Minutes of M782/11-2017

Niagara Escarpment Commission
Georgetown, Ontario
November 2, 2017

Members Present: B. Baty, J. Downey (left at 4:10 p.m.), E. Gilhespy (left at 3:00 p.m.), P. Greig, J. Horner, B. Mausberg (left at 3:30 p.m.), D. McKinlay, P. McQueen, L. Pim, R. Powers, A. VanderBeek.

Regrets: None.


Also Present: R. Pineo, Niagara Escarpment Program Team Leader, S. Cooper, Partnership Liaison and Advisor, Natural Heritage Section, J. Thompson, Counsel, Natural Resources and Forestry; R. Patrick, President, C.O.N.E.

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

Chair Russ Powers presided.

Introductions: No introductions.

Conflicts of Interest – Declaration of Conflicts of Interest

None declared.

MOTION FOR SPEAKERS

M782R1/11-2017 Moved By: Horner
Seconded By: McQueen

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

Motion Carried
Proposed Niagara Escarpment Commission 2018 Meeting Schedule

BACKGROUND:

The Commission had deferred the confirmation of the 2018 Meeting Schedule at the October 18, 2017 Commission meeting so that Commissioners could confirm their availability on the proposed dates. Many Commissioners had a conflict with the Thursday, March 15, 2018, date, therefore to avoid quorum issues, the date was moved to the following week on Thursday, March 22, 2018, which is the week following the March break.

RECOMMENDATION:

That the Commission accept the proposed 2018 Niagara Escarpment Commission (NEC) Meeting Schedule with the date change for the March meeting to March 22nd.

M782R2/11-2017

Moved By: Mausberg
Seconded By: Pim

“That the Commission accept the proposed 2018 Niagara Escarpment Commission Meeting Schedule with the amendment of March 22, 2018 for the March meeting.”

Motion Carried

C2

Letter from Coalition on the Niagara Escarpment dated October 23, 2017
Re: Development Permit Application P/R/2016-2017/442 (Jackson and Phillips)

The Coalition on the Niagara Escarpment (CONE) wrote to the Chair, Russ Powers, of the Niagara Escarpment Commission (NEC) to advise their intentions of appealing the NEC’s decision of October 19, 2017, regarding the above-noted development permit application should this decision of approval with conditions stand.

M782R3/11-2017

Moved By: VanderBeek
Seconded By: Mausberg

“That the Commission receive the letter.”

Motion Carried
Letter from Jason Travers, Director, Natural Resources Conservation Policy Branch, Ministry of Natural Resources and Forestry dated October 25, 2017
Re: Delegation of Authority and Power of Decision

Letter dated October 25, 2017 from the Director, Jason Travers, of the Natural Resources Conservation Policy Branch, Ministry of Natural Resources and Forestry (MNRF) to the Chair, Russ Powers, reminding the Commission that all decisions of the Commission must be made in accordance with the purpose and objectives of the Niagara Escarpment Plan (NEP) and in accordance with the Niagara Escarpment Planning and Development Act (NEPDA).

M782R4/11-2017
Moved By: Greig
Seconded By: Baty

“That the Commission receive the letter.”
Motion Carried

IN CAMERA SESSION
M782R5/11-2017
Moved By: Gilhespy
Seconded By: Downey

“That the Commission move in-camera to discuss legal advice.”
Motion Carried

M782R6/11-2017
Moved By: McQueen
Seconded By: VanderBeek

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

M782R7/11-2017
Moved By: Baty
Seconded By: Pim

“That the Commission move a notice of motion to reconsider Application P/R/2016-2017/442 at the November 16, 2017 Commission meeting for a more fulsome discussion.”
Motion Carried
A1, A16, B2 and B3

INFORMATION REPORT
ADDENDUM REPORT
On-farm Diversified Uses:
Policy Interpretation and Applicability to the MacDow Wedding Barn Development Permit Application

PURPOSE:

The purpose of the report was to seek clarity on whether commercial event facilities (including banquet halls, conference centres, wedding venues, etc.) can be approved as on-farm diversified uses and to determine if the MacDow wedding barn proposal fits the criteria for an on-farm diversified use (OFDU).

