MINUTES OF M792/11-2018
NIAGARA ESCARPMENT COMMISSION
GEORGETOWN, ONTARIO
November 29, 2018


Regrets: None.


Also Present: R. Pineo, Niagara Escarpment Program Team Leader, (MNRF), S. Cooper, Partnership Liaison and Advisor, Natural Heritage Section (MNRF), R. Patrick, President, C.O.N.E.

Meeting called to order: 10:00 a.m.

Chair Russ Powers presided.

Introductions:

The Chair welcomed the Commissioners and members of the public to the meeting.

APPROVAL OF MINUTES – M791/10-2018

Moved By: Horner
Seconded By: Robertson

“That the Commission accept the Commission Minutes of October 25, 2018.”

Motion Carried

The Chair confirmed which Commissioners will work on the Policy guidance materials sub-committees for On Farm Diversified Uses, Dwellings, and Events.

CONFLICTS OF INTEREST – Declaration of Conflicts of Interest

None declared.
MOTION FOR SPEAKERS

M792R2/11-2018

Moved By: Baty
Seconded By: Downey

“That the persons representing the Applications listed on the Agenda be invited to address the Commission.”

Motion Carried

C2

STAFF REPORT

The Area of Development Control in the Niagara Escarpment Plan Area
Digitizing Regulation Maps and Future Changes to the Development Control Boundary

BACKGROUND:

NEC staff received endorsement from the Commission in November 2017 and April 2018 to work with Office of Surveyor General to convert “metes and bounds” word descriptions of the Area of Development Control into a precise set of digitized maps. The maps are now complete. NEC staff is recommending that the NEC endorse proceeding with a change to Regulation 826/90 to finalize the digital maps produced by the Office of the Surveyor General. The change would include the lands that were inadvertently left out of Regulation 826/90 due to an historic administrative error, and the Waterdown Bay lands that received an Urban designation in the Niagara Escarpment Plan 2017 and which have underlying municipal zoning in place and concurrence from the land owner, municipality and NEC staff.

NEC staff also recommend that the NEC endorse proceeding with the second phase of the process to consult on possible changes to the Areas of Development Control in the Urban Area, Minor Urban Centre and Escarpment Recreation Area designations, in consultation with the Ministry of Natural Resources and Forestry (MNRF), the Ministry of Municipal Affairs and Housing (MMAH), and impacted landowners and municipalities. Criteria and a process for evaluating additions or deletions to the Area of Development Control would be developed with MNRF and MMAH and brought back to the NEC for further discussion and approval.

Recommendations for the modifications to the Area of Development Control would be based on the following criteria, which would be subject to approval by the Ministry of Natural Resources and Forestry:

- Has NEC staff, a municipality and/or a landowner requested the lands be removed or added to the Area of Development Control?
- Does the landowner and municipality concur with the boundary change?
• Are the lands in the Area of Development Control, but outside the Plan Area?
• Are the lands in the Plan Area, but outside of the Area of Development Control?
• Is there municipal zoning in effect, or could it be brought into effect, that is not in conflict with the Niagara Escarpment Plan 2017?
• Are the lands in an Urban Area, a Minor Urban Centre or Escarpment Recreation Area designation?
  o Lands in the Escarpment Natural, Protection and Rural Area designations would be considered out of scope for this exercise, as these lands contain the most important agricultural, visually prominent and environmentally sensitive lands.
• Are there inconsistencies with settlement area boundaries in the Greenbelt Plan, Parkway Belt West Plan, municipal Official Plans and the Urban Area and Minor Urban Centre designation boundaries in the Niagara Escarpment Plan?
  o This criterion would seek to minimize overlap of land use planning policies and regulations that have evolved over the years as Provincial Land Use plans and municipal official plans have been amended, and the boundaries of the Niagara Escarpment Plan Area boundaries have changed.

RECOMMENDATION:

That the Niagara Escarpment Commission (NEC) submit a recommendation to the Minister of Natural Resources and Forestry (MNRF) seeking support to approve the NEC’s digital Area of Development Control mapping and to modify the Development Control boundary, in Regulation 828/90 – with the objective of improving customer service by streamlining approvals, reducing regulatory overlap and improving mapping accuracy.

M792R3/11-2018

Moved By: Pim  
Seconded By: Robertson

“That the staff recommendations be broken into 4 separate motions.”

