non-agricultural uses.
- 4.1.3.5 In *prime agricultural areas* lands shall not be redesignated in official plans for non-agricultural uses except for:
  - a. refinements to the *prime agricultural area* and *rural lands* designations, subject to the policies of Section 5.3 of the Greenbelt Plan; or
  - b. *settlement area* boundary expansions, subject to Policies 3.4.1 to 3.4.5 of the Greenbelt Plan.
- 4.1.3.6 New land uses in *specialty crop areas* and *prime agricultural areas*, including the creation of lots, and new or expanding livestock facilities, shall comply with the *minimum distance separation formulae*.

- 4.1.3.7 Where *agricultural uses* and non-agricultural uses *interface*, land use compatibility shall be achieved by avoiding or, where avoidance is not possible, minimizing and mitigating adverse impacts on the *agricultural system*, by incorporating measures as part of new or expanding non-agricultural uses, as appropriate, within the area being developed.

#### 4.1.4 Lot Creation and Related Development Within the Agricultural System

- 4.1.4.1 Within the *prime agricultural area*, including the protected countryside of the Greenbelt Plan which also includes *specialty crop area*, lot creation is discouraged and may only be permitted in accordance with the policies in Sections 4.1.4, 4.1.5 and 4.1.6 of this Plan.
- 4.1.4.2 Proposed residential lots being considered under Sections 4.1.5 and 4.1.6 for a consent within the agricultural land base must meet the following conditions:
- a. the size of any new lot shall be an area of 0.4 hectares except to the extent of any additional area deemed necessary to support an on-site private water supply and long-term operation of a private sewage disposal system as determined by Provincial and Regional requirements;
  - b. any new lot has an adequate groundwater or other water supply, in compliance with Provincial requirements;
  - c. any new lot has sufficient frontage on an existing publicly-maintained road;
  - d. where possible, joint use should be made of the existing road access to the farm operation;
  - e. road access to any new lot does not create a traffic hazard because of limited sight lines on curves or grades or proximity to intersections; and
  - f. proposed lots shall be located and configured to minimize impacts on surrounding farming operations.
- 4.1.4.3 All proposed *development* and uses will include sustainable on-site private water supply and private sewage disposal systems subject to applicable Provincial and Regional regulations and associated approvals.

## 4.1.5 Lot Creation in Specialty Crop Areas

- 4.1.5.1** In the *specialty crop areas*, consents to convey may be permitted only in accordance with the following provisions and the general consent provisions in Policy 4.1.4.2. Within the Niagara Escarpment Plan Area, the policies of the Niagara Escarpment Plan, as amended from time to time, shall prevail unless the following policies are more restrictive, then the more restrictive policies shall prevail.
- a. the consent is supported through a planning justification report;
  - b. the consent is for an *agricultural use* where the severed and retained lots are intended for *agricultural uses* and provided the minimum lot size is 16 hectares for both the severed and retained lots;
  - c. the consent is for an *agriculture-related use*, provided that any new lot shall be limited to the minimum size needed to accommodate the use and appropriate sewage and water services;
  - d. the consent is for acquiring land for public *infrastructure* purposes, where the facility or corridor cannot be accommodated through the use of easements or rights of way, provided that:
    - i. the need has been demonstrated and it has been established that there is no reasonable alternative; and
    - ii. an *agricultural impact assessment* has been completed by a qualified professional;
  - e. the consent is for facilitating conveyances to public bodies or non-profit entities for natural heritage conservation, provided it does not create a separate lot for a residential dwelling;
  - f. the consent is for *legal or technical reasons* as determined by Local Area Municipalities, provided they do not create a separate lot for a residential dwelling, there is no increased fragmentation of a *key natural heritage feature* or *key hydrologic feature*, and complies with other policies in this Plan; and
  - g. the consent is for a *residence surplus to a farming operation* as outlined in Policy 4.1.5.2.
- 4.1.5.2** The severance of a *residence surplus to a farming operation* may be permitted under the following circumstances:
- a. the proposed lot contains a habitable residence, which existed as of December 16, 2004, that is rendered surplus as a result of farm consolidation;

- b. the size of any new lot shall be an area of 0.4 hectares except to the extent of any additional area deemed necessary to support an on-site private water supply and private sewage disposal system as determined by Provincial and Regional requirements to a maximum of one hectare;
  - i. proposals that exceed one hectare may be considered subject to an amendment to this Plan; and
- c. to reduce fragmentation of the agricultural land base, the retained lot shall be merged with an abutting parcel. Where merging of two lots is not possible, the retained farm parcel shall be zoned to preclude its use for residential purposes.

## 4.1.6 Lot Creation in Prime Agricultural Areas

- 4.1.6.1 In *prime agricultural areas* outside of *specialty crop areas*, consents to convey may be permitted only in those circumstances set out in the following provisions and the general consent provisions of Policy 4.1.4.2:
- a. the consent is for *agricultural uses*, subject to the following criteria:
    - i. the resulting parcels are both for *agricultural uses*;
    - ii. the minimum lot size for the severed and retained lot is 40 ha, the resulting parcels meet the Local official plan and agriculture zoning provisions, and:
      - 1. is appropriate for the farming activities proposed;
      - 2. is suited to the particular location and common in the area; and
      - 3. provides some flexibility for changes in the agricultural operation.
  - b. the consent is for *agriculture-related use* subject to the following criteria:
    - i. any new lot shall be limited to a minimum size needed to accommodate the proposed use and appropriate sewage and water services; and
    - ii. any new lot shall be zoned to preclude residential uses in perpetuity.
  - c. the consent is for a *residence surplus to a farming operation* as outlined in Policy 4.1.6.2;
  - d. the consent is for a lot adjustment for *legal or technical reasons*; or
  - e. the consent is for public *infrastructure*, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

**4.1.6.2** The severance of a *residence surplus to a farming operation* may be permitted under the following circumstances:

- a. the lot contains a habitable residence, which existed as of June 16, 2006, that is rendered surplus as a result of farm consolidation;
- b. the size of any new lot shall be an area of 0.4 hectares except to the extent of any additional area deemed necessary to support an on-site private water supply and private sewage disposal system as determined by Provincial and Regional requirements to a maximum of one hectare;
  - i. proposals that exceed one hectare may be considered subject to an amendment to this plan; and
- c. to reduce fragmentation of the agricultural land base, the retained lot shall be merged with an abutting parcel. Where merging of two lots is not possible, the retained farm parcel shall be zoned to preclude its use for residential purposes.

## **4.1.7 A Resilient Agricultural Economy**

**4.1.7.1** The Region encourages the continued operation and expansion of agricultural infrastructure including irrigation and drainage systems as shown in Appendix 1.

**4.1.7.2** Temporary accommodation for seasonal or full-time farm labour may be permitted where:

- a. the size and/or nature of the agricultural operations makes the employment of such help necessary;
- b. such temporary accommodation does not have a significant effect on the tillable area of the agricultural operation or its viability; and
- c. the severance of a temporary accommodation for seasonal or full-time farm labour is not permitted.

### **Agri-Food Strategy**

Agri-food is a term that refers to all forms of commercial agricultural activity and all stages of food and beverage processing. The Niagara region agri-food sector contributes significantly to the economic prosperity and quality of life of residents. The strategy looks to support agri-food prosperity and sustainability.



**4.1.7.3** *Agricultural uses, agriculture-related uses* and *on-farm diversified uses* are permitted in the following areas:

- a. *specialty crop areas*;
- b. *prime agricultural areas*; and
- c. *rural lands*.

**Table 4-1     Agricultural Uses, Agricultural-Related Uses and On-Farm Diversified Uses**

Type of Use	Agricultural Uses	Agriculture-Related Uses	On-Farm Diversified Uses
Description	Growing of crops or raising of livestock; raising of other animals for food, fur or fibre; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures	May or may not be on a farm; farm-related commercial or industrial use; compatible with surrounding agricultural operations; directly related to farms in the area; supports agriculture, provides products or services to farms; benefits from proximity to farms	On a farm; secondary use; limited in area; includes, but is not limited to, home occupations, home industries, <i>agri-tourism uses</i> and value-added uses; compatible with surrounding agricultural operations
Examples include, but are not limited to	<ul style="list-style-type: none"> <li>a. cropland</li> <li>b. pastureland</li> <li>c. barns and other associated buildings and structures</li> </ul>	<ul style="list-style-type: none"> <li>a. processing of agricultural products</li> <li>b. farm equipment repair shop</li> <li>c. agriculture research centre</li> </ul>	<ul style="list-style-type: none"> <li>a. <i>agri-tourism uses</i></li> <li>b. pick-your-own operation</li> <li>c. home occupations</li> </ul>

**4.1.7.4** Proposed *agriculture-related uses* and *on-farm diversified uses* shall be *compatible* with, and shall not hinder, surrounding agricultural operations.

