



SABR ID: 1001
Municipality: West Lincoln
Requestor: Private Request
Hectares: 360.60
Request type: Municipal Council

Re. Niagara Region Settlement Area Boundary Review – Urban Area Boundary Expansion Request (SABR ID: 1001)

Nelson Aggregate Co. (“Nelson”) is aware that a large urban boundary expansion proposal has been submitted to the Niagara Region requesting that additional lands comprising of a number of land parcels which lie adjacent to the southern and south-eastern settlement boundary of Smithville are to be included in the Urban Area through the Niagara Official Plan review process.

The land parcels subject of this request is identified to be located wholly and partially within both “Potential Resource Areas – Stone” and a “Stone Resource” area as outlined in the Niagara Region’s in-effect Official Plan (Schedule D1) and the Draft Niagara Official Plan (Schedule G2) respectfully.

Nelson has potential concerns regarding any application that has the potential to introduce new permissions for sensitive land uses in proximity to identified resource areas. In particular, lands consolidated and acquired for the purpose of a potential aggregate operation where high quality bedrock is present.

Nelson is writing to make the proponent aware that a significant portion of the lands subject to this urban area boundary expansion request are situated within an identified aggregate resource area.

As outlined below, Provincial Plan policy is in place to ensure the encroachment of sensitive land uses on resource areas are avoided where possible and that quality resource areas like this one are protected. These policies are also imbedded in the Niagara Region Official Plan

PROVINCIAL POLICY STATEMENT

Protecting both mineral aggregate operations and deposits of mineral aggregate resources from land use decisions that would allow for the encroachment of sensitive land uses is addressed in Section 2.5.2 of the PPS.



Section 2.5 of the PPS sets out policies regarding Mineral Aggregate Resources and the Protection of Long-Term Resource Supply as follows:

2.5.1 *Mineral aggregate resources shall be protected for long-term use and, where provincial information is available, deposits of mineral aggregate resources shall be identified.*

2.5.2.1 *As much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible.*

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

2.5.2.4 *Mineral aggregate 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. Existing mineral aggregate operations shall be permitted to continue without the need for official plan amendment, rezoning or development permit under the Planning Act. Where the Aggregate Resources Act applies, only processes under the Aggregate Resources Act shall address the depth of extraction of new or existing mineral aggregate operations. When a license for extraction or operation ceases to exist, policy 2.5.2.5 continues to apply*

2.5.2.5 *In known deposits of mineral aggregate resources and on adjacent lands, development and activities 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.*

DRAFT LAND USE COMPATIBILITY GUIDELINES (PROPOSED)

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

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



- prevent adverse effects to existing or planned sensitive land uses from new and/or expanding major facilities

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

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

Area of Influence (AOI) and Minimum Separation Distances (MSD) specific to certain sectors or types of major facilities have been provided in the Draft Guidelines. Mineral Aggregate Operations have an AOI of 1000m and an MSD of 500m under the Proposed Guidelines.

Although the lands subject to the urban area boundary expansion request do not fall within the AOI or MSD associated with any of the existing Nelson Quarry operations in the wider area, a large portion of the lands are located within an aggregate resource area.

CONCLUSION

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

Nelson made a joint submission to the Township of West Lincoln on this very issue (see attached) on February 25, 2021.



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

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

Yours truly,



Peter Graham, P.Eng.
Business Development Manager

C: David Heyworth, Official Plan Policy Consultant, MMAH

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

Madyson Ettl, Planner, Planning and Development, Township of West Lincoln

Attachments:

- Submission to the Township of West Lincoln

February 25, 2021

Gerrit Boerema

Planner II
Township of West Lincoln
318 Canborough Street
Smithville ON

Raymond Tung, BES, MLA, MCIP, RPP

Urban Planner
AECOM Canada Ltd.
105 Commerce Valley Dr W
Markham, ON

Dear Mr. Boerema and Mr. Tung:

RE: Smithville Master Community Plan Draft Concept Plans – Nelson Aggregate Co. and Walker
Aggregates Preliminary Comments
OUR FILE 9135L and 9635E

On behalf of Nelson Aggregate Co. (“Nelson”) and Walker Aggregates (“Walker”) we are pleased to provide our preliminary comments on the Smithville Master Community Plan Draft Concept Plans and the potential Settlement Area Boundary Expansion.

