MINUTES OF M777/03-2017

NIAGARA ESCARPMENT COMMISSION

GEORGETOWN, ONTARIO

March 16, 2017


Regrets: D. Scott.


Also Present: R. Pineo, Niagara Escarpment Program Team Leader, Natural Heritage Section, Ministry of Natural Resources and Forestry

Meeting called to order: 10:15 a.m.

Chair Allan Elgar presided.

Introductions:

APPROVAL OF MINUTES – M776/02-2017

M777R1/03-2017 Moved By: Borodczak
Seconded By: Cambray

“That the Commission accept the Commission Minutes of February 16, 2017 as written.”

Motion Carried

CONFLICTS OF INTEREST – Declaration of Conflicts of Interest

None declared.
MOTION FOR SPEAKERS

M777R2/03-2017

Moved By: Davidson
Seconded By: Baty

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

Motion Carried

A1

STAFF REPORT
DEVELOPMENT PERMIT APPLICATION D/R/2016-2017/179
Cheryl Lynn Arthurs
Part Lots 11 & 12, Concession 6 EHS
Town of Mono, County of Dufferin

PROPOSAL:

To construct a 1 storey, ± 250 sq m (2,700 sq ft) single dwelling with a height to peak of 12 m (39 ft), install a sewage disposal system and a driveway on a lot to be enlarged from 13.4 ha (44 ac) to 28.8 ha (71 ac) through a lot addition.

RECOMMENDATION:

The application be refused for the following reason:

1. The proposed lot addition creates an additional building lot in Township Lot 12, Concession 6 which is not permitted under the New Lots policies of the Escarpment Protection Area designation (Part 1.4) of the Niagara Escarpment Plan.

Note:

The Applicant’s Agent requested a deferral, stating that short notice did not provide enough time to prepare for the meeting.

The Commission requested a map that clearly shows the related lots.
“That the Commission grant the Applicant a one month deferral per the Agent’s request.”

Motion Carried

INFORMATION REPORTS – G Package

DISCUSSION:

The Commission discussed a decision of the Niagara Escarpment Commission Hearing Office that ruled against the Commission’s decision. The Commission discussed how staff should proceed in cases where the Commission refuses a staff recommendation and the Commission decision is then appealed. It was noted by a Commissioner that the Commission must give clear planning reasons for refusing a staff recommendation to the Hearing Office. It was noted by another Commissioner that some municipalities retain an outside planner if Council takes a different position than staff. The issue of the role of NEC staff as experts at hearings and who could present the Commission’s decision if the staff recommendation is not supported, will be discussed at a future Policy meeting.

It was noted that no Plan Amendment Application has been received from the Township of Clearview related to file S/T/2013-2014/9152; there will be a teleconference on March 28, 2017 for an update. A Plan Amendment Application has been submitted for D/R/2016-2017/162 and will be brought forward to a future Commission meeting.

Staff met with the City of Hamilton Public Works Department to discuss access route options for the Chedoke Reservoir. The City will bring options to staff for further discussion.

The Commission requested an update at the April meeting on the Hamilton Escarpment Brow Project.

“That the Commission receive the “G” package.”

Motion Carried
PROPOSAL:

To relocate a 48-seat restaurant/cafe (presently not operating) from the upper portion of the airport terminal building to a 1 storey, 98 sq m (1,057 sq ft) vacant building (original terminal building) at the Wiarton Keppel International Airport. The restaurant will be operated as a 30-seat facility potentially open 7 days a week during normal terminal hours, and will service both the needs of the aviation industry and the general public.

RECOMMENDATION:

That the application be approved subject to Conditions.

Note: Judy Rhodes-Munk, Planner, presented to answered questions. Rick Winters, Town of Georgian Bluffs Director of Operations, answered questions.

M777R5/03-2017

Moved By: VanderBeek
Seconded By: McQueen

“That the Commission approve the staff recommendation with the following amended 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 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 48 hours prior to the commencement of the restaurant use.

4. On-site public banquets/special events shall not be permitted within the restaurant.

5. Only one (1), un-lit, free-standing advertising sign, a maximum size of 0.9 sq m (9.7 sq ft) shall be permitted on the airport lands.
NOTE:

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, County Signage Permits, etc). The Niagara Escarpment Commission Development Permit is required prior to the issuance of any other applicable approval, licence or certificate.

