MINUTES OF M763/09-2015
NIAGARA ESCARPMENT COMMISSION
GEORGETOWN, ONTARIO
September 17, 2015


Regrets: D. Scott.


Also Present: R. Patrick, President, C.O.N.E.

Meeting called to order: 10:00 a.m.
Commissioner Moreen Miller presided.

Introductions:
No introductions required.

AGENDA ITEM I – M762/08-2015

M763R1/09-2015 Moved By: McQueen
Seconded By: Borodczak

“That the Commission accept the Minutes of August 20, 2015 with minor changes on pages 2 and 7 as noted by the Commission.”

Motion Carried
Business Arising from the Previous Minutes

No business arising.

AGENDA ITEM II – Declaration of Conflicts of Interest

None declared.

AGENDA ITEM III – Applications & Planning Reports

M763R2/09-2015
Moved By: Beattie
Seconded By: Baty

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

Motion Carried

A3

DEVELOPMENT PERMIT APPLICATION D/P/2014-2015/178 (As-Built)
Coptic Orthodox Patriarchate of Alexandria
The Church of the Virgin Mary and St. Athanasius
Part Lots 8 and 9, Concession 7, EHS
Town of Mono Dufferin County

REVISED PROPOSAL:

To recognize the unauthorized construction of an addition to an existing institutional building consisting of a one storey 782.5 sq m (8,422 sq ft) church hall and a 2 storey 1127 sq m (12,131 sq ft) dormitory, and to also recognize the construction of a 76 sq m (816 sq ft) open air pavilion, all totalling ± 1985 sq m (± 21,358 sq ft), on a 124.83 hectare (308.46 acre) lot. The proposal also includes the construction of a new 150 stall surface parking lot and an outdoor sports field consisting of a soccer field and volleyball court.

To also permit the demolition of a number of buildings and structures with a total area of approximately 1149 sq m (12,368 sq ft), and to decommission another 280 sq m (3,017.7 sq ft) of basement dormitory living quarters situated in the existing main monastery building.
RECOMMENDATIONS:

1) To approve the application, as modified, to recognize the as-built construction of an existing monastery hall and dormitory addition to the existing institutional building and an open air pavilion and to permit demolitions and removals of a number of existing buildings/structures, in keeping with the Existing Uses Development Criteria of the NEP and subject to Conditions of Approval.

2) That 280 sq m (3017.7 sq ft) of existing living quarters including kitchen facilities and dormitories in the basement of the existing main monastery be decommissioned and the area be permitted for use as storage and meeting space only.

3) That the revised proposal for the sports field be approved subject to Conditions.

4) That the revised proposal for the additional parking area be approved subject to Conditions.

5) That no further development approvals on the property respecting the institutional use be supported unless an Amendment to the Niagara Escarpment Plan is obtained.

Note: Lisa Grbinicek, Senior Strategic Advisor, reviewed the staff report and answered questions.
Dale Scott, Dale Scott & Associates Consulting, Agent, presented and answered questions.
Gord Petch, Counsel, presented and answered questions.
Coptic Church Representative was present to answer questions.

Moved By: Louis
Seconded By: Cambray

“That the Commission accept staff’s recommendations with the following revised conditions which include staff’s revisions to Conditions 11, 12 and 16 as well as an additional Condition (24) that the new parking lot use gravel or some other permeable surface such as paving stones, instead of asphalt.”

Coptic Orthodox Patriarchate of Alexandria the Church of the Virgin Mary

REVISED CONDITIONS OF APPROVAL D/P/2014-2015/178

1. Non-fulfilment or breach of any one of the conditions shall render the Development Permit void.
2. A site inspection(s) to the property may be undertaken by the Niagara Escarpment Commission to ensure that the development complies with the conditions of the Development Permit. Persons may accompany the Commission representative on the site inspection(s) who possess expert or special knowledge related to the conditions of the Development Permit.

3. No municipal building permit or other licence, certificate, permit or other similar permission relating to development shall be issued or be considered to be in force unless a Development Permit is in effect.

4. The Development Permit shall expire three years from its date of issuance unless a valid municipal building permit(s) and/or demolition permit(s) are issued within the three years is in effect and the development has been completed.

5. Development shall take place only in accordance with the Site Plan and Development Permit application submitted (except where special conditions are to apply as noted below).