Motion Carried

M792R4/11-2018

Moved By: Haswell  
Seconded By: Downey

“That the Niagara Escarpment Commission submit a recommendation to the Minister of Natural Resources and Forestry seeking support to approve the digital Area of Development Control regulation plans produced by the Office of the Surveyor General through an amendment to Regulation 826/90. The approval of the regulation plans would result in improved development control mapping accuracy and reduce the overlap of land use planning authority.”

Motion Carried
M792R5/11-2018 Moved By: Mackenzie
Seconded By: Robertson

“That the Niagara Escarpment Commission submit a recommendation to the Minister of Natural Resources and Forestry seeking support to lift development control from the Waterdown Bay lands.”

Motion Carried

M792R6/11-2018 Moved By: Haswell
Seconded By: McQueen

“Notwithstanding that an amendment to the Town of Caledon Official Plan has not been undertaken to adjust the Terra Cotta MUC boundary and that a zoning by-law will need to be passed for the Poltawa Country Club lands to conform to the Niagara Escarpment Plan, the Niagara Escarpment Commission further recommends that development control be lifted on these lands, provided that the Town has put in place the necessary land use controls, by the time that Regulation 826/90 is amended.”

Motion Carried

M792R7/11-2018 Moved By: Haswell
Seconded By: Burton

“That the Niagara Escarpment Commission submit a recommendation to the Minister of Natural Resources and Forestry seeking support to undertake a process to modify the development control boundary in Regulation 826/90, in consultation with stakeholders, with the objective of improving customer service by streamlining approvals and reducing regulatory overlap.”

Motion Carried

DISCUSSION:

The Commission commended staff on the work done to date for the Phase One of the Project.

The Commission sought clarification regarding the scale of impact to property owners, and how boundary changes will be communicated, noting the negative feedback received on communications during the 2015 Coordinated Land Use Plan Review. The Director advised that this project has a much smaller scale of lands impacted than what was proposed in the 2015 Coordinate Plan Review and that no lands are being moved in or out of the Plan Area in Phase 1 of the Project. The updated maps will be posted on the website after they are approved. The Commission discussed sending a letter advising of the changes to municipal Chief Administrative Officers to facilitate communications with effected land owners.
The Commission inquired how the Poltawa Country Club property would be regulated if it was removed from the Plan Area. Staff advised that the municipality would need to create and pass a by-law to regulate the property before it could be removed from the Development Control Area.

The Commission asked if lands designated Protection and Natural that are outside of the Plan Area would be removed from the Plan Area, and discussed how Phase Two would be rolled out if approved. Staff advised that the Commission would approve the evaluation criteria early in the Phase Two process.

Note:

➢ Nancy Mott, Senior Strategic Advisor, and Dan Ventresca, GIS/IM Specialist, reviewed the staff report and answered questions.
➢ Ron Chyczij, Poltawa Country Club Board Member and Agent, presented and answered questions.

A5

STAFF REPORT
DEVELOPMENT PERMIT APPLICATION G/S/2018-2019/9096
Beaver Valley Ski Club
Lots 1 and 2, Concessions 5 and 6
Municipality of Grey Highlands, County of Grey

PROPOSAL:

To install a sewage treatment facility to service the main Beaver Valley Ski Club clubhouse. The system will include:

- use of the existing sewage holding tanks (outside of area of Development Control);
- construction of a pumping station (pump house with pump chamber) sized 9 sq. m (97 sq ft) adjacent to the clubhouse (outside of Development Control);
- installation of an underground 81 mm (3.2 inch) forcemain extending 950 m (3117 ft) from the pumping station at the clubhouse to the treatment facility on the top of the hill;
- installation of a treatment facility on the top of the hill consisting of a septic tank, dosing tank, disposal tank, and treatment unit in a shipping container sized approximately 15 sq m(160 sq m) and 2.6 m (8.5 ft) in height (outside of Development Control); and,
- installation of two 50 mm (2 inch) forcemains from the treatment facility to a subsurface tile bed, to be located on an open, plateaued area along the top of the north ski trails east of Windy Lane Drive.
RECOMMENDATION:

The application be **approved** subject to the following Conditions.

**CONDITIONS of APPROVAL**

1. Development shall occur in accordance with the Site Plan, Development Permit Application and Conditions as approved.

2. The Development Permit shall **expire** five years from its date of issuance unless the development has been completed in accordance with the Development Permit.