**4.1.7.5** *Agriculture-related uses* and *on-farm diversified uses* shall be consistent with the provisions of the Provincial Policy Statement, and conform to the Growth Plan, Greenbelt Plan, and Niagara Escarpment Plan.

**4.1.7.6** *On-farm diversified uses* shall be:

- a. located on a farm;
- b. secondary to the principal agricultural use of the property;
- c. limited in area; and
- d. *compatible* with, and shall not hinder, surrounding agricultural operations.

**4.1.7.7** The appropriate scale for *on-farm diversified uses* may vary depending on the type of use and whether the activities are located in the *specialty crop area* or in other *prime agricultural areas*. The following criteria shall be considered when reviewing applications for proposed *agriculture-related uses*:

- a. whether the proposed activity is more appropriately located in a nearby *settlement area* or on *rural lands*;
- b. whether the use is required for or in close proximity to the agricultural operation for it to support and complement the agricultural activity;
- c. the extent to which the use is *compatible* with the existing farming operation and surrounding farming operations;
- d. whether the scale of the activity is appropriate to the site and farming operation;
- e. whether the use is consistent with and maintains the character of the agricultural area;
- f. the use does not generate potentially conflicting off-site impacts;
- g. the activity does not include a new residential use;
- h. the use is limited to low water and low effluent producing uses and the site is capable of accommodating the use on private water and private sewage treatment systems;
- i. the use does not require significant improvements to *infrastructure*; and
- j. the use complies with all other applicable provisions of this Plan.

**4.1.7.8** Within the Niagara Escarpment Plan Area, the policies contained in the Niagara Escarpment Plan apply. *Agriculture-related uses* and *on-farm diversified uses* must meet the permitted uses, development criteria and policies of the Niagara Escarpment Plan.

- 4.1.7.9** Local Area Municipalities are encouraged to utilize site plan control to regulate the impact of *agriculture-related uses* and *on-farm diversified uses*, in relation to entrances, parking and loading facilities, signage, grading and storm water drainage, buffering and landscaping, and landscape protection.

## **4.1.8 Rural Lands as Part of the Agricultural System**

- 4.1.8.1** The predominant use of *rural lands* will continue to be agriculture, but some non-agricultural related development may be permitted subject to the policies in Sections 4.1.8 and 4.1.9.
- 4.1.8.2** Permitted uses on *rural lands* include:
- a. management or use of resources in accordance with all other applicable provisions of this Plan;
  - b. limited residential development in accordance with Section 4.1.9;
  - c. *agricultural uses, agriculture-related uses, on-farm diversified uses, normal farm practices*, in accordance with this section;
  - d. home occupations and home industries in accordance with Local official plan and zoning by-law provisions;
  - e. cemeteries; and
  - f. other uses not described in this chapter may be permitted, subject to an amendment to this Plan.
- 4.1.8.3** The *rural lands* along the Lake Erie shoreline contain historic patterns of seasonal and permanent residential development. These uses and expansions thereof continue to be permitted in accordance with Local official plans and zoning by-law provisions.

## **4.1.9 Non-Agricultural Uses on Rural Lands**

- 4.1.9.1** Limited non-agricultural residential development may be permitted on *rural lands* in accordance with the policies of this section.
- 4.1.9.2** Proposals for non-agricultural residential development on *rural lands* must meet the following criteria and the general consent provisions in Policy 4.1.4.2, in addition to the other requirements of this Plan, the Niagara Escarpment Plan and the Local official plan:
- a. maximum of three new lots (in addition to the retained lot) may be permitted on each lot in existence as of June 16, 2006;

- b. the minimum size of the proposed and retained lots shall each be one hectare unless it is determined through a hydrogeological study, that considers potential cumulative impacts, that a smaller size lot will adequately accommodate private water and sewage treatment facilities for long-term operation but not be less than 0.4 hectares;
- c. the *development* will be at a scale and density suitable to the physical characteristics of the site;
- d. soil and drainage conditions are suitable and permit the proper siting of buildings, the supply of potable water and the installation and long-term operation of an adequate means of waste disposal;
- e. the proposed *development* will be consistent with Section 3.1; and
- f. proposed *developments* must be appropriately separated and protected from:
  - i. incompatible land uses such as existing pits and quarries;
  - ii. *mineral aggregate resources* recognized in this Plan;
  - iii. livestock operations and anaerobic digesters, in accordance with the *minimum distance separation formulae*;
  - iv. existing and former solid waste sites;
  - v. major existing and proposed transportation facilities; and
  - vi. employment uses.

#### 4.1.10 Non-Conforming Uses in the Agricultural System

- 4.1.10.1 This Plan shall not prohibit the continued operation of legally established uses, such as residential, commercial, employment, *agricultural*, and *institutional uses*.
- 4.1.10.2 Expansions to existing buildings and structures, accessory structures and *existing uses*, as well as conversions or *redevelopment* of legally *existing uses* that bring the use more into conformity with this Plan, are permitted subject to demonstration of the following:
  - a. new municipal services are not required;
  - b. the proposal does not expand into *key natural heritage features* and *key hydrologic features*, unless there is no other alternative in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure;
  - c. if applicable, the proposed new use complies with the *Specialty Crop Guidelines*, as amended from time to time;
  - d. for conversions or *redevelopments* only, the completion of an *agricultural impact assessment* by a qualified professional;

- e. the proposal does not result in the intrusion of new incompatible uses; and
- f. the proposed use is in accordance with the *minimum distance separation formulae*.

**4.1.10.3** Within the Niagara Escarpment Plan area, the Niagara Escarpment Plan Policies also apply to *existing uses*.

**4.1.10.4** In accordance with the developed *shoreline area* policies of the Greenbelt Plan and Growth Plan, notwithstanding Sections 4.1.1, 4.1.2, 4.1.5, 4.1.6, 4.1.8, and 4.1.9 of this Plan, infill *development*, *redevelopment*, and resort development is permitted in developed *shoreline areas* of Lake Ontario, Lake Erie, and the Niagara River that are designated or zoned for concentrations of *development* as of July 1, 2017, subject to the following requirements. The *development* will:

- a. enhance or be integrated with existing or proposed parks and trails, such as the Great Lakes Waterfront Trail, and will enhance ongoing or planned stewardship and remediation efforts;
- b. restore, to the maximum extent possible, the ecological features and functions in developed *shoreline areas*; and
- c. in the case of *redevelopment* and resort development:
  - i. establish, or increase the extent and width of, a *vegetation protection zone* along the shoreline to a minimum of 30 metres;
  - ii. increase the extent of *fish habitat* in the littoral zone;
  - iii. be planned, designed, and constructed to protect *hydrologic functions*, minimize erosion, and avoid or mitigate sedimentation and the introduction of nutrient or other pollutants into the lake;
  - iv. exclude shoreline structures that will impede the natural flow of water or exacerbate algae concerns along the shoreline;
  - v. enhance the ability of native plants and animals to use the shoreline as both *wildlife habitat* and a movement corridor;
  - vi. use lot-level stormwater controls to reduce stormwater runoff volumes and pollutant loadings;
  - vii. use natural shoreline treatments, where practical, for shoreline stabilization, erosion control, or protection;
  - viii. meet other criteria and direction set out in applicable *watershed planning* and *subwatershed plans*;
  - ix. be serviced by *sewage works* which reduce nutrient inputs to groundwater and the receiving water body from baseline levels; and
  - x. demonstrate available capacity in the receiving water body based on inputs from existing and approved *development*.



## 4.2 Planning for Employment

The Region is required to plan for and protect lands to accommodate the Province's forecasted employment growth coming to Niagara. These lands will play a critical role in the ability to retain and attract employment investment that contributes to Niagara's economic competitiveness on provincial, national, and global scales. The provision of lands for employment is an important component of *complete communities*.