6. No grading of the existing contours of the development site in the area of the development is permitted, with the exception of that which is absolutely necessary for the completion of the monastery hall/dormitory addition, demolition/removal of the existing buildings as identified on the Site Plan, the rehabilitation of the area previously disturbed for the sports field (in the Escarpment Protection Area), and the area of fill placement on the crest of the slope.

7. No trees other than dead or diseased trees shall be cut or removed from the lot in the area of the development, except those absolutely necessary for the demolition/removal of the existing buildings and structures and site rehabilitation required under this Development Permit as identified on the Site Plan.

8. Screening, landscaping and rehabilitation shall be completed within the first growing season following completion of each of the developments authorized under this Development Permit. All trees, shrubs and nursery stock shall be native to Ontario.

9. With the exception of those buildings identified in Condition 18, the demolitions of the buildings and structures identified on the Site Plan as: Yellow Nun’s Dormitory, Monk Cell 1 and Monk Cell 2, and the steel/wood drive shed structures (2), shall be completed within 18 months of the date of issuance of this Permit.

10. All demolition sites shall be rehabilitated and stabilized with appropriate groundcover immediately following demolition to the satisfaction of the Niagara Escarpment Commission.
11. All materials resulting from the demolitions shall be removed from the site immediately and deposited at a site approved to accept such materials by the Ministry of the Environment and Climate Change. Any materials proposed for re-use or re-establishment on another site (e.g. barn materials), shall be subject to the appropriate approvals, including that of the Niagara Escarpment Commission where proposed in the Niagara Escarpment Plan Area.

12. The disturbed areas of the former proposed sports field in the Escarpment Protection Area shall be rehabilitated to their former condition within 60 days of issuance of the Development Permit, to the satisfaction of the Niagara Escarpment Commission.

13. The demolition of the steel/wood drive shed (identified as “Building J”), shall not take place between May 1 – August 31 of any given year.

14. Prior to the issuance of a Building Permit by the County of Dufferin, the applicant shall submit for the approval by the County of Dufferin and the Niagara Escarpment Commission a Final Site Plan which sets out all existing and proposed final grades/drainage, parking area additions, sports field, building dimensions, setbacks, and locations, and the locations of buildings approved through past Development Permits. The Plan shall also identify the number and location of all dormitory units existing on site. Once approved, this Plan shall form part of the Development Permit.

15. Prior to the issuance of a Building Permit by the County of Dufferin, the applicant shall submit for the approval by the Town of Mono, a lighting plan for the property.

16. Prior to the issuance of a Development Permit, the applicant shall submit for the approval of the Niagara Escarpment Commission a Landscape/Site Rehabilitation Plan prepared by a qualified Landscape Architect in accordance with the requirements of Condition 8 and Condition 12, which provides for the rehabilitation and planting of all disturbed areas of the lot and phasing of such a Plan. Once approved, this Plan shall form part of the Development Permit.

17. Prior to the issuance of a Development Permit, the applicant shall provide proof that the water supply and sewage system servicing the proposed development is adequate to the satisfaction of the Niagara Escarpment Commission.

18. Prior to continuing the development of the as-built dormitory and monastery hall additions, the buildings identified on the Site Plan as “Angel House”, and “St. Peter’s House” shall be demolished and the areas rehabilitated in accordance with Conditions 8 and 10.

19. Demolition Permits shall be obtained from the County of Dufferin for the removal of any building or structure on the property authorized by this Development Permit.
20. **The buildings or facilities on the property** shall not be used for conference or banquet facilities or host events which are not related to religious purposes and activities carried out by the Coptic Orthodox Patriarchate of Alexandria or the other organized religious groups associated with the Coptic Orthodox Patriarchate of Alexandria (e.g. no use of the buildings or facilities for commercial or corporate purposes or events).

*Note:* It is understood that the Coptic Orthodox Patriarchate of Alexandria may on occasion use the site for religious events and related activities which are not commercial in nature.

21. **The lands** shall not be used for events which are not related to religious purposes and activities carried out by the Coptic Orthodox Patriarchate of Alexandria or the other organized religious groups that may on occasion use the site (e.g. no use of the lands for commercial or corporate purposes or events).