Motion Carried

A4

DEVELOPMENT PERMIT APPLICATION G/T/2016-2017/9087
Township of Georgian Bluffs
Part Lots 10, 11, 12, Concession 1 & 2 (Inglis Falls Road)
Township of Georgian Bluffs (Derby), County of Grey

PROPOSAL:

To reconstruct approximately 640 m (2100 ft) of Inglis Falls Road, with specific focus on a 140 m (460 ft) section through the steepest part, north of the entrance to Inglis Falls Conservation Area, within the existing road allowance, as follows:

- re-contouring the road and replacing the base under the road allowance;
- alteration, stabilization and better implementation of a surface/storm water management system;
- removing old and extending existing services where appropriate;
- replacing existing guide rail;
- installation of a new retaining wall; and,
- stabilization of disturbed slopes with topsoil, seed and erosion control blankets.

RECOMMENDATION:

That the application be approved subject to following Conditions.

Note: Bev Nicolson, Planner, presented and answered questions. Rick Winters, Town of Georgian Bluffs Director of Operations, answered questions.

DISCUSSION:

The Commission discussed whether the road was essential, whether tree removal was minimized, snow management and water treatment and the scheduling of the project. The Applicant advised that the current road does not meet Ministry of Transportation safety requirements, and the proposed upgrades will address this as well as surface water and snow management. In addition, the road speed limit will be reduced and the road will be signed a 'no truck' zone. The Applicant understood that the majority of trees/vegetation to be removed are invasive species or in poor health. The Commission requested that the works be scheduled to avoid fish spawning season.
Moved By: Davidson  
Seconded By: Borodczak

“That the Commission approve the staff recommendation with the following 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 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. 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. **Prior to the commencement of any development,** appropriate erosion/sediment control measures shall be implemented and maintained as shown on the approved Site Plan (Condition #1) until all disturbed areas are stabilized. The landowner/applicant shall confirm the installation of the erosion/sediment control measures through the submission of photographs to the Niagara Escarpment Commission. It is the responsibility of the landowner applicant to implement, monitor and maintain all erosion/sedimentation control structures until vegetative cover has been successfully established. Any deficiencies shall be addressed immediately.
8. **Prior to commencement of construction**, the Township of Georgian Bluffs, or their representative, shall advise the Bruce Trail Conservancy, a minimum of three weeks prior to of the commencement of construction, of the proposed start date and subsequent construction schedule; and, the project management shall advise construction personnel to identify the location of the Bruce Trail where it is in proximity to the proposed construction and take appropriate precautions in regard to pedestrian traffic.

9. **Prior to issuance of a Development Permit by the Niagara Escarpment Commission**, an **Environmental Impact Study** and **Vegetation Preservation Plan** shall be prepared by a qualified person, for the approval of the Niagara Escarpment Commission. The Plans shall address vegetation preservation requirements and shall include but not be limited to a detailed inventory, assessment, protection, and mitigation and management measures in accordance with the standard practices of the implementing authority.

Stipulations:

a) Prior to commencement of the study, the terms of reference shall be approved by the Niagara Escarpment Commission;

b) All drawings, maps and site plans 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;

c) The EIS component shall contain at minimum an analysis of the existing natural environment both physical and ecological, summary of the proposal and its potential impact upon the natural features, a review of relevant legislation (ie.PPS, *Endangered Species Act*), mitigation measures and recommendations on protecting any ecological functions.

d) Provide Landscape Construction Drawings;

e) 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 to the satisfaction of the Niagara Escarpment Commission; and,

f) 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 **Environmental Impact Study** and **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 Site Plan.

10. **Prior to issuance of a Development Permit by the Niagara Escarpment Commission**, a **Visual Impact Assessment (VIA)** shall be prepared in accordance with the ‘NEC Visual Assessment Guidelines’, by a qualified person, for the approval of the Niagara Escarpment Commission. The
Condition 10 continued:

Assessment Plan shall address, but not be limited to, an assessment of the potential visual impact resulting from installation of the retaining wall(s), for example from the NEPOSS, Bruce Trail and other road and park features in accordance with the NEC Guidelines and standard practices of the implementing authority. Stipulations:

a) Prior to commencement of the study, the terms of reference shall be approved by the Niagara Escarpment Commission;
b) 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; and,
c) The recommendations shall be incorporated into the Final Design of the Proposed Retaining Wall.