The policies encourage employment development in *urban areas* and recognizes the contribution of rural employment in the agricultural community toward Niagara's prosperity. Emphasis is on fostering communities that attract people, jobs, and investment, while protecting employment uses for the long-term.

### Employment Lands and Employment Areas

The Region maps and develops policies for *employment areas*. Local Area Municipalities map and develop policies for *employment lands*.

#### The objectives of this section are as follows:

- a. designate *employment areas* for long-term protection and plan for forecasted employment growth within *employment areas*;
- b. maximize the economic development potential of the *Niagara Economic Centre* and *Niagara Economic Zone*;
- c. identify and consider future *employment areas* in long-term planning for *settlement area* expansion;
- d. plan *employment lands* to enhance economic resilience through a diversified economy;
- e. guide future *redevelopment* of *employment lands*;
- f. protect *airport* and *aerodrome* lands short-term and long-term operational needs;
- g. enhance rural *employment lands* within *rural settlements* and recognize rural *employment lands* outside of *rural settlements*; and
- h. identify opportunities for strategic investments that further economic prosperity.

## 4.2.1 Employment Area Types and Densities

- 4.2.1.1 Niagara's *employment areas* are shown on Schedules B and G.
- 4.2.1.2 The following are prohibited in all *employment areas*:
- residential uses;
  - major retail / major commercial uses*; and
  - major office uses*, except *major office uses* are permitted on *employment area* lands within a *strategic growth area*.
- 4.2.1.3 *Sensitive land uses* that are not ancillary to the primary employment use shall be limited in *employment areas* and only permitted if such use can comply with D-6 Guidelines.
- 4.2.1.4 *Employment areas* are classified in three types, as identified on Schedule G and Table 4-2.
- 4.2.1.5 Core *employment areas* are clusters of traditional employment uses, such as industrial, manufacturing, construction, transportation and warehousing. Core *employment areas* shall be protected and planned for similar employment uses, *major facilities*, and *freight-supportive* forms of *development* and *redevelopment*. *Major institutional uses* are prohibited in core *employment areas*.
- 4.2.1.6 Dynamic *employment areas* are clusters of traditional and lighter industrial uses with a broader mix of employment uses including *office parks* and *institutional uses* that can function without limiting the viability of one another. A mix of complementary employment uses will be encouraged through *development* or *redevelopment* within dynamic *employment areas* that do not limit the ability for other employment uses within the *employment area* to grow or expand.
- 4.2.1.7 Knowledge and Innovation *employment areas* are clusters of higher density employment uses, including *office parks*, and *major institutional uses*. Knowledge and Innovation *employment areas* will:
- contain a mix of complementary land uses to facilitate partnerships and promote the sharing of ideas and information;
  - accommodate *built form* that supports nearby *major institutional uses* and *major office uses* where permitted;
  - attain high-quality urban design;
  - encourage densities that are *transit-supportive*; and
  - incorporate *active transportation* facilities along *active transportation* networks.

- 4.2.1.8** Local Area Municipalities shall map *employment areas* shown on Schedule G in Local official plans.
- 4.2.1.9** The Region and Local Area Municipalities shall plan for existing *employment areas* to achieve the minimum density targets to 2051 identified in Table 4-2.

**Table 4-2 Employment Area Minimum Density Targets to 2051**

Employment Area Sub-Grouping	Local Area Municipality	Employment Area (see Schedule G)	Minimum Overall Density Target (jobs per hectare)
Core	Fort Erie	FE-1 Stevensville Industrial Cell	15 jobs/ha
Dynamic	Fort Erie	FE-2 International Peace Bridge Trade Hub	15 jobs/ha
Core	Fort Erie	FE-3 Bridgeburg Rail Zone	10 jobs/ha
Core	Grimsby	GRM-1 West Niagara QEW Corridor	45 jobs/ha
Dynamic	Grimsby	GRM-2 Casablanca-East QEW Corridor	45 jobs/ha
Dynamic	Grimsby	GRM-3 Main Street East Employment District	40 jobs/ha
Core	Lincoln	LIN-1 Beamsville GO Precinct	30 jobs/ha
Core	Lincoln	LIN-2 King Street at Bartlett Junction	10 jobs/ha
Core	Niagara Falls	NF-1 Highway 405 Employment Area	15 jobs/ha

Employment Area Sub-Grouping	Local Area Municipality	Employment Area (see Schedule G)	Minimum Overall Density Target (jobs per hectare)
Core	Niagara Falls	NF-2 North Niagara Falls Secure Storage Employment Area	15 jobs/ha
Dynamic	Niagara Falls	NF-3 QEW / 420 Employment Area	25 jobs/ha
Dynamic	Niagara Falls	NF-4 QEW Centre Employment Area	50 jobs/ha
Dynamic	Niagara Falls	NF-5 Montrose Road Industrial Area	20 jobs/ha
Core	Niagara Falls	NF-6 Dorchester Road Employment Area	45 jobs/ha
Dynamic	Niagara Falls	NF-7 Stanley Avenue Business Park	15 jobs/ha
Dynamic	Niagara-on-the-Lake	NOTL-1 Virgil Business Park	35 jobs/ha
Knowledge and Innovation	Niagara-on-the-Lake	NOTL-2 Glendale Momentum District	60 jobs/ha
Core	Port Colborne	PC-1 Port Colborne West Transshipment Terminal	10 jobs/ha
Core	Port Colborne	PC-2 Port Colborne East Transshipment Terminal	25 jobs/ha
Core	St. Catharines	STC-1 Port Weller Employment Area	25 jobs/ha
Knowledge and Innovation	St. Catharines	STC-2 Hannover Employment Area	145 jobs/ha

<b>Employment Area Sub-Grouping</b>	<b>Local Area Municipality</b>	<b>Employment Area (see Schedule G)</b>	<b>Minimum Overall Density Target (jobs per hectare)</b>
Dynamic	St. Catharines	STC-3 Hiscott Employment Area	95 jobs/ha
Dynamic	St. Catharines	STC-4 Bunting / Welland / Eastchester / Cushman Road Employment Area	35 jobs/ha
Dynamic	St. Catharines	STC-5 West End Employment Area	45 jobs/ha
Core	St. Catharines	STC-6 Glendale Avenue East Employment Area	30 jobs/ha
Knowledge and Innovation	Thorold	THO-1 Brock District University Innovation Park	80 jobs/ha
Dynamic	Thorold	THO-2 McCleary Highway 58 Industrial Park	40 jobs/ha
Core	Thorold	THO-3 Thorold Tunnel Crossing	40 jobs/ha
Core	Thorold	THO-4 Thorold South Allanburg Industrial Park	10 jobs/ha
Dynamic	Welland	WEL-1 North Woodlawn Hospitality Node	40 jobs/ha
Core	Welland	WEL-2 South Woodlawn Industrial Niche	10 jobs/ha



Employment Area Sub-Grouping	Local Area Municipality	Employment Area (see Schedule G)	Minimum Overall Density Target (jobs per hectare)
Core	Welland	WEL-3 Highway 140 Canalside Artery	15 jobs/ha
Dynamic	Welland	WEL-4 Flatwater Rally Employment Area	20 jobs/ha
Core	West Lincoln	WL-1 Smithville Industrial District	20 jobs/ha

- 4.2.1.10** *Employment area* minimum density targets established in this Plan shall be implemented in Local official plans and zoning-by-laws, and used to promote employment *development* and *redevelopment* that supports achievement of the target.
- 4.2.1.11** Conversion of lands within *employment areas* shall not be permitted except during the Region's *municipal comprehensive review*. The Region will work with Local Area Municipalities to review and update *employment area* minimum density targets through the Region's *municipal comprehensive review*.
- 4.2.1.12** Local Area Municipalities shall use planning tools identified in policies 4.2.4.2 and 4.2.4.3 to achieve land use compatibility between *employment areas* and non-employment lands.
- 4.2.1.13** *Employment areas* will be promoted by aligning land use planning and economic development strategies to retain and attract investment.
- 4.2.1.14** *Employment areas* near *major goods movement facilities and corridors* associated with the movement of goods, such as international border crossings, the Welland Canal, *rail* and *marine facilities*, and Provincial highways, shall be protected and planned for employment uses.