22. The 280 sq. m (3017.7 sq. ft.) of dormitory currently consisting of 42 beds, and a kitchen in the basement of the existing main church shall be decommissioned and converted for use as storage and meeting space only. Such a conversion shall remove the 42 beds, kitchen and related facilities to the satisfaction of the Niagara Escarpment Commission.

23. **Prior to the issuance of a Development Permit,** an Agreement pursuant to Section 24 (2.1) of the Niagara Escarpment Planning and Development Act shall be registered on title by the applicant, which satisfies the Niagara Escarpment Commission to reflect the provisions of Condition 18.

24. The parking lot addition shall be a maximum of 150 spaces and shall be constructed using permeable paving materials (i.e. paving stones, not asphalt).

25. Upon issuance of a Development Permit, any future proposed new building or structure, expansion to an existing building or structure, or expansion to the existing use of the subject property, shall require an Amendment to the Niagara Escarpment Plan.

26. This conditional approval shall be void if a Development Permit is not issued within one (1) year of the date of the confirmation of the Development Permit Application decision.

**NOTES:**

1. The Applicant is responsible for all requirements under the *Endangered Species Act* including permitting and approvals within the requirements of Ontario General Regulation 242/08.
2. 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

C1 SUB # 9577

RE: INFORMATION REPORT
Aggregate Resources Within/Outside the Niagara Escarpment Plan Area
Information from the State of the Aggregate Resource in Ontario Study

BACKGROUND:

In September 2014, the Niagara Escarpment Commission (NEC) took the position that there should be no new mineral aggregate operations within the Niagara Escarpment Plan (NEP) Area. The NEC requested staff to provide information about the availability of aggregate resources outside the NEP area. Staff consulted the State of the Aggregate Resource in Ontario Study (SAROS) that was completed in 2009 in order to respond to the information request.

CONCLUSION:

Detailed information with respect to aggregate reserves within and outside of the NEP Area is difficult to obtain. Using SAROS, staff was able to present some relevant statistics about the supply of mineral aggregate resources in Ontario.

RECOMMENDATION:

That the Commission receive the information report.

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

Moved By: Cambray
Seconded By: Beattie

“That the Commission receive the information report.”

Motion Carried
NOTE: Staff advised that the Aggregate Resources Act (ARA) is still under review but once the review has been completed the Chair will invite the Ministry of Natural Resources and Forestry to attend a meeting to provide the outcome of the review with the Commission.

C2

STAFF SUMMARY POSITION REPORT
PROPOSED NIAGARA ESCARPMENT PLAN AMENDMENT PW 209 15
Niagara Escarpment Commission Land Use Re-Designation of a Former Gravel Pit Operated by James and Rudolph Posavad
Part Lot 3, Concession 8
City of Hamilton

PROPOSAL:

To undertake an Amendment to the Niagara Escarpment Plan (NEP) to allow for a site specific change to the Land Use Designations from Mineral Resource Extraction Area (MREA) to Escarpment Natural Area and Escarpment Rural Area, as it relates to the surrender of the Aggregate Resources Act (ARA) licence on the former gravel pit operated by James and Rudolph Posavad.

RECOMMENDATIONS:

That the Niagara Escarpment Commission:

Endorse Niagara Escarpment Plan Amendment PW 209 15, dated September 17, 2015.

Not refer Amendment PW 209 15 to a Hearing or appoint a Hearing Officer under Section 10(3) of the Niagara Escarpment Planning and Development Act since there are no objections that require such a referral.

Authorize the Chair to forward Niagara Escarpment Plan Amendment PW 209 15 dated September 17, 2015 as endorsed by the Niagara Escarpment Commission, to the Minister of Natural Resources and Forestry for approval pursuant to Section 10(11) of the Niagara Escarpment Planning and Development Act.

Moved By: Louis
Seconded By: Borodczak

“That the Commission accept the staff recommendations.”

Motion Carried
Broke for Lunch: 12:00 p.m.
Reconvened: 12:45 p.m.

AGENDA ITEM IV – Information Reports (Packages G & H)

M763R6/09-2015  Moved By: Beattie
Seconded By: McQueen

“That the Commission receive the Deferred Items Chart and the ‘G’ package.”

Motion Carried

DISCUSSION on “G” Package Items

NEC staff responded to the questions regarding the review of the Conservation Authorities Act and noted that the deadline for comments is October 19th. Staff will review the legislation and will provide a response/advice/comments on the three items in scope. This will be a tight deadline to make as the next Commission meeting is October 15th.

