MINUTES OF M794/03-2019

NIAGARA ESCARPMENT COMMISSION

GEORGETOWN, ONTARIO

March 21, 2019


Regrets: None.


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

Meeting called to order: 9:30 a.m.

Chair Russ Powers presided.

Land Acknowledgement

The Chair read the Land Acknowledgment.

Introductions:

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

APPROVAL OF MINUTES – M793/01-2019

M794R1/03-2019 Moved By: Haswell
Seconded By: Pim

“That the Commission approve the Commission Minutes of January 17, 2019 as amended.”

Motion Carried
Commissioner McQueen requested that the Flesherton Advance be added the circulation list for Plan Amendment PS 215 18. The Commission inquired if the advertisement will be posted on municipal websites; staff will follow up. Commissioner Pim noted that Commissioners Haswell and Burton were incorrectly identified in opposition of agenda item C8 and requested that the minutes be corrected.

**CONFLICTS OF INTEREST** – Declaration of Conflicts of Interest

None declared.

**MOTION FOR SPEAKERS**

M794R2/03-2019  
Moved By: Baty  
Seconded By: Horner

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

Motion Carried

**DISCUSSION AGENDA**

**A and B PACKAGES:** (Staff Reports, External submissions)

**A1**

**DEVELOPMENT PERMIT APPLICATION N/A/2018-2019/296**

Branthaven Terrace Drive Inc.  
Part Lot 1, Concessions 1 and 2  
Town of Grimsby, Region of Niagara

**PROPOSAL:**

To sever ± 2.1 ha (± 5.2 ac.) of land supporting an agricultural processing facility, and to establish an Agricultural Purposes Only (APO) lot with the remnant uninhabited ± 18.5 ha (± 45.7 ac.) parcel which is in active agricultural use.

**RECOMMENDATION:**

That the Application be approved, subject to the following conditions:
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 severance of the surplus dwelling lot and/or the Agricultural Purposes Only lot has been granted Consent approval by the Town of Grimsby and the lots registered in accordance with the Development Permit.

3. The Landowner shall enter into an Agreement under Section 24(2.1) of the Niagara Escarpment Planning and Development Act, in a form acceptable to the Niagara Escarpment Commission. The Agreement shall provide that:

The lot will not be used for any other purpose other than an agricultural use prescribed in Part 2.4.23 of the Niagara Escarpment Plan, which amongst other matters, will specify that no dwelling unit, including a mobile home or portable dwelling unit, farm help house will be established on the Agricultural Purposes Only lot. Development may be permitted for unserviced agricultural structures, stormwater management improvements and development relating to the Bruce Trail and trail-related constructions subject to receiving a Niagara Escarpment Commission Development Permit.

The agreement shall be registered on title of the Agricultural Purposes Only lot [NORTH GRIMSBY CON 1 AND 2 PT; LOT 1, Town of Grimsby, Regional Municipality of Niagara] at the Landowner’s expense and the Landowner shall provide proof satisfactory to the Niagara Escarpment Commission that the agreement has been registered against the lands [i.e., copy of the parcel registry extract and a letter from the Landowner’s solicitor that the registration is complete], and that the Landowner under this Development Permit is the Landowner of the lands at the time of registration.

4. No new agricultural use shall be permitted within the portion of the Agricultural Purposes Only (APO) lot designated as Escarpment Natural Area.

Notes/Advisories:

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., Planning Act, 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. In accordance with the policies of the Niagara Escarpment Plan, the Agricultural Purposes Only lot and details regarding its ownership/agreement on title, size, and location shall be listed in Appendix 5 of the Niagara Escarpment Plan.
Note:

- John Stuart, Senior Strategic Advisor, reviewed the staff report and answered questions.
- Bruce McCall-Richmond, GSAI, Agent, presented and answered questions.

Moved By: Pim
Seconded By: Robertson

“That the Commission accept the staff recommendation.”

Motion Carried

DISCUSSION:

The Commission was concerned that public access to the Bruce trail could discontinue if the application is approved. The Commission asked if public access to Bruce Trail would continue if the Application was approved, and discussed the role of the Niagara Escarpment Commission regarding maintaining continued access to the Bruce Trail and land conveyance.

Commission McKinlay asked for staff to ensure that there is sufficient access for farm vehicles.