- 4.2.1.15** The Region and Local Area Municipalities may support employment *development* and *redevelopment* serviced through sustainable private services, including dry industrial development, within *employment areas* where there are constraints to *municipal water and wastewater systems/services*.
- 4.2.1.16** Land use permissions approved through a secondary plan or equivalent process prior to the approval of this Plan shall continue to apply within *employment areas*.

## **4.2.2 Niagara Economic Centre and Zone**

- 4.2.2.1** The *Niagara Economic Gateway* is comprised of the total geographic area of the Local Area Municipalities that are a part of the *Niagara Economic Centre* or *Niagara Economic Zone*, including all *major goods movement facilities and corridors* as shown in Schedule G.
- 4.2.2.2** The Region will work with the other levels of government to prioritize improvements to *major goods movement facilities and corridors* and *planned corridors* within the *Niagara Economic Gateway* to focus on *development* and *redevelopment* of *major facilities*, manufacturing, manufacturing-related and supply chain facilities, as well as support economic diversity and promote increased opportunities for cross-border trade, movement of goods, and tourism.
- 4.2.2.3** Lands within the *Niagara Economic Gateway* are preferred for the identification of future *employment areas* and *provincially significant employment zones*.
- 4.2.2.4** Within the *Niagara Economic Centre*, *employment lands* and *employment areas* should be planned to support the concept of a *multimodal* hub along the Welland Canal.

## **4.2.3 Future Employment Areas**

- 4.2.3.1** Future *employment areas* as set out in Appendix 2 have been identified due to their location within the *Niagara Economic Gateway* and proximity to *major goods movement facilities and corridors*, and/or near *planned corridors*.
- 4.2.3.2** Future *employment areas* are outside of existing *settlement areas* and shall be identified for long-term planning beyond 2051.
- 4.2.3.3** Future *employment areas* may be considered for inclusion within the *urban area* through a *municipal comprehensive review*.

- 4.2.3.4** The Region will determine, in consultation with the Local Area Municipalities, the boundary, land uses and minimum density target of future *employment areas* as part of a district plan or secondary plan process, or equivalent, per Section 6.1 and provide urban design guidelines per Section 6.2.
- 4.2.3.5** The Region will work with Local Area Municipalities to review and evaluate any proposal to identify future *employment areas* using the following considerations:
- a. proposed lands are adjacent to the *urban areas*;
  - b. proposed lands are located within the *Niagara Economic Gateway*;
  - c. proposed lands are not located within the Greenbelt Plan Area and/or Niagara Escarpment Plan Area;
  - d. proposed lands consist of large contiguous parcels conducive for large-scale employment uses;
  - e. proposed lands can be or have the ability to be serviced by *municipal water and wastewater systems/services* and *public service facilities*;
  - f. proposed lands have no major restrictions by *natural heritage systems*, *water resource systems*, or other undevelopable and human-made features;
  - g. proposed lands will not adversely impact the *agricultural system* and/or *agri-food network*;
  - h. proposed lands may be a *brownfield* site, have known contamination, or have other hazardous conditions;
  - i. proposed lands have advantageous access to *major goods movement facilities and corridors* and/or *planned corridors*; and
  - j. proposed lands are not located near other land uses that may limit employment viability, growth, or expansion, including *minimum distance separation formulae* and D-6 Guideline requirements.

## **4.2.4 Employment Lands**

- 4.2.4.1** The Region will support Locally identified *employment lands* by:
- a. improving *connectivity* with transit and *active transportation* networks;
  - b. providing for an appropriate mix of amenities and open space to serve the workforce;
  - c. planning for the *intensification* of employment uses;

- d. ensuring that the introduction of non-employment uses, if permitted by other policies in this Plan, would be limited and not negatively impact the primary function of the area; and
- e. encouraging approaches to transportation demand management that reduce reliance on single-occupancy vehicle use.

**4.2.4.2** *Major facilities* and *sensitive land uses* shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential *adverse effects* from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of *major facilities* in accordance with Provincial guidelines, standards and procedures.

**4.2.4.3** Where avoidance is not possible in accordance with Policy 4.2.4.2, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and *development* of proposed adjacent *sensitive land uses* are only permitted if the following are demonstrated in accordance with Provincial guidelines, standards and procedures:

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

**4.2.4.4** Within *employment lands*, retail and office uses will be directed to locations that support *active transportation* and have existing or planned transit.

**4.2.4.5** The retail sector will be supported by promoting *compact built form* and *intensification* of retail and service uses and areas and encouraging the integration of those uses with other land uses to support the achievement of *complete communities*.

**4.2.4.6** *Major office* and appropriate *major institutional* development will be directed to the Downtown St. Catharines *Urban Growth Centre*, *protected major transit station areas* or other *strategic growth areas* with existing or planned *frequent transit service*.

**4.2.4.7** Sustainable practices will be encouraged, such as *green infrastructure* and *low impact development*, to address the impacts of *climate change*.

- 4.2.4.8** *Employment lands* planned for industrial or manufacturing uses should include an appropriate transition to adjacent non-employment lands in accordance with Section 6.2.
- 4.2.4.9** Local Area Municipalities should encourage *intensification* on designated *employment lands*, where appropriate, through zoning and economic development initiatives, including:
- a. expansion to employment uses and/or land operations; and
  - b. reuse of buildings and *infrastructure* for new employment uses.
- 4.2.4.10** Notwithstanding Policy 7.12.2.5, *development* applications within a two kilometer radius of the Cytec Canada Inc. facility in Niagara Falls shall be subject to Policy 4.2.1.11 of this Plan, except for the lands currently designated Neighbourhood Commercial in the local official plan.

## **4.2.5 Redevelopment of Employment Lands**

- 4.2.5.1** Any proposed *redevelopment* of non-employment uses on *employment land*, outside of *employment areas*, shall retain space for a similar number of jobs to remain accommodated on site.
- 4.2.5.2** Local official plans may contain criteria for *employment land redevelopment* to non-employment uses outside of an *employment area*. If Local criteria are unavailable, the Region and Local Area Municipalities may use the Region's Employment Land Redevelopment Criteria Guideline identified in Appendix 3.
- 4.2.5.3** The Region and Local Area Municipalities shall discourage any *redevelopment* of *employment land* that may restrict the ability for nearby existing or planned employment uses to operate or expand.

## **4.2.6 Airport and Aerodrome Lands**

- 4.2.6.1** Niagara's *airport* and *aerodrome* lands are shown on Schedule G.
- 4.2.6.2** The Region and Local Area Municipalities shall consult with applicable *airport* or *aerodrome* authorities at the time any planning matter arises that may impact the ability for the facilities to operate and expand.
- 4.2.6.3** The Region recognizes the Niagara District Airport as a non-curfew *airport* of entry. The *airport* and its associated lands as mapped in accordance with Federally approved Airport Zoning Regulation (SOR/84-901), as amended, on Schedule G will be supported as an economic contributor to the *regional market area* and is a valued component of Niagara's *transportation system*.



- 4.2.6.4** Expansions to *airport* and *aerodrome* lands may be serviced by *municipal water and wastewater systems/services* or sustainable private services, where appropriate.
- 4.2.6.5** Land use permissions and zoning for lands within the *airport's* area of influence shall maintain the Federal Government's recommended Noise Exposure Forecast (NEF) contours where applicable and be *compatible* with the operations of the *airport*.
- 4.2.6.6** Federal, Provincial, and Municipal policies and guidelines apply where *sensitive land uses* are proposed near existing or planned *airports* and *aerodromes*.
- 4.2.6.7** Conflict between *airport* lands and surrounding land uses shall be minimized to ensure:
- a. there will be no negative impact on *airport* operations and viability;
  - b. an expansion of *airport* operations will not be limited;
  - c. land uses in the *airport's* area of influence, as shown in Local official plans, in conformity with this Plan, will not cause a potential aviation hazard; and
  - d. land uses in the *airport's* area of influence, as shown in Local official plans, in conformity with this Plan, will not limit existing and/or the expansion of *airport* operations.
- 4.2.6.8** The Region and Local Area Municipalities will work with the Federal Government to expedite the construction of *airport* related uses on *airport* lands and improve *transportation system* connections to *airports*.