On October 6, 2017, the planning consultant for the MacDow Development Permit Application, currently under appeal, submitted a request to increase the number of events to be held in their proposed wedding barn venue. The purpose of the Addendum Report was to make the Commission aware of the request so that it could include the information in its assessment of the recommendations in the Staff Report dated October 19, 2017. The request for additional events has also been submitted to the Niagara Escarpment Hearing Office for consideration during the upcoming hearing on the Development Permit appeal.

In the original Development Permit Application, the applicant requested one event per weekend, with the possibility for two events on long weekends, between May 1 and October 31 annually. This would result in a total of approximately 30 events annually. This increase in events would result in a total of approximately 78 events annually.

RECOMMENDATIONS:

1. Generally prohibit large-scale event facilities as OFDUs because they fail to meet the purpose and objectives of the NEP and are unlikely to meet the relevant development criteria;

2. Find that the MacDow rental facility proposal does not meet the purpose and objectives of the NEP, and does not meet the development criteria for an OFDU under the new NEP; and

3. Submit this interpretation of the policies related to OFDUs, and specifically to the MacDow proposal, to the NEHO for consideration during the MacDow hearing.

M782R8/11-2017

Moved By: Pim
Seconded By: Downey

“That the Commission move in-camera to receive legal advice.”

Motion Carried
M782R9/11-2017  Moved By:  McQueen  
Seconded By:  Gilhespy

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

Motion Carried

Note: Kim Peters, Senior Strategic Advisor, presented and answered questions. Simon Fung, Counsel for the Appellant of the MacDow Application under appeal, presented. There were no questions from the Commission. Don MacDow, Applicant, presented and there were no questions from the Commission. Jamie Robinson, MHBC Planning, Agent, presented and there were no questions from the Commission.

M782R10/11-2017  Moved By:  Pim  
Seconded By:  Baty

“That the Commission accept the staff recommendations with a change to state that the increase of 78 events does not meet the criteria.”

At the request of Commissioner Pim, the vote was recorded

For the Motion  Against the Motion
Baty        Downey
Greig       Gilhespy
Pim         Horner

Mausberg
McKinlay
McQueen
VanderBeek

Motion Defeated

M782R11/11-2017  Moved By:  McQueen  
Seconded By:  Downey

“That the Commission:

1. Receives the staff report;
2. Supports the original decision of 30 events, which meets the OFDU policies in the new Niagara Escarpment Plan; but does not support the additional request for 78 events;
3. Directs NEC staff to undertake work to clarify the OFDU policies to provide more guidance for future Commission decisions.”
At the request of Commissioner McKinlay, the vote was recorded

For the Motion

Downey
Greig
Horner
McQueen
VanderBeek
Powers

Against the Motion

Baty
Gilhespy
Mausberg
McKinlay
Pim

Motion Carried

NOTE: The Chair broke the tie vote.

Many of the Commissioners expressed concern with the increase of events requested and that the OFDU policies in the new Niagara Escarpment Plan need clarification.

Adjourned for Lunch: 1:30 p.m.

Reconvened: 2:00 p.m.

A6

DEVELOPMENT PERMIT APPLICATION H/C/2017-2018/023
W. E. Oughtred and Associates (applicant/applicant’s agent)
Roger Lauzon
Part Lot 3, Concession 3
Town of Milton Halton Region

PROPOSAL:

To recognize an unauthorized commercial use/business (supply and off-site installation of helical piles/anchors for structural foundations), involving the use of a ± 0.2 ha (± 0.5 acre) field area as an outdoor storage yard and an existing Quonset building (for storage and repairs), and a business office within part of an existing residence, on an existing 31.2 ha (77 ac) lot.

RECOMMENDATION:

The proposal be refused.

Note: Michael Baran, Planner, presented and answered questions.
Roger Lauzon, Applicant, presented and answered questions.
“That the Commission defer this matter to be brought back to the appropriate meeting as determined by NEC staff.”