3. The landowner shall advise the Niagara Escarpment Commission in writing of the start and the completion date of the development. This notice shall be provided to the NEC 48 hours prior to the commencement of development, and within 14 days upon completion.

4. No site alteration of the existing contours of the property including the placement or stockpiling of fill on the property is permitted with the exception of that identified within the development envelope in accordance with the approved Site Plan.

5. No vegetation shall be cut or removed from the development envelope except for that identified within the development envelope in accordance with the approved Site Plan.

6. All disturbed areas shall be re-vegetated and stabilized, in accordance with the approved Site Plan, by the end of the first growing season following the completion of site grading and building construction. All trees, shrubs and nursery stock shall be native to Ontario. Only in extenuating circumstances will non-native species be considered. Native plant material should be sourced from local plant nurseries when available; bush dug plant material is not acceptable.

7. A copy of the Environmental Compliance Approval (ECA) from the Ministry of Environment, Conservation and Parks shall be filed with the Niagara Escarpment Commission.

**Notes:**

- a) This Development Permit does not limit the need for, or the requirements of any other applicable approval, licence or certificate under any statute (e.g., Ontario Building Code, Environmental Compliance Approval, Conservation Authorities Act, Endangered Species Act, etc.). The Niagara Escarpment Commission Development Permit is required prior to the issuance of any other applicable approval, licence or certificate.
“That the Niagara Escarpment Commission approve the staff recommendation.”

Motion Carried

DISCUSSION:

Commissioner Horner noted that there is no servicing to nearby Kimberley and the Club has limited options. Commissioner McKinlay asked if it is premature to determine where municipal servicing may be installed. Commissioner McQueen noted that there is a master servicing plan in place and a plan is needed for rollout.

Note:

- Lisa Grbinicek, Senior Strategic Advisor, reviewed the staff report and answered questions.
- Tim Oliver, General Manager, Beaver Valley Ski Club, answered questions.

A2

SECOND ADDENDUM STAFF REPORT
DEVELOPMENT PERMIT APPLICATION G/T/2017-2018/9003
Meaford & District Ridge Runner Snowmobile Club
Un-opened / Un-improved/maintained Road Allowance (3rd Line)
Lot 22 & 23, between Concession 2 & 3

PROPOSAL:

To install a 1.5 m diameter x 4.8 m long (5 ft x 16 ft) culvert within a watercourse along an un-open / un-improved/maintained section of the road allowance to allow a dedicated snowmobile trail route.

BACKGROUND:

At the October 25, 2018 meeting, NEC staff presented an Addendum Report (Appendix B) to follow up on the meeting with the Municipality in September 2018. The staff recommendation to refuse the application, as outlined in the initial November 2017 Staff Report, did not change. A motorized trail and a recreational use such as a snowmobile trail are not permitted within the Escarpment Natural Area, the Development Criteria has not been satisfied, and, the Objectives of the Escarpment Natural Area designation are not met.
At the October 2018 meeting, the Commission “approved in principle” the application as proposed by the Meaford and District Ridge Runners Snowmobile Club (“the Club”) and directed staff to report back at the November 29th Commission meeting on appropriate conditions of approval.

Staff is unable at this time to provide any suggested Conditions of Approval as information on what is specifically required to undertake and complete the culvert and trail crossing work is unknown:

- What size of culvert and site alterations will be required?
  - The Club is currently proposing one culvert, sized 1.5 m (5 ft) in diameter by 4.8 m (16 ft) in length. The Club has provided a letter from an engineering firm (dated May 27, 2005) with regard to the culvert sizing required to establish a crossing of the watercourse. The engineer’s letter notes that two culverts were proposed at that time and based on their analysis for the 25-year flood, each culvert would need to be 1400 mm (55 in / 4½ ft) in diameter and would require 150 mm (6 in) of rip/rap cobbles for naturalization of the culvert bottom.
    - Staff contacted municipal staff on what may be required by the Municipality. Municipal staff noted that at a minimum, the culvert size as proposed would be required, however, further information on the size and site work necessary to meet municipal provisions will be required.
    - Staff also contacted Grey Sauble Conservation Authority (GSCA) staff to discuss their permitting requirements. GSCA staff indicated that in 2005 two culverts were proposed and supported by an engineer’s letter. One smaller culvert is now proposed and justification on this size will be required. The GSCA further indicated that submission of a professional plan (e.g., engineer) for their permitting review is preferred to address required culvert size, permanent erosion protection measures, construction methodology, flow maintenance procedures, cut/fill requirements, etc.