## **4.2.7 Rural Employment Lands within Rural Settlements**

- 4.2.7.1** The Region and Local Area Municipalities should support rural employment within *rural settlements* by:
- a. ensuring sufficient rural *employment land* is available to accommodate forecasted employment within *rural settlements*;
  - b. providing opportunities for rural employment clusters and more intensive rural employment uses within *rural settlements* to build synergies;
  - c. supporting rural character and community, and leveraging rural amenities and assets; and
  - d. using rural *infrastructure* and *public service facilities* efficiently.

- 4.2.7.2 In directing *development* to *rural settlements*, Local Area Municipalities shall consider rural characteristics, the scale of *development*, and provision of appropriate service levels.

## 4.2.8 Existing Rural Employment Areas

- 4.2.8.1 Existing rural *employment areas* are shown on Schedule G. These rural *employment areas* are located outside of *settlement areas*, on *rural lands* and are designated for employment uses within a Local official plan.
- 4.2.8.2 Uses within rural *employment areas* shall be serviced by private water and wastewater systems or have minimal water and wastewater requirements.
- 4.2.8.3 Any new *development* within a rural *employment area* shall be subject to the land use permissions of the Local official plan and site plan control. Applications will require submission of required studies identified at the time of pre-consultation. The Region shall be circulated on all site plan control applications for *development* identified within the rural *employment area*.
- 4.2.8.4 Expansion to uses in rural *employment areas*, permitted in the Local official plan, may be permitted to support the immediate needs of the existing business and if *compatible* with surrounding uses.
- 4.2.8.5 Rural *employment areas* may be subject to Policies 4.2.3.1 - 4.2.3.5 for consideration as future *employment areas*.

## 4.2.9 Strategic Investments for Economic Prosperity

- 4.2.9.1 Planning for employment will align with the Region's Master Servicing and Transportation Master Plans.
- 4.2.9.2 *Municipal water and wastewater systems/services* and *infrastructure* to *employment areas* will be prioritized by the Region and Local Area Municipalities.
- 4.2.9.3 The Region and Local Area Municipalities will work with the Province to plan for and expedite improvements to major goods movement facilities and corridors and *planned corridors* to support *freight-supportive* employment *development* and *redevelopment*.

## 4.3 Mineral Aggregate Resources

*Mineral aggregate resources*, such as sand, gravel, stone, and shale, are located throughout Niagara Region. These resources are finite and must be protected from incompatible land uses or uses that would limit their extraction in the future.

The Province provides direction to municipalities that as much of the *mineral aggregate resource* as is realistically possible, shall be made available as close to market as possible.

The extraction, processing, and transportation of *mineral aggregate resources* must take place in a manner that minimizes social, economic, and environmental impacts. This includes defining haul routes and managing truck traffic, conserving and recycling *mineral aggregate resources*, and rehabilitating pits and quarries.

**The objectives of this section are as follows:**

- a. protect *mineral aggregate resources*;
- b. protect existing *mineral aggregate operations*;
- c. provide for efficient extraction of *mineral aggregate resources*;
- d. minimize negative impacts of proposed *mineral aggregate operations*;
- e. define haul routes and manage aggregate truck traffic;
- f. ensure compatible and sustainable rehabilitation;
- g. conserve and recycle aggregates and manage *excess soil*;
- h. facilitate temporary *mineral aggregate operations*;
- i. locate *mineral aggregate operations* to minimize impacts on other significant resources and features;
- j. coordinate with the Niagara Escarpment Commission on applications within the Niagara Escarpment Plan Area; and
- k. provide an efficient, comprehensive planning review.

### Importance of Mineral Aggregate Resources

*Mineral aggregate resources* are used in the construction of homes, roads, highways, railways, bridges, and airports. They are also used to manufacture products like glass, coated paper, paint, fertilizers, health care products, and pharmaceuticals.

## 4.3.1 Mineral Aggregate Resources

- 4.3.1.1 Schedule H of this Plan identifies where known *deposits of mineral aggregate resources* are located in the Region based on Provincial mapping.
- 4.3.1.2 Updates to Schedule H based on new *mineral aggregate resource* mapping from the Province will not require an amendment to this Plan.
- 4.3.1.3 Proposed new *development* in areas located on, or within 300 metres (sand and gravel) or 500 metres (bedrock) of known *deposits of mineral aggregate resources*, which would preclude or hinder the establishment of new *mineral aggregate operations* or access to the resources, is not permitted, except where it can be demonstrated by the applicant that:
- resource use would not be feasible;
  - the proposed land use or *development* serves a greater long-term public interest; and
  - issues of public health, public safety and environmental impacts are addressed.

### Aggregate Resources Act vs. Planning Act

In Ontario, two major pieces of Provincial legislation inform decisions related to *mineral aggregate resources* and *mineral aggregate operations*:

- the Aggregate Resources Act (ARA) is implemented by the Province and provides the framework for licensing *mineral aggregate operations*. The operational aspects and rehabilitation of a *mineral aggregate operation* are addressed through the licensing process. Where the ARA applies, only processes under the ARA shall address the depth of extraction of new or existing *mineral aggregate operations*.
- the Planning Act is implemented by municipalities and provides the framework for municipal land use approvals through official plans and zoning by-laws. The ARA requires appropriate municipal land use designations to be in place prior to granting a license.

In addition, the Niagara Escarpment Planning and Development Act applies to land within the Niagara Escarpment Plan (NEP) Area. Different policies or processes may apply. The Niagara Escarpment Commission should be consulted regarding lands within the NEP area.

## 4.3.2 Mineral Aggregate Operations

- 4.3.2.1 Existing *mineral aggregate operations* are identified on Schedule H of this Plan.
- 4.3.2.2 Proposed new *development* or other activities in areas located within 500 metres (sand and gravel) and 1000 metres (bedrock) of existing *mineral aggregate operations* is not permitted, unless it can be demonstrated by the applicant that satisfactory mitigation measures can be put in place to ensure that the ongoing operation or expansion of the existing *mineral aggregate operation* will not be hindered. The cost and responsibility for any required mitigation measures shall be borne by the applicant.
- 4.3.2.3 Existing licensed *mineral aggregate operations*, as identified on Schedule H, shall be permitted to continue without the need for an official plan amendment, zoning by-law amendment or other approval under the Planning Act. When a license for a *mineral aggregate operation* ceases to exist, policies which protect *deposits of mineral aggregate resources* will continue to apply where deposits are still present.
- 4.3.2.4 All of the licenses shown on Schedule H pre-date the policies of this Plan. Accordingly, the majority of the licensed areas do not include site specific policies (except for site specific policies for existing *mineral aggregate operations* within the municipalities of Niagara Falls and Wainfleet referenced in Chapter 8). Additional site specific policies may be included where a *mineral aggregate operation* is approved through amendment to this Plan. Site specific policies and their associated licensed area shown on Schedule H shall be removed once the *mineral aggregate operation* land is rehabilitated and the license is surrendered to the Provincial Ministry with jurisdiction.
- 4.3.2.5 An amendment to this Plan is required for expansions of existing *mineral aggregate operations* beyond the limits of the site identified on Schedule H.
- 4.3.2.6 Asphalt plants, concrete plants, brick manufacturing plants and other similar manufacturing uses shall not be permitted in the Niagara Escarpment Plan Area.

### Pits and Quarries in Niagara

*Mineral aggregate operations* include pits and quarries as well as facilities to transport, process and, recycle *mineral aggregate resources*.

Loose material, such as sand and gravel, is extracted from pits, whereas solid bedrock, such as limestone and granite, is extracted from quarries.



### 4.3.3 Extraction of Mineral Aggregate Resources

- 4.3.3.1 An application to permit a *mineral aggregate operation* shall not be required to demonstrate the need for the resource.
- 4.3.3.2 The Region will consider applications for a *mineral aggregate operation* within the *deposits of mineral aggregate resources*, which are identified on Schedule H, and outside known *deposits of mineral aggregate resources* where the applicant has demonstrated that there is a sufficient quantity and quality of resources to warrant extraction.
- 4.3.3.3 Where two or more *mineral aggregate operations* are separated by a Regional Road, the Region will work with the aggregate producers to maximize the extraction in the vicinity of Regional Roads.
- 4.3.3.4 In the case of adjacent *mineral aggregate operations*, the Region will, wherever practical, encourage the removal of all economically viable material between the operations, and require continuous and *comprehensive rehabilitation*.