Motion Carried

A12 SUB # 9610

INFORMATION REPORT
Business Arising from Previous Minutes
Mountain Brow Vista Study and Management Plan
City of Hamilton

OVERVIEW:

The City of Hamilton initiated the study in order to develop an overall strategy for the selection and maintenance of vista locations on public lands along the Escarpment Brow in Wards 6, 7 and 8 in Hamilton. The vista locations to be selected were seen as playing a dual role that of strengthening the natural environment interface along with the Brow through sustainable forest management while promoting safe access and enjoyment of the scenic views from the Escarpment.

CONCLUSION:

Overall the Study presents a thorough well documented examination of the corridor along with proposals for vista development and forest management that are in keeping with the Purpose of the Niagara Escarpment Plan (NEP).

The NEP supports public access to Escarpment Areas by encouraging compatible recreation, conservation, and educational activities. The Study has the capacity to reinforce this direction through works aimed at improving visual and cultural characteristics of the study area while promoting equitable access across a long stretch of the Niagara Escarpment.

PRESENTATION:

Ms. Eha Naylor with Dillon Consulting Limited provided an overview of the Mountain Brow Vista Study and Management Plan that began back in November of 2015. The vision of the study and plan was for the City of Hamilton to have a foundation and a vision to celebrate and protect the natural environment along the escarpment brow, while providing continuous access for a range of panoramic views that reflect the natural beauty of and beyond the Niagara Escarpment. It was noted by staff and Ms. Naylor that this is very much a good news presentation.
There were four management principles that were applied to the project:

1. Protect and enhance the natural features (i.e., slopes, forest and habitats) along the escarpment brow, at the interface of City open space and protected natural areas of the Niagara Escarpment Plan (NEP);
2. Improve the urban forest quality within the Urban Area of the NEP;
3. Minimize the negative impacts and further encroachment of urban development on the Escarpment environment; and
4. Minimize the visual intrusion of the Urban Area on the natural character of the Niagara Escarpment.

The public was consulted at various stakeholder meetings. The recommendations were well-received with questions around safety, parking, amenities and environmental protection which were answered. Of significant concern were slope erosion, vegetation maintenance and preservation of native trees. The majority of the community supported the approach.

After the consultation, the locations were refined and there were detailed studies by arborists and foresters along the chosen 17 kilometres. Each viewing location was assessed, and of those 46 would be maintained by the City and have striking vistas of the City, with 17 of those being new views. All were chosen for their views and ease of maintenance by the City and all aligned with the Niagara Escarpment Objectives. There will be some tree removal at 19 locations to help enhance the views and provide safe access for the public as well as removal of non-native species which will be replaced with native species and in the areas where no striking views occur the land will be left to naturalize.

There are ten Vista recommendations which include: continuing to monitor the 41 locations where there are existing views; extend the work undertaken by the management crew to include the 29 locations were some remedial pruning and shrub clearing is needed to maintain the views; undertake tree and shrub removal in 17 locations where non-native trees can be removed to open new vistas; allow natural succession in non-managed locations; set highest priority for landscape management in parks where viewsheds contribute to the cultural heritage significance of the sites; set highest priority for managing the landscapes in the vicinity of the Juravinski Hospital and Cancer Care Center and Mountain Brow West Park because of the long standing access to vistas; continue to improve the recreational infrastructure along the brow to support the resident and visitor needs consistent with the City’s Recreational Trails Master Plan; undertake a detailed design and engineering to implement a more formal lookout at vista location 82 to improve public safety and discourage informal access to a highly scenic viewing area; enhance the experience along the Escarpment brow with interpretative signage, trailheads with trail maps and UNESCO World Biosphere Reserve information; and evaluate undertaking a Niagara Escarpment Parks and Open Space System (NEPOSS) management plan that includes all of the public recreation facilities in the Niagara Escarpment Plan Area in Wards 6, 7 and 8.
DISCUSSION:

Commissioner Baty thanked Ms. Naylor for her presentation and asked about the cost and time required for the study and if the Conservation Authorities have offered assistance.

Commissioner Pim commended the City of Hamilton and their consultants.

Chair Powers thanked both Ms. Naylor and Mr. Scarlett.

Note: Linda Laflamme, Landscape Architect, reviewed the information report and answered questions.
Eha Naylor, Partner, Dillon Consulting Limited, presented and answered questions.
Sam Scarlett, Senior Project Manager, Forestry and Horticulture Environmental Services Division, Public Works Department, City of Hamilton, was present and answered questions.