The approved Visual Impact Assessment shall form part of the Site Plan referred to in Condition # 1 and development shall proceed in accordance with the recommendations of the Assessment.

11. Prior to the issuance of a Development Permit by the Niagara Escarpment Commission, an Erosion and Sediment Control Plan shall be prepared by a qualified person, for the approval of the Niagara Escarpment Commission. The Plan shall address vegetation preservation requirements, identify the toe of the slope, and shall include but not be limited to a detailed inventory, assessment, protection and management of both short and long term project measures in accordance with the standard practices of the implementing authority. Stipulations:

a) Detail limits of the project;
b) Detail work in the area between the road/work area and the west rock face;
c) Detail work in the area between the road/work area and the east boundary of the road allowance;
d) Detail any measures necessary on the east boundary and in proximity to the Sydenham River; and,
e) The recommendations shall be incorporated into the Final Design of the Proposed Retaining Wall.

The approved Erosion and Sediment Control Plan shall form part of the Site Plan referred to in Condition # 1 and development shall proceed in accordance with the recommendations of the Assessment.

12. Prior to the issuance of a Development Permit by the Niagara Escarpment Commission, an accurate and detailed Final Design Report and Site Plan shall be submitted for Niagara Escarpment Commission approval. The Plan shall include but not be limited to the following:
Condition 12 Continued:

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 (project area) with temporary fencing;

c) Detailed design work including additional geotechnical investigation and topographical investigation to consider potential toe erosion along the base of the easterly embankment, long term stability of the slope (including the recommendations of the EIS), design of the retaining wall (in keeping with the recommendations of the VIA) and stability of the cap rock on the west side of the road (to improve the storm water drainage system).

d) The accurate location of all storm/surface water measures, property lines, watercourse, top/bottom of slope, wooded areas, etc.;

e) Extent of all disturbed areas;

f) 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;

g) Erosion and sediment control measures; and,

h) The project Plans shall show the location of the Bruce Trail and design features to accommodate a safe pedestrian crossing, with minimal environmental impact.

The approved Final Design Report and 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.

13. This conditional approval expires three (3) years from the date of confirmation of the decision to approve the Development Permit application. Conditions # 9, 10, 11 and 12 of this conditional approval shall be fulfilled before the expiry date.

Note:

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, 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.

Motion Carried
DEVELOPMENT PERMIT APPLICATION G/S/2016-2017/9006
Hydro One Networks Inc
Part Lot 24-25, Concession 13 (174639 Lower Vally Rd)
Municipality of Grey Highlands (Artemesia), County of Grey

PROPOSAL:

To undertake the following on a 0.33 ha (0.82 ac) parcel of land to be leased from Ontario Power Generation (OPG) whose total holdings encompass 39.4 ha (97.32 ac) and include the dam facility on Lake Eugenia, the buried and above ground sluice way, and the Eugenia Power Station:

1. To construct a new regulator station (Beaver Valley RS), which includes a regulating transformer and infrastructure, by-pass poles/lines and 2.4 m (8 ft) tall chain link fence topped with barbed wire on leased land to the south of the existing Eugenia Power Station,
   - to install a new gravel entrance to provide access to the new regulator station;
   - to install new power lines to the existing plant;
   - undertake selective vegetation/tree removal to clear a 0.33 ha (0.82 ac) area for the new station and new distribution lines;
   - to store excess soil on site and either redistribute or remove it to an approved site;
   - to dewater the site as needed, install sediment and erosion control measures prior to and maintain during construction until the soil is stabilized; and,

2. To remove the Hydro One Networks equipment and rehabilitate the site of the existing regulating-switching station (Eugenia RS) located on a + 0.20 ha (0.49 ac) parcel of OPG leased land, located between the Beaver River and Lower Valley Road and west of the existing Power Station,
   - to install sediment and erosion control measures prior to and during the removal activities;
   - to remove contaminated soil as needed from the site to an approved site; and,
   - to import fill to fill an excavation sites and level the former station location, topsoil, seed and plant appropriate vegetation to rehabilitate the site.