### 4.3.4 Proposed Mineral Aggregate Operations

- 4.3.4.1 New *mineral aggregate operations* are not permitted within *settlement areas*. The removal of economically viable material on site within a *settlement area* in advance of other approved *development* shall be considered on a site-specific basis.
- 4.3.4.2 An application to permit a *mineral aggregate operation* shall require a site specific amendment to this Plan.
- 4.3.4.3 Applications to permit a *mineral aggregate operation* shall:

- a. be consistent with the Provincial Policy Statement;
- b. conform to the Provincial Plans, Regional and Local official plans;
- c. consider policies of the *Conservation Authority*; and

#### Aggregate Operations

Aggregates are a finite resource. While most operations will be active for decades, they are temporary uses. The site specific approach used in this Plan recognizes the underlying land use is intended to continue once the *mineral aggregate operation* is closed and lands are rehabilitated.

- d. give due regard for other policies or guidelines that are consistent with the Provincial Policy Statement and in conformity with Provincial Plan policies and the requirements under the Aggregate Resources Act and its regulations.

**4.3.4.4** Applications to permit a *mineral aggregate operation* shall consider the following:

- a. potential for negative impacts on existing and future adjacent and surrounding land uses;
- b. potential for negative impact on views and vistas;
- c. potential for negative air quality, noise, vibration, social, and health impacts;
- d. potential for negative impacts on *significant* built heritage resources, *significant cultural heritage landscapes*, and *archaeological resources* or *areas of archaeological potential*;
- e. potential for *negative impacts* on the *natural environment system*;
- f. proposed manner of operation and rehabilitation;
- g. proposed haulage routes and the potential negative impacts on roads and other users of the *infrastructure*;
- h. potential for impacts on Regional *infrastructure* and services;
- i. potential economic and financial impacts/benefits;
- j. potential for negative impacts on agricultural operations in *prime agricultural areas*;
- k. potential geotechnical considerations as appropriate; and
- l. other potential impacts which may be specific to a proposed operation or site.

**4.3.4.5** The establishment of new *mineral aggregate operations* and new *wayside pits and quarries*, or any ancillary or accessory use within a *Provincial natural heritage system* is not permitted in the following *key natural heritage features* and *key hydrologic features*:

- a. *provincially significant wetlands*;
- b. *habitat of endangered species and threatened species*; and
- c. *significant woodlands* unless the woodland is occupied by young plantation or early successional habitat, as defined by the Province, in which case, the application must demonstrate to the satisfaction of the approval authority that Provincial policies have been addressed.

- 4.3.4.6** Any application for a new *mineral aggregate operation* within a *Provincial natural heritage system* will be required to demonstrate how:
- a. *connectivity* between *key natural heritage features* and *key hydrologic features* will be maintained before, during, and after the extraction of *mineral aggregate resources*;
  - b. the operator could replace *key natural heritage features* and *key hydrologic features* that would be lost from the site with equivalent features on another part of the site or on *adjacent lands*;
  - c. the *water resource system* will be protected or enhanced; and
  - d. any *key natural heritage features* and *key hydrologic features* and their associated *vegetation protection zones* not identified in Policy 4.3.4.5 will be addressed in accordance with Provincial policy and the policies of this Plan.

- 4.3.4.7** An application to permit the expansion of an existing *mineral aggregate operation* within a *Provincial natural heritage system* may be permitted, including in *key natural heritage features*, *key hydrologic features* and any associated *vegetation protection zones*, if the related decision and rehabilitation is consistent with the policies of this Plan, Provincial, and Local Municipal policies.

- 4.3.4.8** Applications to permit a *mineral aggregate operation* shall implement the Provincial guidelines and industry best practices in regards to managing and mitigating potential impacts related to noise, dust, and vibration.

### **What is the difference between a new or expanding mineral aggregate operation?**

Under the Aggregate Resource Act there is no difference between establishing a new aggregate operation and expanding an existing operation - where a licence is required.

However, the policies of this Plan recognize that there can be differences in evaluating the impact of a new operation in comparison to an expansion based on the policies of Provincial plans.

Unless specific clarification is provided, all policies should be assumed to apply to both a new and expanding *mineral aggregate operation*.

- 4.3.4.9** Applications to permit a *mineral aggregate operation* shall demonstrate how potential *negative impacts* to ground and surface water resources will be minimized. Where extraction is proposed below the water table, applicants shall demonstrate how impacts on both water quality and quantity are avoided first and mitigated where avoidance is not possible.
- 4.3.4.10** In *prime agricultural areas*, applications to permit a new *mineral aggregate operation* shall be supported by an *Agricultural Impact Assessment* in accordance with Provincial guidance. The *Agricultural Impact Assessment* shall provide guidance on how to maintain or improve connectivity of the *agricultural system* and be completed by a qualified professional.
- 4.3.4.11** Applications to permit a *mineral aggregate operation* within *source water intake protection zones* (IPZ) shall demonstrate how potential threats to *source water* are avoided first and mitigated where avoidance is not possible. Applications within IPZs shall be considered in the context of the following conditions:
- a. impact on *source water* features;
  - b. proposed *source water* mitigation and monitoring; and
  - c. proposed type of licence, ARA site plan conditions, rehabilitation, and proposed after use of the site.

## **4.3.5 Haul Routes and Aggregate Truck Traffic**

- 4.3.5.1** Mineral aggregate truck traffic shall be directed away from *settlement areas* to the maximum extent feasible and make use of existing Provincial and Regional road networks. Local road networks should be used as local access routes only. In general, each *mineral aggregate operation* should have a defined haul route.
- 4.3.5.2** Applications to permit a *mineral aggregate operation* shall demonstrate how adverse impacts associated with mineral aggregate truck traffic will be mitigated and shall consider:
- a. options for delivery of resources to the market, including alternative modes of transportation and alternative routes;
  - b. impacts on the road network and potential mitigation measures;
  - c. safety mitigation measures in all circumstances, with particular attention required where mineral aggregate truck traffic has the potential to mix with residential traffic, school buses, agricultural vehicles, pedestrian, cyclists, and other sensitive road users; and
  - d. social and environmental impacts and any mitigation measures.

- 4.3.5.3** The Region may require applicants to enter into Haul Route Agreements as part of the process to permit a *mineral aggregate operation* to ensure haul routes are defined and utilized; to secure for improvements and additional maintenance in accordance with the ARA; and to outline the formula for the method of payment by a licence-holder, where required. Improvements required to a Regional or Local road due to a new or expanded *mineral aggregate operation* shall not be at the public expense.
- 4.3.5.4** Haul routes for existing *mineral aggregate operations* are not currently strictly defined. As haul routes for new *mineral aggregate operations* are established, the Region will prepare and maintain a map indicating approved haul routes as an Appendix to this Plan.
- 4.3.5.5** Over time there may be changes that provide opportunities for more suitable haul routes, such as haulage patterns, highway and road improvements, measures to manage dust, and changes in municipal development patterns. Changes to defined haul routes may be permitted through a formal amendment to Haul Route Agreements and shall not require an amendment to this Plan.
- 4.3.5.6** *Mineral aggregate resources* are generally transported using trucks to access the market. The Region also encourages and supports opportunities for alternative ways to transport *mineral aggregate resources* to the market, including the use of railways and shipping routes.

## **4.3.6 Compatible and Sustainable Rehabilitation**

- 4.3.6.1** Applications to permit a *mineral aggregate operation* shall include a rehabilitation plan to satisfy the requirements of the Province, the Region, *Conservation Authority*, and the Local Area Municipality.
- 4.3.6.2** Progressive and final rehabilitation for *mineral aggregate operations* is required. Rehabilitation plans must achieve the following:
- a. accommodate subsequent land uses;
  - b. promote compatibility with surrounding land uses and approved land use designations;
  - c. recognize the interim nature of extraction; and
  - d. mitigate *negative impacts* to the extent possible.
- 4.3.6.3** *Comprehensive rehabilitation* planning is required where there is a concentration of *mineral aggregate operations*.