M782R13/11-2017

Moved By: Mausberg
Seconded By: Pim

"That the Commission receive the report and presentation."

Motion Carried

A2

DEVELOPMENT PERMIT APPLICATION W/S/2016-2017/483
Empire Development Ltd.
Part of Lot 7
City of Hamilton

PROPOSAL:

To construct a stormwater outlet pipe and channel with associated grading and vegetation removal/rehabilitation within the Escarpment Natural Area as part of the overall servicing strategy for the Empire Communities Red Hill Area 2 development. The pipe and channel will outlet at the Escarpment Brow above Veever’s Falls. This proposal will also recognize the grading works associated with construction / maintenance access (driveway) required to the outfall which is proposed within the Urban Area Designation but within Development Control.

Note: The portion of the works associated with the installation of public utilities located within the Urban Area designation is exempt from requiring a Development Permit.
RECOMMENDATION:

The proposal be approved subject to conditions.

Note: John Stuart, Planner, reviewed the staff report and answered questions. Steve Armstrong, Project Manager, Empire Developments Ltd and Jeff Gross, Senior Ecologist, WSP/MMM Group, were present and answered questions.

M782R14/11-2017 Moved By: McKinlay
Seconded By: VanderBeek

“That the Commission accept the staff recommendation with 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 three 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 except those where approved under the Development Permit. Native plant material should be sourced from local plant nurseries when available; bush dug plant material is not acceptable.
7. The following measures shall be implemented prior to construction in accordance with the Site Plan approved under Condition #1:
   
a) That erosion and sediment control measures (i.e. silt fencing) be installed to encompass all construction and grading activities prior to any works commencing and maintained throughout the construction process, until all disturbed areas have been re-vegetated.

8. All materials and equipment used for the purpose of site preparation and project completion should be operated and stored in a manner that prevents any deleterious substance (e.g. petroleum products, silt, debris, etc.) from entering the woodland/valley areas.

9. Any equipment maintenance and refuelling operations shall be set back sufficiently to prevent spills from entering the woodland.

10. Prior to the issuance of a Development Permit by the Niagara Escarpment Commission, an accurate and detailed Final Site Plan shall be submitted for Niagara Escarpment Commission 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) An accurate delineation of the approved development envelope with temporary fencing;
   
c) The accurate location of all structures, and driveway within the development envelope showing setbacks from the property lines, watercourse, top/bottom of slope, wooded areas, etc.;
   
d) Extent of all disturbed areas;
   
e) Extent and amount of fill removal or placement. Grading and drainage design including the areas of excavation and temporary or permanent fill placement. The type, quantity, quality and source location of any imported fill material must be accurately identified. Any fill material approved for importation under this Permit shall conform to the definition of “inert fill” per Ontario Regulation 347 and Table 1 of the Soil, Groundwater and Sediment Standards for use per Part XV.1 of the Environmental Protection Act, dated March 9, 2004;
   
f) Erosion and sediment control measures;
   
g) Tree protection measures for any trees that may be impacted through the construction;
   
h) Final building design to be consistent with the information and drawings provided with the application and any modifications required by the Niagara Escarpment Commission.

   The approved Final Site Plan shall form the Site Plan referred to in Condition #1 and development shall proceed in accordance with the details of the approved Final Site Plan.
11. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission**, the applicant shall submit for the approval of the Niagara Escarpment Commission, Hamilton Conservation Authority, and the City of Hamilton, **final construction details** for the proposed storm outfall that takes into consideration the following:

a) Structural stability analysis for the proposed Cuesta Height Road embankment between the SWM facility and the outfall Channel.
b) Hydrogeological assessment to confirm that the proposed water main relocation will not impact the existing groundwater daylighting at Veever’s Falls and that Veever’s Spring can have daylighting on the proposed channel with appropriate lining and erosion protection measures.
c) Fluvial geomorphological assessment to evaluate erosion potential within the outlet channel.

Upon approval, these plans will be stamped “NEC Approved” and shall form part of the Development Permit referred to in Condition # 1.

12. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission**, a **Final Vegetation Preservation Plan** shall be prepared by a qualified person, for the approval of the Niagara Escarpment Commission and the City of Hamilton. The Plan shall address vegetation preservation requirements and shall include but not be limited to a detailed inventory, assessment, protection and management measures in accordance with the standard practices of the implementing authority. Stipulations:

a) Prior to commencement of any construction the protective fencing shall be installed and inspected by the consulting expert and a letter confirming the same provided to the Niagara Escarpment Commission.
b) Any vegetation noted for preservation and damaged from the construction process shall be reported and replaced; trees 150mm and over DBH (diameter breast height) shall be replaced on a per caliper basis. Replacement shall be to the satisfaction of the Niagara Escarpment Commission.
c) Subsequent to the completion of the works, including mitigation and management, a letter certifying the work has been completed in accordance with the approved plan shall be provided to the implementing authority by a qualified person.

The approved **Vegetation Preservation Plan** shall form part of the Site Plan referred to in Condition # 1 and development shall proceed in accordance with the details of the Final Vegetation Preservation Plan.

13. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission**, a **Final Landscape Plan** shall be submitted for Niagara Escarpment Commission and City of Hamilton approval. This Plan shall include the final location of all buildings and facilities, shall identify the areas of vegetation/tree retention and the areas of new tree planting designed to buffer
Condition 13 continued:

the visual impact of all new development, and shall indicate locations and types of exterior landscape lighting (including pool, tennis court and driveway lighting, if any). The approved Final Landscape Plan shall form part of the Development Permit Application referred to in Condition # 1 and development shall proceed in accordance with the details of the approved Final Site Plan.

14. Prior to the commencement of any construction exclusion fencing be installed between October 31st and February 15th. In accordance with the direction provided with respect to Jefferson Salamander in the Best Practices Technical Note – Reptile and Amphibian Exclusion Fencing (MNRF, 2013), it is recommended that the fencing be at least 30cm in height and be buried 10-20cm. In addition, the exclusion fencing should be maintained in good working order for the duration of the project.

15. The development shall incorporate the mitigation measures that have been recommended within the Environmental Impact Statement (EIS) prepared by MMM Group (March 2017).

16. The removal of any vegetation on the subject lands is to occur outside of the breeding bird season (March 31st to August 31st). In the event that vegetation removal is proposed during the restricted breeding period, a nest search should be conducted by a qualified biologist to the satisfaction of the City of Hamilton, Hamilton Conservation Authority and the Niagara Escarpment Commission.

17. Monitoring of Veever's Spring and groundwater levels in nearby monitoring wells be continued to the satisfaction of the City of Hamilton, Hamilton Conservation Authority and the Niagara Escarpment Commission with mitigation measures to be implemented if adverse results occur.

18. This conditional approval expires one (1) year from the date of confirmation of the decision to approve the Development Permit application. Conditions # 10, 11, 12 & 13 of this conditional approval shall be fulfilled before the expiry date.

NOTES:

A. Should deeply buried archaeological remains/resources be found on the property during construction activities, the Heritage Operations Unit of the Ontario Ministry of Tourism, Culture and Sport shall be notified immediately. In the event that human remains are encountered during construction, the owner shall immediately notify the police or coroner, the Registrar of Cemeteries of the Ministry of Small Business and Consumer Services, and the Ministry of Tourism, Culture and Sport.

B. 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, 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.
C. The Niagara Escarpment Commission supports the protection of the night sky from excessive residential 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.

Motion Carried

NOTE: Commissioner Horner commended staff on a well written and thorough report.

C1 SUB # 9612
INFORMATION REPORT
Fonthill Kame Delta, Town of Pelham, Niagara Region
Update to June 15, 2017 Staff Report

BACKGROUND:

At the June 2017 Policy Meeting of the Niagara Escarpment Commission (NEC), NEC staff presented an Information Report entitled “Protection of the Fonthill Kame Delta Provincially Significant Earth Science ANSI”. The purpose of the report was to update the NEC regarding options for protecting the Fonthill Kame. The NEC deferred the report and directed NEC staff to meet with staff from the Town of Pelham.