- How will the work be undertaken to ensure there is no negative impact on the watercourse or potential fisheries resources? Is there a timing window required, a specific culvert design needed (e.g., corrugated)?
  - A fisheries assessment has not been provided.

- How will the work site be accessed for construction purposes and what impacts may be anticipated?
  - The site is approximately 350 m (1150 ft) north of the open road to the south, and would likely be the preferable route, and, approximately 730 m (2460 ft) from the open road to the north. This northerly section is considerably steeper and rugged and rutted and could pose access challenges for equipment and machinery.
    - Construction methodology has not been provided.
Is the crossing proposed at a location entirely within the road allowance?
  o Based on orthophotography (Map 2) and the overlay of the road allowance (which is not accurate as is a legal survey), the crossing may extend onto private lands.

Is other grading work along the road allowance required to facilitate the snowmobile trail?
  o Sections of the road’s allowance to the north of the crossing site are quite steep and eroded in sections. Some grading and tree removal may potentially be necessary for safe trail access. Such potential work has not been applied for.

Staff did not request this information previously as the recommendation was for refusal.

RECOMMENDATION:

1. The application be refused for the following reasons:
   a) Motorized trails (e.g., dedicated snowmobile route) is not a permitted use within the Escarpment Natural Area designation (Part 1.3).
   b) Use of the un-opened, un-improved/maintained road allowance for a motorized trail within the Escarpment Natural Area does not meet the definition of Existing Use as it has not been used continually, without interruption.
   c) Recreation uses (e.g., dedicated snowmobile route), other than those associated with the Bruce Trail, and with uses within Parks and Open Space System Master/Management Plans not in conflict with the NEP, are not a permitted use within the Escarpment Natural Area designation (Part 1.3).
   d) The application does not satisfy the General Development Criteria (Part 2.2), the Existing Uses (Part 2.3) Development Criteria, the Water Resources Development Criteria (Part 2.6), the Natural Heritage Development Criteria, the Recreation Development Criteria (Part 2.11), and, the Infrastructure Development Criteria (Part 2.12).
   e) The application does not meet the Objectives of the Escarpment Natural Area designation (Part 1.3.1).

Note:
- Rick Watt, Senior Planning Coordinator, reviewed the staff report and answered questions.
- Wil Bulsink, Agent, Meaford & District Ridgerunners Snowmobile Club, presented and answered questions.
- Robert (Bob) Hann, Concerned Citizen, was present and answered questions.
“That the Niagara Escarpment Commission receive the staff report and direct staff to prepare draft Conditions of Approval per the Commission decision in October 2018 for review at the January 2019 meeting.”

At the request of the Chair, the vote was recorded:

For the Motion:  Against the Motion:
Carr  Baty
Downey  Burton
Greig  Gilhespy
Horner  Haswell
Mausberg  Mackenzie
McKinlay  Pim
McQueen  Robertson
VanderBeek

Motion Carried

DISCUSSION:

The Commission discussed the need for further information to be gathered, including a land survey required to determine whose land the culvert would be installed on.

Commission Burton noted that the use is not permitted in the 2017 NEP and the NEP must be upheld. The Commission asked staff if there is proof the trail was abandoned at any point, and requested information of volume of daily or monthly use.

Commissioner Haswell asked the Applicant if he had considered submitting a Plan Amendment Application to address the permitted use issue.

Commissioner Pim noted concern with setting a precedent that establishes a non-permitted use in Escarpment Natural Areas.

The Commission discussed alternate locations where the use would be permitted.

Broke for lunch:  12:45 p.m.
Reconvened:  1:30 p.m.
A3

ADDENDUM REPORT
APPLICATION H/S/2017-2018/471
Richard and Virginia McDole
Part Lot 2, Concession 3
Town of Milton, Region of Halton

PROPOSAL:

To install a 29 m (96 ft) Trylon Titan tower to connect to standard broadband internet (for personal use), on a 2 ha (5 ac) lot.