**4.3.6.4** For rehabilitation of new *mineral aggregate operation* sites, the following apply:

- a. the disturbed area of a site shall be rehabilitated to a state of equal or greater *ecological value* and, for the entire site, long-term *ecological integrity* shall be maintained or enhanced;
- b. if there are *natural heritage features and areas*, *key natural heritage features* or *key hydrologic features* on the site, or if such features existed on the site at the time of an application:
  - i. the health, diversity and size of these *natural heritage features and areas*, *key natural heritage features* and *key hydrologic features* shall be maintained or enhanced; and
  - ii. any areas where extraction of mineral aggregates was permitted within a natural heritage feature and area, key natural heritage feature or key hydrologic feature shall be rehabilitated as early as possible in the life of the operation.
- c. aquatic areas remaining after extraction shall be rehabilitated to an aquatic environment representative of the natural ecosystem in that particular setting or ecodistrict, and the combined terrestrial and aquatic rehabilitation will meet the intent of Policy 4.3.6.4 b); and
- d. outside a *Provincial natural heritage system*, final rehabilitation shall appropriately reflect the long-term land use of the general area and the policies of this Plan. In *prime agricultural areas*, the site shall be rehabilitated in accordance with Provincial policy and the requirements of this Plan.

**4.3.6.5** Final rehabilitation for new and expanding *mineral aggregate operations* in a *Provincial natural heritage system* shall meet the following additional criteria:

- a. where there is no extraction below the water table, an amount of land equal to that under natural vegetated cover prior to extraction, and no less than 35 percent of the land subject to each licence in the *Provincial natural heritage system*, shall be rehabilitated to forest cover, which will be representative of the natural ecosystem in that particular setting or ecodistrict. If the site is also in a *prime agricultural area*, the remainder of the land subject to the licence shall be rehabilitated back to an *agricultural condition*;
- b. where there is extraction below the water table, no less than 35 percent of the non-aquatic portion of the land subject to each licence in the *Provincial natural heritage system* shall be rehabilitated to forest cover, which will be representative of the natural ecosystem in that particular setting or ecodistrict. If the site is also in a *prime agricultural area*, the remainder of the land subject to the licence shall be rehabilitated in accordance with Provincial policy and the policies of this Plan; and



- c. rehabilitation shall maintain or enhance *connectivity* of *key natural heritage features* and *key hydrologic features* on the site and on *adjacent lands*.

**4.3.6.6** In *prime agricultural areas* on *prime agricultural lands*, extraction of *mineral aggregate resources* is permitted as an interim use provided that the site will be rehabilitated back to an *agricultural condition*. Complete rehabilitation to an *agricultural condition* is not required if:

- a. 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;
- b. 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;
- c. other alternatives have been considered by the applicant and found unsuitable to the satisfaction of the Region. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 through seven lands, resources on lands identified as *designated growth areas*, and resources on *prime agricultural lands* where rehabilitation is feasible. Where no other alternatives are found, *prime agricultural lands* shall be protected in this order of priority: *specialty crop areas*, Canada Land Inventory Class 1, 2 and 3 lands; and
- d. agricultural rehabilitation in remaining areas is maximized.

**4.3.6.7** Where the after-use of a *mineral aggregate operation* is proposed to be recreation, natural area, or an open space use, the Region supports opportunities for public access and/or ownership.

**4.3.6.8** Post extraction land uses after rehabilitation of a *mineral aggregate operation* shall be consistent with the Niagara Source Protection Plan, any relevant *watershed* or *subwatershed plan*, relevant Provincial plans, and other applicable plans and policies.

## 4.3.7 Recycle Aggregates and Manage Excess Soil

4.3.7.1 The Region supports conservation through the use of recycled aggregates on Regional *infrastructure* projects, where performance and life expectancy of Regional assets can be maintained or enhanced while utilizing recycled products.

4.3.7.2 The Region supports the wise use of *mineral aggregate resources* including utilization or extraction of on-site *mineral aggregate resources* prior to other *development* occurring.

### Aggregate Recycling Facilities

Aggregate recycling facilities are permitted within a *mineral aggregate operation* in accordance with Provincial policy, and are licenced through the Aggregate Resource Act (ARA).

The Region and Local Area Municipalities will provide comments through the ARA site plan process, to ensure the siting and use of aggregate recycling facilities includes appropriate mitigation measures to minimize any potential *adverse effects* on surrounding land uses and the natural environment.

4.3.7.3 *Excess soil* from a *mineral aggregate operation* should be reused on-site or locally to the maximum extent possible. A plan for the reuse of *excess soil*, meeting Provincial requirements shall be prepared as part of the Planning Act application process.

## 4.3.8 Temporary Mineral Aggregate Operations

4.3.8.1 The use of *wayside pits and quarries*, *portable asphalt plants* and *portable concrete plants* on public authority contracts shall be permitted temporarily without the need for an amendment to this Plan. Such use shall not be permitted in areas of existing development or *natural heritage features and areas*, *key natural heritage features*, and *key hydrologic features* and areas as shown in this Plan which have been determined to be incompatible with extraction and associated activities.

### 4.3.9 Applications in the Greenbelt Plan Area

- 4.3.9.1 Extraction of *mineral aggregate resources* is permitted within the Protected Countryside area in the Provincial Greenbelt Plan, subject to all other applicable legislation, regulations and the policies of this Plan. Policies for the extraction of *mineral aggregate resources* within the Greenbelt Plan apply together with other policies of this Plan.
- 4.3.9.2 An application to permit a *mineral aggregate operation* or *wayside pit and quarry* within the Protected Countryside shall be required to ensure that:
- a. the rehabilitated area will be maximized and disturbed area minimized on an ongoing basis during the life cycle of an operation;
  - b. progressive and final rehabilitation efforts will contribute to the goals of the Provincial Greenbelt Plan;
  - c. any excess disturbed area above the maximum allowable disturbed area, as determined by the Ministry of Northern Development, Mining, Natural Resources and Forestry, will be rehabilitated. For new operations, the total disturbed area shall not exceed an established maximum allowable disturbed area; and
  - d. the applicant demonstrates to the satisfaction of the approval authority that the quantity and quality of groundwater and surface water will be maintained as per Provincial standards under the Aggregate Resources Act.
- 4.3.9.3 Notwithstanding any provisions of this section to the contrary, within the *specialty crop area*, *mineral aggregate operations* are subject to the following requirements:
- a. no new *mineral aggregate operation*, *wayside pits and quarries* or any ancillary or accessory use thereto shall be permitted between Lake Ontario and the Niagara Escarpment Plan Area;
  - b. a new *mineral aggregate operation* or *wayside pits and quarries* may only be considered on primary and secondary selected sand and gravel resources on the Fonthill Kame, in the Town of Pelham, as identified by Aggregate Resource Inventory Paper #4, if the applicant demonstrates that:
    - i. substantially the same land area shall be rehabilitated back to an *agricultural condition* which allows for the same range and productivity of specialty crops common in the area; and
    - ii. the microclimate on which the site and the surrounding area may be dependent for specialty crop production shall be maintained or restored;

- c. a new *mineral aggregate operation* or *wayside pits and quarries* shall only be permitted in *specialty crop areas* not identified under Policies 4.3.9.3 a) and 4.3.9.3 b) where the applicant demonstrates the following:
  - i. the physical characteristics of the proposed site allow for the rehabilitation of the property back to an *agricultural condition*; or
  - ii. if the physical characteristics of the proposed site will not allow for the rehabilitation of the property back to an *agricultural condition*, the applicant has considered alternative locations; and
  - iii. where other alternatives have been considered by the applicant and found unsuitable, and in situations where complete agricultural rehabilitation in the *specialty crop area* is not possible due to the depth of planned extraction or a substantial aggregate deposit below the water table warranting extraction, agricultural rehabilitation in the remaining licensed area shall be maximized as a first priority to allow production of specialty crops.

#### **4.3.10 Applications within the Niagara Escarpment Plan**

- 4.3.10.1** The Niagara Escarpment Commission (NEC) is an agency of the Government of Ontario. It is responsible for administering the Niagara Escarpment Plan (NEP), a Provincial land use plan which includes evaluating applications to amend the NEP and applications for development permits within the Area of Development Control. The NEP has detailed policies relating to the land use approvals required to permit new *mineral aggregate operations* within the NEP Area. The NEC should be consulted with respect to the application process to seek an Amendment to the NEP which is required for any new or expanded *mineral aggregate operation*. In the event of a conflict with NEP policy in the NEP area, the NEP shall prevail over any policy of this Plan.