Subsequent to the NEC meeting, representatives of Lafarge Canada, a landowner in the area of the Fonthill Kame met with NEC staff to express concern about any additions to the Niagara Escarpment Plan (NEP) Area that might include its property and that might preclude its ability to continue aggregate extraction.

The Council of the Town of Pelham passed a resolution on June 19, 2017 directing its staff to review the NEP Amendment process and report back to Council with a recommendation. NEC staff were also advised that the Mayor of Pelham had made a presentation regarding the Kame to the Ministers of Municipal Affairs and Natural Resources and Forestry.

UPDATE:

Region of Niagara staff advised NEC staff that the municipality is undertaking a municipal Comprehensive Review to update the Region’s Official Plan to conform to provincial policy changes. The Region’s staff indicated that it would be helpful to understand the scope of the Town’s possible Plan Amendment application relative to the review of the Natural Heritage System as the area of the Kame that might be subject to the Amendment has not yet been determined.

Town staff will be reporting back to their Council and seeking direction on next steps.
RECOMMENDATION:

That the NEC receive this report for information.

Note: Nancy Mott, Senior Strategic Advisor, reviewed the information report and answered questions.

Moved By: Baty
Seconded By: Greig

“That the Commission receive the information report.”

Motion Carried

NEPOSS COUNCIL PRESENTATION

Mr. Niall Lobley, NEPOSS Council Chair, provided an update to the Commission on the Niagara Escarpment Parks and Open Spaces (NEPOSS) Council.

Mr. Lobley reviewed the history of the NEPOSS Council which was first formed in 1990 and disbanded in 1996 to be reformed in 2009. NEPOSS is supported by Part 3 of the Niagara Escarpment Plan (NEP) and continues to be supported by the Provincial government as demonstrated in the recent plan review. NEPOSS is an existing network of parks and open spaces along the Escarpment that are (or will be) connected by the Bruce Trail. The vision of NEPOSS is for a connected system of protected lands that, alongside other objectives, protect the unique ecology and history of the Escarpment, that provide for education and recreation, and that demonstrate global leadership in environmental management.

NEPOSS consists of representation from various stakeholders such as The Bruce Trail Conservancy, the conservation authorities that regulate lands on the Niagara Escarpment, Country Heritage Agricultural Society, the Municipalities of Halton, Burlington, Hamilton, Owen Sound, Grey and Blue Mountain, Niagara Parks Commission, Ontario Heritage Trust, Ontario Parks, Parks Canada, The Royal Botanical Gardens, and the St. Lawrence Seaway Authority. It is supported in an advisory capacity by the Niagara Escarpment Commission (NEC) representative, Kim Peters, and Ministry of Natural Resources and Forestry representative, Susan Cooper. The Council elects a new Chair for a term of 2 years. The Council reports to the Minister and the NEC on an annual basis as part of its Terms of Reference which were last reviewed in 2012.

Mr. Lobley updated the NEC on what the Council has been doing from 2012 to today such as developing a draft Strategic Plan and holding pre-plan review planning sessions to review Parts 2 and 3 of the NEP as they applied to NEPOSS and from those sessions provided feedback to the Provincial Plan Review Team. The Council undertook a comprehensive review of the “Existing State” of NEPOSS owned lands.
The Council also delivered a one day event in early 2017 to talk about the pressures on greenspace management entitled “Big Box Greenspace”. The Council worked with the Center for Applied Science in Ontario’s Protected Areas (CASIOPA) to deliver the event. So although the Council has been quiet, they have been very busy.

Mr. Lobley spoke of the challenges and pressures the Council has or will be encountering as well as the opportunities that are present. The 2017 NEP re-establishes a commitment to complete a NEPOSS system and the Securement Strategy helps identify that completed system and the Council will engage a multi-ministry multi-agency approach to support the delivery of the commitment. Funding is a current concern and therefore will require the identification of significant funding sources in order to deliver a NEPOSS responsive to existing pressures. Many NEPOSS agencies were able to leverage provincial funding to support visitor infrastructure through capital investment in the past but these structures are now nearing their ‘end of life’ and there are no funds available to support the re-investment. NEPOSS agencies are also facing acute and significant pressure from visitation and to keep pace with the growth provisions a strategy and sustainable approach must be developed to manage the increase which threatens the natural balance of the lands.