Note: Hydro One Networks own and operate the existing Eugenia Regulating Station also on land leased from OPG. Hydro One Networks may seek a future severance of the new regulator station site from the OPG lands to create a separate lot for this facility, which will then be evaluated in terms of conformity with the NEP.
RECOMMENDATION:

The application should be approved subject to Conditions.

Note: Bev Nicolson, Planner, presented and answered questions.
Jeff Hanki, Planner, Environmental Services, Hydro One, answered questions.

Moved By: McQueen
Seconded By: VanderBeek

“That the Commission approve the staff recommendation with the following Conditions of Approval:"

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<tr>
<th>CONDITIONS of APPROVAL</th>
<th>Hydro One Networks Inc</th>
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<tbody>
<tr>
<td>1. Development shall occur in accordance with the Site Plan, Development Permit Application and Conditions as approved.</td>
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<tr>
<td>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.</td>
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<td>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.</td>
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<td>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.</td>
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<td>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.</td>
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<td>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.</td>
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<td>7. Prior to the commencement of any removal, demolition and remediation of the existing Eugenia Regulating Station, appropriate erosion/sediment control measures shall be implemented and maintained as shown on the approved Site Plan.</td>
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**Condition 7 continued:**

Plan (Condition #1) until all disturbed areas are stabilized. The landowner shall confirm the installation of the erosion/sediment control measures, through the submission of photographs and a letter of certification to the Niagara Escarpment Commission. It is the responsibility of the landowner to implement, monitor and maintain all erosion/sedimentation control structures until vegetative cover has been successfully established. Any deficiencies shall be addressed immediately.

8. **Prior to commencement of any vegetation removal and/or site alterations for the proposed Beaver Valley Regulating Station, protective ‘limit-to-work’ and ‘erosion/sediment control’ fencing shall be installed on the perimeter of the development envelope, maintaining a minimum 3 m setback from the toe of the slope and protecting the vegetation to be preserved, and this fencing shall be maintained as shown on the approved Site Plan (Condition #1) until all disturbed areas are stabilized. The landowner shall confirm the installation of the limit-to-work and erosion/sediment control fencing through the submission of photographs and a letter of certification to the Niagara Escarpment Commission. It is the responsibility of the landowner to implement, monitor and maintain all fencing until vegetative cover has been successfully established. The fencing shall be of suitable material to ensure the boundary is well defined during the life of the project and remain in place until the development is completed. Any deficiencies shall be addressed immediately.

9. All waste materials generated from the removal of the existing Eugenia Regulating Station shall be completely removed from the property (e.g., taken to an approved landfill site, savage/reclamation facility, re-used/recycled elsewhere) and not otherwise stored or buried on-site. All disturbed areas shall be immediately stabilized / rehabilitated as per the approved Site Plan (Condition #1).

10. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission,** an accurate and detailed Final Site Plan for the removal of the existing Eugenia Regulating Station 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) The accurate location of all structures to be retained (poles/lines and temporary parking areas within or abutting the development envelope showing setbacks from the watercourse, ditches, and municipal roadway, etc.);
   c) The existing elevation of the site and final elevation of the site;
   d) Landscape Plan; and,
   e) Surface Water Management Plan, including details on erosion/sedimentation control structures and final drainage plan.
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**, an accurate and detailed Final Site Plan for the proposed Beaver Valley Regulating Station and Distribution Line Corridor 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) Extent of all disturbed areas within the approved development envelope, stake the toe of the slope and location of temporary limit-to-work/silt fence;
   
   c) Surface Water Management Plan;
   
   d) 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;
   
   e) Erosion and sediment control measures; and,
   
   f) Vegetation/Tree Preservation Plan showing area of tree removal and boundary protection measures, and final stabilization measures.

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.

12. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission**, a Final Landscape Plan for the removal of the existing Eugenia Regulating Station shall be prepared by a qualified person, for the approval of the Niagara Escarpment Commission and Grey Sauble Conservation Authority. The Plan shall address the rehabilitation plan including vegetation planting and stabilization measures, including a seed mix as recommended by the GSCA and vegetation suitable to and blend the site into the surrounding landscape and local environment. Subsequent to the completion of the works, 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 Final Landscape 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.
13. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission**, a **Final Vegetation/Tree Preservation Plan** for the proposed Beaver Valley Regulating Station and Distribution Line Corridor shall be prepared by a qualified person, for the approval of the Niagara Escarpment Commission. 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/Tree 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 Site Plan.

14. 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 and 13 of this conditional approval shall be fulfilled before the expiry date.

**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, 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) 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](http://www.darksky.org).

*Motion Carried*
Broke for lunch at 12:00 p.m.

Reconvened at 1:00 p.m.

A5

DEVELOPMENT PERMIT APPLICATION G/A/2016-2017/9179
Bev Shaw
629112 Grey Rd 119
Part Lot 15, Concession 6,
Town of the Blue Mountains, County of Grey

PROPOSAL:

To construct a second 100.4 sq m (1080 sq ft), 1storey dwelling with a removable 25 sq m (270 sq ft) porch for the accommodation of farm-help, having a height from grade to peak of 5.3 m (17.5 ft); construct a 1½ storey accessory building (garage and farm office space), having a maximum height of 7 m (23 ft); install a new sewage disposal system and extend the existing driveway; utilize the same entrance as the principal dwelling and share well and hydro, on an existing 43.6 ha (107.85 ac) lot.

Note: The proposed second dwelling is modular and intended to temporarily allow dual occupancy on the farm while work load is transitioned from one generation to the next.

RECOMMENDATION:

The application should be approved subject to Conditions.

Note: Judy Rhodes-Munk, Planner, presented to answered questions.
Bev Shaw, Applicant, answered questions.

M777R8/03-2017 Moved By: Louis
Seconded By: Horner

“That the Commission approve the staff recommendation with the following Conditions of Approval:"

CONDITIONS of APPROVAL G/A/2016-2017/9179

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. Continuance of the dwelling unit will be considered through reapplication on a three year basis subject to adequate justification that the farm-help continues to be necessary to the farm operation.
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. The secondary dwelling unit shall be removed when no longer required and/or when the Development Permit expires.

8. Prior to the issuance of a Development Permit by the Niagara Escarpment Commission, an accurate and detailed Final Site Plan shall be submitted Niagara Escarpment Commission approval. The approved Final Site Plan shall form the Site Plan referred to in Condition #1 and will be stamped “NEC Approved”. Development shall proceed in accordance with the approved Final Site Plan.

9. 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, final construction details for the dwelling and the accessory building, including exterior elevations, floor area, height above existing and proposed grades and the number of stories. The dwelling shall be designed to be removable and shall not contain a basement. Upon approval, these plans will be stamped “NEC Approved” and shall form part of the Development Permit referred to in Condition #1.

10. This conditional approval expires one (1) year from the date of confirmation of the decision to approve the Development Permit application. Conditions #8 and 9 of this conditional approval shall be fulfilled before the expiry date.
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, 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) 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:

The Commission noted that not all family businesses are farm based and requested a policy discussion on this topic.

NEW BUSINESS

The Director advised that the updated Niagara Escarpment Plan may be released sometime near the end of April 2017; staff from the Ministry of Natural Resources and Forestry has offered to provide a high level overview of the new Plan at the April 2017 Commission meeting; staff will provide a more fulsome review of the new Plan to the Commission the month following the release date although the Director suggested that a two day policy meeting in June is being considered.

The Commission requested an update on the Queenston Quarry project and were advised by staff that the development permit application and related studies have been received and will be circulated to relevant agencies this week; it was noted that the site is still licensed and that aggregate from the Queenston Quarry is being used for repairs to Queen’s Park.

The Director thanked Commissioners Alexander, Beattie, Borodczak, Little and Louis for their many years of service and commitment to the Commission and the Niagara Escarpment Commission program. The exiting Commissioners each thanked staff for their hard work and dedication.

Business Arising from the Previous Minutes

No business arising.
ADJOURNMENT

Moved By: Davidson

“That this meeting be adjourned.”

Motion Carried

Time of Adjournment: 2:00 p.m.

Allan Elgar
Chair