BACKGROUND:

The subject cell tower application was deferred at the October 25, 2018 Commission Meeting. The deferral was requested by adjacent landowners and NEC staff to address the submission that a Development Permit be required. Staff completed the analysis and determined that a Development Permit is not required for the proposed internet tower.

RECOMMENDATION:

The Commission inform Innovation, Science, and Economic Development Canada that the NEC concurs with the tower location.

Note:

➢ Ruth Conard, Senior Planner, reviewed the staff report and answered questions.
➢ Brent J. Arnold, Counsel for Appellant, presented and answered questions.
➢ Richard and Virginia McDole, Applicants, presented and answered questions.

M792R10/11-2018

Moved By: VanderBeek
Seconded By: Pim

“That the Commission move in-camera.”

Motion Carried

M792R11/11-2018

Moved By: McKinlay
Seconded By: Pim

“That the Commission move out-of-camera.”

Motion Carried
“That the Commission defer the Application to the January 2019 meeting to provide staff time to obtain documentation regarding the point-to-point connection options.”

Motion Carried

DISCUSSION:

The Commission requested further information on the analysis regarding tower sharing, and if there is an appeal process for the neighbours.

PRESENTATION

Kelso Glen Eden Conservation Area Master Plan (NEPOSS)

Note:

➢ Meghan Hunter, Team Lead, Innovation and Project Management, and Gene Matthews, Director, Operations, Conservation Halton, presented and answered questions.
➢ Kim Peters, Senior Strategic Advisor, was available to answer questions.

“That the Commission receive the presentation.”

Motion Carried

DISCUSSION:

The Commission commended Conservation Halton staff on the work done to date.

The Commission inquired about timing for water and sewer servicing and emergency access routes.

Commissioner Robertson asked if Ancestral First Nations Peoples were consulted and suggested that Kelso Glen Eden would be a good location for the Moccasin Identification Project.

Commissioner Gilhespy commented that the maps presented do not show the preferred route of the Bruce Trail, and asked if the Master Plan would.
PROPOSAL:

To recognize through permits the following unauthorized construction of buildings and structures associated with Springridge Farm:

1. Admission booth – 8.4 sq m (91 sq ft)
   - Open front pole structure built in mid 1990
   - Shelter for ticket/admission sales for the Easter and Harvest Festivals
   - Storage

2. Chicken show (puppets) – 11.7 sq m (126 sq ft)
   - Portable steel frame building
   - Location of the Springridge Singing Chicken Show

3. Shade structure by chicken show – 29.7 sq m (320 sq ft)
   - Portable steel frame structure
   - Removeable shade curtain that provides weather protection

4. Pony shelter – 9.6 sq m (104 sq ft)
   - Open side pole structure used for shade

5. Goat shelter – 19 sq m (205 sq ft)
   - Open front pole barn

6. Shade structure by animal barn – 20.5 sq m (221 sq ft)
   - Open side pole structure to provide shade and seating

7. Shade structure in play area – 37.1 sq m (400 sq ft)
   - Portable steel frame structure
   - Removeable shade cover

8. Lean-to on animal barn – north: 39.9 sq m (430 sq ft), south: 55.9 sq m (602 sq ft), west: 49.0 sq m (528 sq ft)
   - Development Permit obtained for original animal barn
   - Open side steel and wood lean-to that provides shelter for animal runs and farm visitors
9. Chill barn – 59.4 sq m (640 sq ft)
   - Portable steel frame structure
   - Removeable shade cover
   - Misting station and seating area

10. Lean-to on sandbox – 35.6 sq m (384 sq ft)
    - Development permit obtained for original pole barn
    - Open side steel and wood lean-to that provides covers the giant sandbox

11. Main admission hut – 11.6 sq m (125 sq ft)
    - Open side pole structure
    - Access point to the Fun Farm Yard, school tours and farm visitors

12. Pump house – 21.4 sq m (231 sq ft)
    - Pole barn structure to provide weather protection over equipment

13. BBQ hut – 6.6 sq m (72 sq ft)
    - Open side wood structure
    - Weekend BBQ shelter, welcome centre and shade structure

14. Storage addition – end of barn 4 – 89.1 sq m (960 sq ft)
    - Development Permits obtained for original pole barn and addition
    - Further addition to south side which is used for storage of farm market supplies

15. Generator addition – 33.4 sq m (360 sq m)
    - Development Permit obtained for original pole barn
    - Addition used as a mechanical room