DISCUSSION:

Commissioner Baty found the presentation very informative and requested that the same presentation be made to the conservation authorities on the Council. He requested a list of the members and asked how members are chosen from the organizations represented.

Commissioner McKinlay thanked the Chair of the NEPOSS Council for the presentation. The Commissioner supports the addition of more parks. His concern is with the lack of funds needed for smaller parks to develop master plans which could lead to damage of the lands without a plan. He asked where the funding comes from. The Council is looking at making the process for creating a master plan easier and more consistent so that it becomes a more valuable tool than it is in its current state. The other part to that is the need to do a better job for the people using the tool and the funding largely comes from the agencies themselves but there is also some funding through the Greenbelt Trust.

There was a brief discussion on the challenges of tourism and the issues with the large increase in visitation exceeding the capacity of some parks.

Note: Kim Peters, Senior Strategic Advisor, introduced the guest speaker. Niall Lobley, Manager, Risk and Land Holdings Services, Conservation Halton, and NEPOSS Council Chair, presented and answered questions.

M782R16/11-2017

Moved By: Downey
Seconded By: McQueen

“That the Commission receive the presentation.”

Motion Carried
NOTE: The motion was made and carried without quorum as only 8 members including the Chair remained.

AGGREGATE RESOURCES PRESENTATION

Ms. Rebecca Zeran with the Ministry of Natural Resources and Forestry provided the Commission with an overview of aggregates and a summary of the new Supply and Demand Study.

The presentation began with an overview of what aggregates consist of such as sand, gravel, clay, earth and bedrock and the difference between a pit and a quarry. The importance to Ontario was reviewed as well as the amount of aggregate that was produced in Ontario for 2016. The location for aggregate is fixed and is non-renewable but can be recycled. Aggregates are heavy and bulky making it expensive to move them long distances which makes transportation a significant factor in the overall cost of the aggregate. There are financial and environmental benefits to having sites close to where the aggregates are used. The quality of aggregate deposits varies and not all aggregate is suitable for all purposes. The type of rock needed to make cement is different from the rock used in asphalt pavement.

The Ontario Legislation affecting aggregate resources are the Aggregate Resources Act (ARA) which is the primary legislative framework for regulating aggregate resource extraction in Ontario; the Planning Act on private lands and municipalities also manage land use planning approvals under the Planning Act; and there are other pieces of legislation that may influence aggregate operations such as the Ontario Water Resources Act and the Endangered Species Act. The Aggregate Resources Act provides the legislative framework and overall requirements for pits and quarries whereas the Regulation sets reporting deadlines, annual fees, areas where private land is subject to the Act, requires compliance with Provincial Standards. The Provincial Standards provides application requirements for new sites, standard operating rules, and self-compliance reporting requirements. The Policies and Procedures provide guidance/direction on the implementation of the Act, regulations and Provincial Standards.

The ARA applies to all Crown land, Private land within designated areas but does not apply to federal lands, reserve lands or private land outside of the designated areas. Designated areas are listed in the regulation. Existing operations in newly designated areas are eligible for ‘grandfathering’ which is a more streamlined application process. There are three different Instruments under the Act. For Crown land there is an Aggregate Permit and for Private land there are Class A and Class B Licences depending on the amount of tonnes extracted per year. Wayside Permits are for temporary approval for municipal road projects and Ministry of Transportation (MTO) road projects on private land. The Ministry of Natural Resources and Forestry (MNRF) issues all approvals except where the aggregate is only for provincial road use (MTO issues aggregate and wayside permits for their road projects). The Minister decides on the issuance or refusal of a licence if there are no outstanding concerns otherwise it is
referred for a hearing at the Ontario Municipal Board. Where matters under both the ARA and the Niagara Escarpment Planning and Development Act are at issue, it is referred to a joint board hearing. Aggregate and Wayside Permit issuance or refusal decisions are decided by MNRF and there is no appeal.