Nelson and Walker own and operate a number of licenced quarries in the Niagara Region, including three licenced sites in the Town of Lincoln, approximately 2km east of the existing Smithville Settlement area.

We have reviewed the two draft concept plans which we understand provide a visualization of future growth and development in Smithville. We understand that the project has been ongoing since 2019, is in the initial consultation phases and that Public Information Centre #1 was held virtually on February 11th, 2021 to provide information to the community and to obtain community feedback on the draft concept plans. We understand that no statutory public meetings have been held to date.

Upon participating in the Public Information Centre #1 presentation, we understand that the Township and their consulting team have reviewed the aggregate potential mapping surrounding Smithville and acknowledges there are mapped and identified areas of aggregate resource potential located to the north of the existing Smithville Settlement Area Boundary. Staff further state that while significant aggregate resources are located to the north of Smithville, the actual development of quarries and bedrock extraction is not realistic given the close proximity to Smithville. Staff acknowledge that the Provincial Policy Statement requires them to consider mineral aggregate resources but staff do not see it as a constraint to a future settlement area boundary expansion.

We provide the following comments on the Smithville Master Community Plan Draft Concept Plans and the potential Settlement Area Boundary Expansion:

- 1) The conservation and management of Mineral Aggregate Resources is a provincial interest and section 2.5 of the Provincial Policy Statement requires mineral aggregate resources be protected for long-term use and that as much of the mineral aggregate resources as realistically possible be made available as close to markets as possible.

Both draft concept plans propose to expand the settlement area boundary onto identified areas of aggregate resource which would effectively sterilize any potential extraction of those resources. In addition, the majority of the land on the north side of Yonge Street is also identified as areas of aggregate resource and the proposed expansion of the existing settlement area boundary could impact the ability for any future extraction of those lands. This would result in a significant amount of aggregate resources that would not be available for close to market extraction.

Nelson and Walker request that Township staff give greater consideration to the importance of protecting mineral aggregate resources and that any settlement area boundary expansion occur on lands outside of mapped and identified areas of aggregate resource potential to ensure the resource is protected for possible future extraction.

Please see **Figure 1**, attached to this letter, which provides visual context of the existing and proposed settlement area boundaries, the mapped areas of aggregate potential and the proximity to Nelson and Walkers existing licenced aggregate sites.

- 2) Concept Plan 1 identifies employment type land uses in the north portion of the settlement area boundary expansion lands as presented. Concept Plan 2 identifies residential and neighbourhood type land uses in the north portion of the settlement area boundary expansion lands as presented. The northeast portion of the potential boundary expansion lands would be located within approximately 1.1km of multiple existing licenced aggregate operations that utilize Yonge Street as haul routes. We request that Township staff give further consideration to the types of land uses that would be located within proximity to the existing licenced operations to ensure potential land use compatibility issues are minimized.

Notwithstanding comment #1, where Nelson and Walker requests that any settlement area boundary expansion occur on lands outside of mapped and identified areas of aggregate resource potential, Nelson and Walker also request that consideration be given to any potential land use compatibility issues with existing licenced aggregate operations.

Thank you for the opportunity to provide comments on the Smithville Master Community Plan Draft Concept Plans and the potential Settlement Area Boundary Expansion. We formally request to be notified of any future meetings and Nelson and Walker look forward to providing any additional comments as more information comes available for review.

We understand the importance of providing meaningful stakeholder consultation and engagement throughout this process and request a meeting with Township staff and their consulting team to discuss these comments.