16. Lean-to on south side of main barn – 75 sq m (810 sq ft)
    - Original barn constructed in 1929
    - Development Permits obtained for several additions/modifications
    - Lean-to provides additional storage, shelter for eating area and retail space

17. Addition on north side of main barn – 125 sq m (1,350 sq ft)
    - Development Permits obtained for additions/modifications
    - Addition used for receiving, storage and mechanical room

18. Pole barn – 384 sq m (4,128 sq ft)
    - Open front, L-shaped pole barn that was completed in 2000 to replace two tents
    - Provides shelter, kids pedal tractors and winter storage of farm equipment

19. Lookout deck – 33.4 sq m (360 sq ft) with 7.4 sq m (80 sq ft) ramp
    - Wood lookout deck with ramp was completed in 2008
    - Provided for school tours and accessible to farm visitors to view the Escarpment
20. Addition of a seasonal workers bunkhouse to an existing pole barn – 24.7 sq m (288 sq ft)
   - Development Permit obtained for the bunkhouse to originally accommodate three employees
   - Addition required to accommodate two additional employees.

RECOMMENDATION:

The proposals be **approved**, subject to the following conditions.

**CONDITIONS OF APPROVAL**

<table>
<thead>
<tr>
<th>John Hughes – Springridge Farm Inc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>H/A/2017-2018/472</td>
</tr>
<tr>
<td>H/A/2017-2018/473</td>
</tr>
<tr>
<td>H/A/2017-2018/474</td>
</tr>
<tr>
<td>H/L/2017-2018/475</td>
</tr>
<tr>
<td>H/R/2017-2018/476</td>
</tr>
</tbody>
</table>

1. Development shall occur in accordance with the Site Plan, Development Permit Application and Conditions as approved.

2. The Development Permit shall expire three years from its date of issuance unless the development has been completed in accordance with the Development Permit.

3. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission**, an accurate and detailed Final Site Plan shall be submitted to the Niagara Escarpment Commission for approval. The Plan shall include, but not be limited to the following:

   a) All drawings submitted must be drawn to scale (bar scale shown), reference the application number and address of the proposal, be dated (revisions as well) and denote the relevant consultant;

   b) Accurately illustrate the approved development envelope; and,

   c) Show the location of all buildings and structures, sewage disposal system(s) and driveway(s) within the development envelope with setbacks from the property lines, watercourse, top/bottom of slope, wooded areas, etc.

4. This conditional approval expires **one (1) year** from the date of confirmation of the decision to approve the Development Permit application. Condition #3 of this conditional approval shall be fulfilled **before** the expiry date.
Advisory Notes:

a) This Conditional Approval does not limit the need for or the requirements of any other approval, licence or certificate under any statute (e.g., Ontario Building Code, Conservation Authorities Act, Endangered Species Act, etc.). The Niagara Escarpment Commission Development Permit is required prior to the issuance of any other applicable approval, licence or certificate.

b) This Development Permit has been approved as an existing use. Any additional development or intensification of the use will require a Niagara Escarpment Plan Amendment.

Note:

➢ Ruth Conard, Senior Planner, reviewed the staff report and answered questions.
➢ John Hughes, Applicant, was present to answer questions.

M792R14/11-2018

Moved By: Downey
Seconded By: McKinlay

“That the Commission endorse staff recommendation.”

Motion Carried

DISCUSSION:

The Commission inquired about the property’s history with the NEC.

Commissioner McKinlay asked if other farmers would need to submit Development Permit Applications for the same works? Staff advised that some agricultural development is exempt under Ontario Regulation 828/90, but that much of the development in this case related to the on-farm diversified use, so it was not exempt.

A1

DEVELOPMENT PERMIT APPLICATION H/F/2018-2019/223
Rick Balaz
Part Lot 2, Concession 5
Town of Milton, Region of Halton

PROPOSAL:

To recognize the use of approximately 400 cubic metres of fill from on-site excavation to enlarge the toe of an existing berm by ±3.0 m (±9.8 ft), raising its height by ±0.6 m
(±1.97 ft), and to place approximately 15 limestone boulders on the berm sides, on an existing 39.2 ha (96.8 ac) lot.

**RECOMMENDATION:**

The proposal be **approved**.

**Note:**

➢ Ruth Conard, Senior Planner, reviewed the staff report and answered questions.