The ARA was reviewed starting in March 2012. In October 2013 the Standing Committee released its report and in February 2014 the government responded. The Blueprint for Change was released in October 2015 followed by the Introduction of Bill 39 in October 2016. May 2017 the ARA was amended and in July 2017 the ARA Fees were amended. An overview of each of these was provided.

The Province has the responsibility to protect aggregate resources and make them available for the long term. In order to ensure the best planning and management of aggregate resources, current science, new data and information, the resource must be collected. In line with this responsibility, MNRF undertook procurement of consulting services to carry out a supply and demand study with regard to aggregate resources that supply the Greater Golden Horseshoe (GGH). The study was completed by Golder and Associates between November 2015 and March 2016. In 2010 the Province released the State of Aggregate Resource in Ontario (SAROS) study to examine the province’s aggregate consumption, demand, future availability, alternatives, value, recycling, reserves and rehabilitation. SAROS was limited to a selection of licenced quarries from within GGH study area to estimate and extrapolate future bedrock reserves across the province.

The review of the 2010 SAROS study and 2015 MHBC study revealed economic, environmental and social implications would result from a shift away from current provincial policy directing a Close to Market (CTM) transportation solution. The recommendation was for individual jurisdictions without goods movement policies to proactively review road networks and establish defined haul routes for movement of aggregate through their regions. Appropriate haul routes will help define roadways that are suitable for heavy traffic vehicles, ensure roadways have appropriate capacity and design to accommodate such vehicles, avoid residential and/or other sensitive areas, and reduce congestion.

In conclusion the GGH is expected to consume more than half of existing licenced reserves over the next 20 years. There are concerns about the availability of higher quality aggregate supply continuing to be available close to market within and beyond the next 20 years. Careful planning for availability of and access to aggregate resources within the GGH should be a priority for both the Province and municipalities. Transportation considerations will help address concerns regarding aggregate hauling, both when sourced close to market, and potentially further from market in the future.

**DISCUSSION:**

Commissioner McQueen thanked Ms. Zeran for her presentation. He asked about the greenhouse effects of moving aggregate material and the heavier traffic it creates. Ms. Zeran advised that there is a close to source policy. The biggest need is in the GTA which is exhausting the supply within the GTA. This is creating a greater need for more recycled material while ensuring that the quality is still there.
Commissioner Pim noted OMAFRA’s involvement with the ARA. One of the proposals is to require an agricultural assessment when aggregate is sourced in prime agricultural lands.

Commissioner Horner asked if the Blueprint addresses gravel pits. She felt that there needs to be more and enhanced progressive rehabilitation before permission is given to move on to the next location. She also expressed concern with enforcement on fill quality. Ms. Zeran advised that there is work being done on the framework so that all sites will be required to keep records on fill.

**Note:** Rebecca Zeran, Senior Policy Advisor, Resource Development Section, Natural Resources Conservation Policy Branch, Ministry of Natural Resources and Forestry, presented and answered questions.

**M782R17/11-2017**

*Moved By: McKinlay*

*Seconded By: Horner*

“That the Commission receive the presentation.”

*Motion Carried*

**NOTE:** The motion was made and carried without quorum as only 8 members including the Chair remained.

**NEW BUSINESS**

**M782R18/11-2017**

*Moved By: Greig*

*Seconded By: Horner*

“That the Commission approve the letter from the Chair to the Rural Ontario Leaders Awards, Ontario Ministry of Agriculture, Food and Rural Affairs in support of the Municipality of Northern Bruce Peninsula’s nomination of the Bruce Peninsula Biosphere Association (BPBA) for a 2017 Rural Ontario Leadership Award in the Not-for-Profit/Non-Governmental organization category.”

*Motion Carried*

Commissioner Downey circulated a copy of several motions that she is prepared to make at the November 16th Commission meeting for the Commission to review prior to the next meeting.

The Chair advised that he had recently spoke with the previous Chair, Don Scott and that Mr. Scott is looking forward to meeting with the Commission again in the near future and congratulated the new Commission members on their recent appointments to the Commission.
ADJOURNMENT

M782R19/11-2017

Moved By: McQueen

“That this meeting be adjourned.”

Motion Carried

Time of Adjournment: 4:40 p.m.

R.F. (Russ) Powers
Chair