#### **4.3.11 Comprehensive Planning Review**

- 4.3.11.1** The Region requires applicants to complete a pre-consultation meeting under the terms of Section 7.8.1 of this Plan prior to the submission of an application to permit a *mineral aggregate operation*.
- 4.3.11.2** To streamline the application process for a *mineral aggregate operation*, the Region, in coordination with the Local Area Municipality and *Conservation Authority*, may establish a Joint Agency Review Team (JART). The JART process will be periodically monitored by Regional staff over time to ensure that it continues to meet the intended purpose of a streamlined review.

**4.3.11.3** The Region may develop and maintain a guideline document related to *mineral aggregate resource* applications. The purpose of the document will be to provide information related to the requirements for the preparation and review of applications and their associated technical studies. Regional guidelines shall be prepared in consideration of the requirements of the Aggregate Resources Act and Provincial standards where appropriate.

**4.3.11.4** The Region may require peer reviews of some or all of the technical studies in support of an application for a *mineral aggregate operation* at the cost of the applicant. The applicant will be required to enter a Cost Acknowledgement Agreement with the Region as part of a Complete Application. The Cost Acknowledgment Agreement will outline the conditions associated with the applicant's responsibility to pay for costs such as peer reviews of technical studies, the services of an Aggregate Advisor, and a facilitator to support the public consultation process, as required.

### **Joint Agency Review Team (JART)**

The JART process recognizes that aggregate applications are complex, that they typically involve multiple review agencies, and that they are required to consider a range of technical issues. The JART process allows for the establishment of a team of professional staff from interested agencies who are responsible for coordinating the technical review of all matters related to the application. The streamlined process allows for the sharing of resources and expertise while maintaining independent decision-making authority.

## 4.4 Petroleum and Mineral Resources

Known *petroleum resources* and *petroleum resource operations*, including wells, are located across areas of the Niagara region, and are protected for long-term use. Mineral resources are both metallic and non-metallic *minerals*, but are different from *mineral aggregate resources* identified in Section 4.3 of this Plan. *Mineral deposits* may occur in Niagara region and must be protected for potential extraction. There are no known *mineral mining operations* in Niagara.

### Petroleum Resource Operations

*Petroleum resource operations* is a term that encompasses wells, facilities, and other drilling operations associated with oil, gas, and salt resources.

Over 2000 wells are identified in Niagara region through Provincial mapping. These wells are classified by types, including natural gas wells, storage wells, and dry exploratory holes.

The objective of this section is as follows:

- a. protect the Region's *mineral deposits* and *petroleum resources*.

### 4.4.1 Mineral Deposits and Petroleum Resources

- 4.4.1.1 Schedule I of this Plan identifies where petroleum pools are located in Niagara region, according to Provincial mapping.
- 4.4.1.2 *Petroleum resource operations* and any future *mineral mining operations* shall be protected from *development* and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact.
- 4.4.1.3 No *development* shall occur within 75 metres of a *petroleum resource operation* unless the *petroleum resource operation* has been decommissioned and rehabilitated in accordance with applicable Provincial regulations and standards.
- 4.4.1.4 *Development* and activities in known *mineral deposits* or known *petroleum resources* or on *adjacent lands* which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:
  - a. resource use would not be feasible; or



- b. the proposed land use or *development* serves a greater long-term public interest; and
- c. issues of public health, public safety and environmental impact are addressed.

**4.4.1.5** Petroleum and mineral resource extraction activities shall be conducted in accordance with the Oil, Gas and Salt Resources Act and its regulations and standards, as well as a licence from the Ministry of Northern Development, Mines, Natural Resources and Forestry.

### **Oil, Gas, and Salt Resources Act (OGSRA)**

The Ministry of Northern Development, Mines, Natural Resources and Forestry regulates *petroleum resources* through the OGSRA and Provincial operating standards. This includes all licensing of new wells, and overseeing decommissioning of existing wells.

**4.4.1.6** Any proposal for a new *mineral mining operation* will require an amendment to this Plan.

## 4.5 Economic Prosperity

Niagara has unique qualities that contribute to its vitality and economic prosperity. Land use planning is important to enhancing these strengths and facilitating new economic opportunities.

This section consolidates policy direction integrated throughout the Plan that supports economic prosperity. It recognizes the role of effective growth management and the provision of *affordable* housing to attracting employers and workers to the region. This includes proactively planning for *employment areas* and providing transportation *infrastructure* to facilitate the movement of goods and people across the region and internationally. It identifies the importance of supporting Niagara's agri-food sector through protection of the agricultural land base and promoting all types, sizes and intensities of *agricultural uses*. It also recognizes opportunities to support tourism through the protection of the region's *natural environment system*, parks and trails network and geological and *cultural heritage resources*.

The consolidated policy direction in this section must be read together with other policies of this Plan, which establish direction that is more detailed.

### The objectives of this section are as follows:

- a. align land use and economic goals through strategic partnerships; and
- b. facilitate economic prosperity through land use planning.

### 4.5.1 Land Use and Economic Goals

- 4.5.1.1 The Region will maintain an Economic Development Strategy that will inform alignment between Regional land use planning and economic development goals and strategies.
- 4.5.1.2 The Region will partner with Local Area Municipalities to deliver Regional employment-related grants and incentives programs, where available.
- 4.5.1.3 The Region will collaborate with educational institutions, research facilities and the business community on land use strategies for economic prosperity.
- 4.5.1.4 Opportunities shall be considered to attract employment investment that supports the diversification of Niagara's economic base, strengthens the skilled labour workforce, and enhances local, national and global competitiveness in planning for employment uses.

- 4.5.1.5 The Region encourages the extension of broadband *infrastructure* to underserved areas to improve access to high-speed internet and support economic resilience.

## 4.5.2 Economic Prosperity through Land Use Planning

- 4.5.2.1 This section consolidates policy direction integrated throughout this Plan that supports economic prosperity.

The Region will endeavour to:

- a. attract employers and workers to the region by:
  - i. planning for an adequate supply and mix of rental and ownership housing for all stages of life to support opportunities to live, work and study in Niagara;
  - ii. supporting the provision of *affordable* housing for workers across all sectors of Niagara's economy;
  - iii. protecting and proactively planning for *employment areas* and supporting *employment lands* to attract and retain investment; and
  - iv. maximizing the economic development potential of the *Niagara Economic Gateway*;
- b. improve the region's *infrastructure* to attract new investment, support existing businesses to grow, and build resiliency by:
  - i. planning for and expediting improvements to *major goods movement facilities and corridors* and *planned corridors* to support *freight-supportive* employment;
  - ii. collaborating on the completion of the Niagara-Hamilton Trade Corridor to improve people and goods movement regionally and internationally;
  - iii. prioritizing and expediting *higher order transit* connections to the Greater Toronto Hamilton Area to promote new employment markets;
  - iv. protecting *airport* and *aerodrome* lands operational needs;
  - v. integrating new technologies, where feasible, to manage Regional *infrastructure* more efficiently and sustainably in accordance with a Smart City Strategy;
  - vi. supporting economic opportunities associated with *climate change* such as development of green energy infrastructure that may facilitate job creation, skills development and economic diversification; and

- vii. undertaking *climate change* adaptation planning to support the creation of climate-resilient communities and reduce financial risks to governments, businesses and households;
- c. support the agri-food industry by:
  - i. promoting all types, sizes and intensities of *agricultural uses* and *normal farm practices*, including *agriculture-related uses* and *on-farm diversified uses*;
- d. support the local building sector of the economy by:
  - i. protecting *mineral aggregate resources* and existing *mineral aggregate operations* from incompatible uses and providing for efficient extraction;
- e. support opportunities for nature and culture-based tourism by:
  - i. protecting the Regional *natural environment system* and supporting the provision of parks, trails and open space for recreation and ecotourism;
  - ii. supporting efforts to designate Niagara region as a UNESCO Global Geopark to foster conservation, education and sustainable economic development;
  - iii. recognizing the importance of the Niagara Escarpment as a UNESCO Biosphere Reserve;
  - iv. promoting excellence in urban design and requiring conservation of *significant cultural heritage resources* to foster a *sense of place*;
  - v. promoting the Welland Canal Cultural Heritage Landscape as a multi-faceted cultural heritage destination; and
  - vi. promoting revitalization and *redevelopment* within downtown and community cores to enhance their existing character.