**M792R15/11-2018**

Moved By: Mausberg
Seconded By: McKinlay

“That the Commission endorse staff recommendation.”

*Motion Carried*

**A7**

**Minor Variance Application HM/A-18:224**
**Niagara Escarpment Commission Appeal**
467 Charlton Avenue East
City of Hamilton

**RECOMMENDATIONS:**

1. That the Commission concurs with staff’s approach of utilizing the February 2015 Visual Impact Assessment (VIA) to determine the potential impact of the proposed development (therefore not requiring that an updated VIA be produced).

2. That the Commission direct staff to seek the information required to confirm that the “without-prejudice” submission does not conflict with the NEP.

3. That if the required information is obtained, and it is concluded that the “without-prejudice” submission does not propose development in conflict with the NEP, staff enter into settlement negotiations to ensure that the NEC’s requirements are implemented (e.g. that NEC staff are involved in the review of the Site Plan Amendment Application required to implement the proposal).
Note:
➢ Jim Avram, Senior Planner, reviewed the staff summary report and answered questions.
➢ Linda Laflamme, Landscape Architect, answered questions.
➢ Nancy Mott, Senior Strategic Advisor, answered questions.
➢ Matt Johnston, Principal, Urban Solutions, Agent, presented and answered questions.
➢ Herman Turkstra, Turkstra Mazza Associates, presented and answered questions.

M792R16/11-2018         Moved By: Greig
                         Seconded By: Haswell

“That the Commission move in-camera.”

Motion Carried

M792R17/11-2018         Moved By: McQueen
                         Seconded By: McKinlay

“That the Commission move out-of-camera.”

Motion Carried

M792R18/11-2018         Moved By: VanderBeek
                         Seconded By: Pim

“That the Commission accept the staff recommendations.”

Motion Carried

A4

ADDENDUM STAFF REPORT
DEVELOPMENT PERMIT APPLICATION S/A/2017-2018/9264
Wolfgang Zenker
Part Lot 30, Concession 12
Township of Clearview, Simcoe County

PROPOSAL:
To convert the 99.7 sq m (1072 sq ft) unfinished storage space above the existing 117.2 sq m (1260.6 sq ft) garage for the purpose of accommodating farm labour, on a 21 ha (52 ac) existing lot.
RECOMMENDATION:

That the Commission approve the following draft conditions of approval:

CONDITIONS of APPROVAL

1. Development shall occur in accordance with the Site Plan, Development Permit Application and Conditions as approved.

2. The Development Permit allowing the upper storey of the accessory building to be used for the purposes of farm labour accommodation shall expire three (3) years from date of issuance.

3. The upper storey of the accessory building shall be used for the purposes of farm labour accommodation only. The following uses are not permitted: secondary dwelling unit for any purpose other than farm labour accommodation; long-term commercial rental unit; short-term commercial rental unit; commercial or industrial uses.

4. The lower storey of the accessory building shall be used for the purposes of a detached garage (e.g., personal vehicle/equipment/items storage) and shall not be used for expanded or additional farm labour accommodation purposes.

5. Upon expiry of the Development Permit as per Condition #2, the farm labour accommodation use shall cease immediately, and, within sixty (60) days of the date of expiry of the Development Permit the following living/habitation facilities shall be completely removed from the upper story of the accessory building:
   - All kitchen related facilities including stove, sink, counters and cabinets, refrigerator, dishwasher and any/all wiring and plumbing.
   - All washroom related facilities including sink, shower, toilet and any/all wiring and plumbing.

6. Upon fulfillment of Condition #5, the landowner shall submit interior floor plans confirming decommissioning of the farm labour accommodation use to the Niagara Escarpment Commission.

7. Prior to the issuance of a Development Permit by the Niagara Escarpment Commission, the Landowner shall enter into an Agreement under Section 24(2.1) of the Niagara Escarpment Planning and Development Act, in a form acceptable to the Niagara Escarpment Commission. The agreement [i.e., that the upper storey of the accessory structure may be used for farm labour accommodation provided a Development Permit is in effect, and, shall not be used for secondary dwelling unit, long-term commercial rental unit, short-term commercial rental unit, or for commercial or industrial purposes] shall be registered on title of the subject property at the Landowner’s expense. The Landowner shall provide proof satisfactory to the Niagara Escarpment Commission.
Commission that the agreement has been registered against the lands [i.e., copy of the parcel registry extract and a letter from the Landowner’s solicitor that the registration is complete], and, that the Landowner under this Development Permit is the Landowner of the lands at the time of registration.