Yours truly,

MHBC



Debra Walker, BES, MBA, MCIP, RPP
Partner



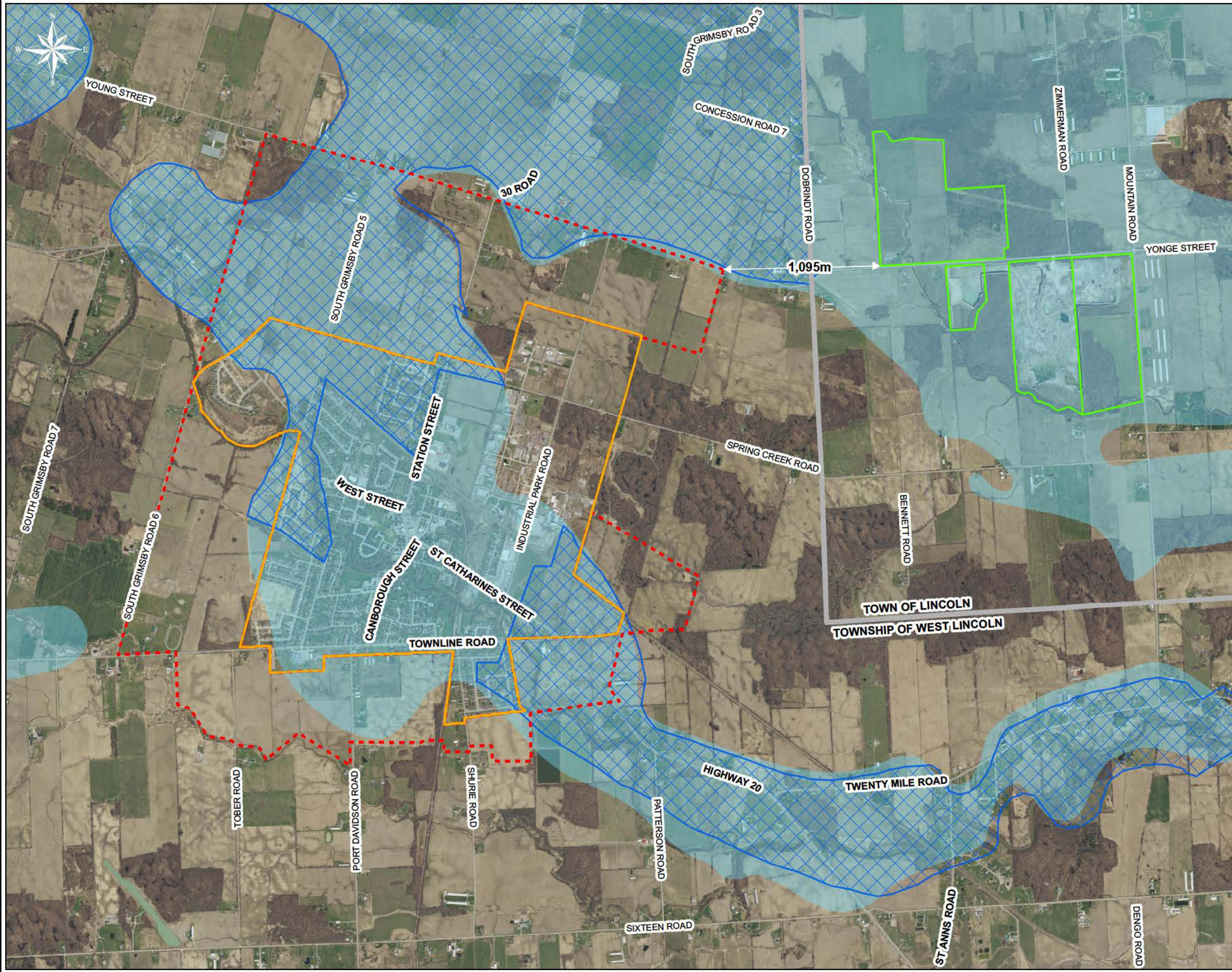
James Newlands, HBComm., MSc.
Planner

cc. *Nelson Aggregate Co.*
Walker Aggregates

Smithville - Draft Proposed Settlement Boundary Expansion

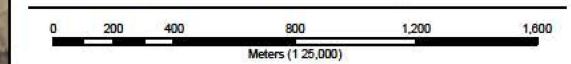
Legend

-  Potential Boundary Expansion
-  Smithville Urban Boundary
-  Licenced Aggregate Sites
-  Potential Aggregate Resources (Township of West Lincoln Official Plan Schedule C-5)
-  Bedrock between less than 1m and 8m (Aggregate Resources of Ontario Mapping)



Date: February 2021

Sources: 2015 aerial photography from Region of Niagara GIS
Settlement boundaries from Township of West Lincoln Official Plan
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N:\Brian\135L Nelson - Lincoln Quarry Due Diligence\Drawings\Smithville Settlement Boundary Expansion\GIS\135L - Smithville - Draft Proposed Settlement Boundary