The Commission requested that the NEC be prepared to discuss the importance of the NEPDA and its success through the NEP as administered by the NEC similar to the Conservation Authorities list provided in their correspondence on the review of the Conservation Authorities Act.

NEC staff updated the Commission regarding the most recent letter to the Queenston Residents’ Association regarding the Queenston dock.

The Commission and staff discussed the history of Development Control being lifted in Escarpment Natural Area’s in some Minor Urban Centres and the reasons for it and the issues that have arisen. It was noted that there should be a future discussion on this matter.

NEC staff updated the Commission on the OMB hearings regarding the Halton Region Official Plan Amendment # 38 and why it is that staff attends these hearings.

M763R7/09-2015  Moved By: Beattie
Seconded By: VanderBeek

“That the Commission receive the ‘H’ package.”

Motion Carried
DISCUSSION on “H” Package Items

NEC staff reviewed the outcome of a meeting with an applicant regarding the Restoration Order issued by the Commission. Staff will be bringing the matter back to the Commission on October 15th for a possible reopening of the matter.

NEC staff briefed the Commission on the meeting that took place with the Minister of Natural Resources and Forestry on August 24th. The Minister was very interested in a tour of the Escarpment.

The Director spoke to the Commission about the September 11th Annual Staff Learning Day that was held in the Town of Mono. Former Commissioner John Riley led staff in a hike on the Mono Cliffs that was very informative.

NEC staff updated the Commission on the status of the Niagara wind farm project. A staff member is on the Citizen Liaison Committee to ensure that the Conditions are being fulfilled appropriately.

A2

3rd ADDENDUM REPORT
DEVELOPMENT PERMIT APPLICATION N/R/2008-2009/281
Emile Saine
Part Lot 2, Concession 2
Town of Grimsby Niagara Region

PROPOSAL:

To construct a 1 - 2 storey, maximum 923 sq m (9,935 sq ft) single dwelling (including attached garage) with an on-site sewage system and accessway, on an existing vacant 8.3 ha (20.4 ac) lot.

RECOMMENDATIONS:

The revised proposal be approved subject to Conditions.

Note: Martin Kilian, Planner, presented and answered questions.
       John Ariens, IBI Group, Agent, presented and answered questions.
       Gord Petch, Counsel, presented and answered questions.
“That the Commission refuse the staff recommendation for the following reasons.”

1. The proposal does not meet the Objectives of the Escarpment Natural Areas under Part 2.3.

2. The proposed use does not meet the General Development Criteria under Part 2.2.1(a) of the Niagara Escarpment Plan with respect to avoiding substantial negative impact on the Escarpment environment.

3. The proposed use does not meet the General Development Criteria under Part 2.2.1(b) of the Niagara Escarpment Plan and will have serious cumulative impacts.

4. The proposed use does not meet the General Development Criteria under Part 2.2.4 of the Niagara Escarpment Plan and does not preserve the natural characteristics of the area.

5. The proposed use does not meet the Development Criteria under Parts 2.7.1 and 2.7.3 of the Niagara Escarpment Plan for new development in wooded areas.

6. The proposed use does not conform to the Natural Heritage policies outlined in Sections 2.1.1 and 2.1.2 of the 2014 Provincial Policy Statement.

Motion Carried

A1 and B2

DEVELOPMENT PERMIT APPLICATION P/C/2015-2016/049
Josie Lumia
Part Lots 3 and 4, Concession 1
Town of Caledon Peel Region

PROPOSAL:

To permit the operation of a ± 325.16 sq m (± 3500 sq ft) commercial daycare facility on the first floor of an existing 2-storey ± 627.47 sq m (± 6754.05 sq ft) highway commercial building on a ± 28.90 ha (± 71.42 ac) lot which fronts onto Highway 10. The proposed facility will have 20 parking stalls, a ± 148.64 sq m (± 1600 sq ft) fenced area (to be used as a playground), a ± 55.74 sq m (± 600 sq ft) covered porch area, and a potential ± 743.22 sq m (± 8000 sq ft) playground area. The proposed daycare facility will have up to 50 students and 10 staff members.
RECOMMENDATIONS:

That the proposal be refused.