8. This conditional approval (see Condition #7) expires one (1) year from the date of confirmation of the decision to approve the Development Permit application.

Notes:

a) This Conditional Approval does not limit the need for or the requirements of any other applicable approval, licence or certificate under any statute (e.g., Ontario Building Code, etc.). The Niagara Escarpment Commission Development Permit is required prior to the issuance of any other applicable approval, licence or certificate.

b) The Niagara Escarpment Commission supports the protection of the night sky from excessive lighting and recommends that the applicant obtain information on shielding the night sky through the use and operation of appropriate lighting fixtures. This information is available at www.darksky.org.

Note:

➢ Rick Watt, Senior Planning Coordinator, to review the conditions and answer questions.

M792R19/11-2018

Moved By: McKinlay
Seconded By: Haswell

“That the Commission accept the staff recommendations.”

Motion Carried

DISCUSSION:

The Commission asked about options for the temporary dwelling unit if the farm help moves out. Staff advised that the Applicant can apply for a different use for the unit and the amenities would be assessed according to the proposed new use.
PROPOSAL:

To revise the current Niagara Escarpment Development Permit Application form to improve ease of use of the on-line fillable application form, and, to make minor formatting changes.

BACKGROUND:

Section 4 of Ontario Regulation 828/90 was amended in 1990 to allow the Niagara Escarpment Commission to create and revise/update as necessary, the Niagara Escarpment Development Permit Application form. Prior to that date the Commission could not make changes to the form. The application form provides Commission Planners with the information on a proposed development.

Revisions to the current form are required to address formatting issues with the fillable form available on the NEC website which allows for direct on-line submission and, to provide greater clarity for the Sample Site Plan instructions.

COMMENT:

Staff recommends the following revisions as identified on the attached proposed revised application form:

1. The Ontario government has a central repository for all government forms which are given an identifying number, FMS #0113 for the Development Permit Application. The date of modifications to the form is included.

2. The note that all correspondence would only be sent to the Agent is removed. It is prudent that the applicant receives certain correspondence (e.g., Notice of Decision, Conditional Approval letter, Development Permit).

3. Assessment roll number (ARN) has been added. The ARN is a useful tool for Staff and other agencies to easily and quickly identify the correct property.

4. Formatted the structure and/or added additional space/lines to allow for more information to be included.

5. Formatted the structure and/or added additional space/lines to allow for more information to be included.

6. Added additional lines.
7. Formatted the structure, reoriented the Sample Site Plan and included additional setback measurements examples.

8. Added "all" to include setbacks to additional features.

9. Emphasize that the Site Plan is to be oriented with north to the top of the page.

The finalized Form will also be translated and available in French.

**M792R20/11-2018**

*Moved By: Downey*
*Seconded By: Gilhespy*

“That the Commission accept the staff recommendations.”

*Motion Carried*

**INFORMATION REPORTS** – G and H Packages

**M792R21/11-2018**

*Moved By: Greig*
*Seconded By: Baty*

“That the Commission receive the G and H packages.”

*Motion Carried*

**DISCUSSION:**

Commission Pim provided an update on the latest Greenbelt Council meeting and advised that the minutes from the meetings will now be available.

**NEW BUSINESS**

2019 Niagara Escarpment Commission Meeting Schedule for approval.

**M792R22/11-2018**

*Moved By: Horner*
*Seconded By: Haswell*

“That the Commission adopt a bi-monthly meeting schedule on a temporary basis to be reviewed at the May 2019 Policy Meeting.”
At the request of Commissioner Mausberg, the vote was recorded:

For the Motion:  
Baty  
Carr  
Greig  
Haswell  
Horner  
Mackenzie  
McKinlay  
Pim  
Robertson  
VanderBeek

Against the Motion:  
Burton  
Downey  
Gilhespy  
Mausberg  
McQueen

Motion Carried

ADJOURNMENT

M792R23/11-2018  
Moved By:  Robertson

“That this meeting be adjourned.”

Motion Carried

Time of Adjournment:  5:45 p.m.

R.F. (Russ) Powers  
Chair