Note: Sean Stewart, Planner, presented and answered questions. Josie Lumia, Applicant, presented and answered questions.

Moved By: Little
Seconded By: Alexander

“That the Commission accept the staff recommendation to refuse for the following reasons.”

Josie Lumia

REASONS FOR REFUSAL


2. Does not comply with the Existing Uses Development Criteria in Part 2.3.1 and 2.3.4 of the Niagara Escarpment Plan.

3. Does not comply with section 1.2.6.1 of the Provincial Policy Statement (2014), including related definitions respecting major facilities and sensitive uses.

Note: Part 2.1 of the Niagara Escarpment Plan requires that decisions be consistent with the Provincial Policy Statement.

Motion Carried

D1 SUB # 9578

RE: PROPOSED 2016 COMMISSION MEETING SCHEDULE

BACKGROUND:

Commission meetings are held every third (3rd) Thursday of the month with the exception of December. There are two Policy meetings held during the year. There is one in the spring and the other in the fall. These meetings are held outside the Georgetown office at a location on the Escarpment. The locations are rotated among the eight municipalities. Meetings commence at 10:00 a.m. unless the Commission amends the start time at a previous meeting.

RECOMMENDATION:

That the Commission accept the proposed 2016 Meeting Schedule.
* The Commission deferred this matter to the October 15, 2015 Commission meeting so that the Chair will be present for the discussion.

PLAN REVIEW 2015

PR1

NIAGARA ESCARPMENT PLAN REVIEW 2015
Discussion Paper – Addendum #4
Topic 14
The Niagara Parks and Open Space System (NEPOSS)
Mapping Updates / Housekeeping

BACKGROUND

Parks and Open Space Lands mapping as shown on Niagara Escarpment Plan (NEP) Maps 1 – 9 and in its entirety on Map 10, does not reflect the recent purchase of public lands by public agencies/bodies or approved conservation organizations, contains errors and/or omissions and does not identify all land purchased or managed by the Bruce Trail Conservancy. As a result, this creates visual ‘gaps’ within the system as well as making it difficult to determine statistical information such as percentage of public ownership within the NEP.

RECOMMENDATIONS

1. That the Commission endorse the Park and Open Space mapping changes, and;

2. That the Commission authorizes the inclusion of the mapping as part of the 2015 Co-ordinated Provincial Land Use Planning Review, and;

3. That the Park and Open Space system be shown as Public Land (in the Parks and Open Space System) on the applicable land use maps of the NEP, including Map 10 showing the entire NEPOSS.

DISCUSSION

There was a brief discussion on the differences between an overlay on Plan Maps. Staff advised that the overlays on NEP maps are different in that they only apply to NEPOSS policies and Designations.

NEC staff reviewed how the NEPOSS Council working with NEC staff determined the categories for the NEPOSS parks. These categories were approved a few years ago by the Commission and numerous Parks have been approved and added to NEPOSS since the 2005 Plan Review. There were another 5 parks approved two months ago and these will increase the number to 163 parks in NEPOSS.
The Commission noted that this is a good example of a measurable goal for the Niagara Escarpment Commission’s Strategic Plan and success of the NEP.

**Note:** Dan Ventresca, GIS Specialist, reviewed the Discussion paper and answered questions.

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M763R10/09-2015
Moved By: Elgar
Seconded By: Little

“That the Commission accept the staff recommendations.”

Motion Carried
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**NEW BUSINESS**

The Commission noted that several of the Commissioners’ profiles on the website require updating.

Staff advised that the Bruce Trail Conservancy (BTC) has been invited to attend the November 19, 2015 Commission meeting in Owen Sound to provide the Commission with an overview of the administration and securing the Trail (and related conservation activities) particularly the BTC’s successes, challenges and obstacles that that the BTC has encountered in its ongoing endeavors to secure and manage the Trail. The Commission noted that it will be open to advice on how the NEC/NEP could assist with the securement of lands to ensure the permanence of the Trail and the routing of the Trail on private and public lands.

Staff advised that the Discussion Papers on Housekeeping and Urban Uses will be presented at the October 15th Commission meeting.

**AGENDA ITEM VI – Adjournment**

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M763R11/09-2015
Moved By: McQueen

“That this meeting be adjourned.”

Motion Carried
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**Time of Adjournment:** 3:25 p.m.

Moreen Miller  
(Acting) Chair