A2

INFORMATION REPORT
2019 Update: Size Considerations for Residential Development in the Niagara Escarpment Plan Area

BACKGROUND:

In 2012, Niagara Escarpment Commission (NEC) staff analyzed house size data as part of a study to determine the need for policies or guidelines to limit the size of residential built form within the Niagara Escarpment Plan (NEP) Natural, Protection and Rural Area Designations. The report showed that new dwellings in the NEP Area were much larger than the provincial average, but Development Permit Applications (DPAs) for large-scale dwellings (defined as greater than 800 square metres/8,611 square feet in gross floor area) were only a small percentage of all residential DPAs received by the NEC. However, public concern and the resulting DPA appeals meant that large-scale dwelling DPAs garnered a disproportionate amount of public scrutiny and staff time. The study also found that large-scale dwelling DPAs were concentrated in the City of Hamilton and Halton Region, and in Escarpment Natural and Protection Areas. The recommendations from the 2012 report, which were endorsed by the Commission, were:
• Staff continue to monitor the efforts of the Cities of Burlington and Hamilton to address very large residential development, and report back to the Commission on the implications for the NEC;

• That staff continue to assess each residential Development Permit Application on its own merits in accordance with current practices;

• That staff explore, as part of the 2015 review of the NEP, new Development Criteria and policies that could assist in dealing with matters of building size, siting and development scale.

In addition to the 2012 report, the Commission previously considered this issue ("monster homes") in 1990, 2003, and 2007. In 2003 and 2007, the Commission decided that it would not adopt a policy limiting the size of homes, but would continue to deal with these applications by applying the NEP’s natural heritage policies and visual criteria on a site-specific basis. The recommendations in the 2012 report were similar.

At the January 2019 NEC meeting, the Commission requested an update to the 2012 staff report, as follows:

That the Commission direct staff to update the 2012 staff report “Built Form Size Considerations for Residential Development”, and undertake a jurisdictional scan, for the purpose of informing a Commission decision on initiating a Niagara Escarpment Plan Amendment at its May Commission meeting.

Staff analyzed development permit application data from years 2012-13 to 2016-17 to address the Commission’s January 2019 motion. The comparison of the two five-year periods indicated that the number of large-scale dwelling DPAs remain relatively stable on an annual basis. Among the largest proposed dwellings, i.e., those with a gross floor area of more than 800 square metres, there is a trend towards increasingly large dwellings. However, the overall average size of dwellings in the NEP has remained relatively consistent between 2007/08 and 2016/17.

Most municipal planning policy initiatives related to large-scale dwellings in the NEP Area apply to the built-up area of the municipality. The proposed approaches in the municipal initiatives reviewed may be applicable within the Urban Area and Minor Urban Centre designations in the NEP Area, many of which are already subject to municipal zoning bylaws. In the future, Urban Areas and Minor Urban Centres still in NEC Development Control could be transferred to municipal zoning once a municipality has proposed a zoning bylaw that does not conflict with the NEP.

In the rural NEP Area, staff continues to assess the compatibility of large-scale dwellings on a site-by-site basis. The variation in lot size, terrain, natural heritage features, and scenic values in the NEP Area makes it difficult to apply site planning policies like lot line setbacks or lot coverage ratios. However, staff does consider community compatibility, visual impact, landscaping, landform conservation, impact on natural heritage features and functions and other Development Criteria in Part 2 of the
NEP when reviewing DPAs. Caps on dwelling size that are not linked to the policies in Part 2 of the NEP would require an amendment to the NEP and might be seen as arbitrary given the diversity of the NEP landscape, and the unique needs of individual landowners.

**RECOMMENDATION:**

That the Commission receive this report for information.

**Note:**

- Kim Peters, Senior Strategic Advisor, reviewed the staff report and answered questions.

**M794R4/03-2019**

Moved By: Robertson  
Seconded By: Haswell

“That the Commission accept the staff recommendation.”

Motion Carried

**DISCUSSION:**

The Commission was concerned with the increase in applications for large houses and the possible accumulative visual impact. Staff confirmed that visual impact is analyzed prior to giving a recommendation, and that all proposed development is analyzed and forms the basis of the recommendation.

The Commission was very concerned that large dwellings impact future farming for those lands. The need to protect agricultural lands was noted. Staff noted that the Provincial Policy Statement does not have a size limit for housing, and size limits are set at the municipal level of government, and that the issue is province-wide, and not specific to the Niagara Escarpment.

The Commission discussed if a Plan Amendment would be appropriate for implementing a maximum dwelling size and agreed that further discussion is required. They discussed that the NEC should continue to monitor the situation in light of a review of the PPS that is underway, and that it may be premature to suggest a Plan Amendment at this time.
PROPOSED NIAGARA ESCARPMENT PLAN AMENDMENT PB 208 15
Initiated by the NIAGARA ESCARPMENT COMMISSION
LAND USE RE-DESIGNATION of a former Gravel Pit
Part of Lots 33 and 34, Concession 9
Municipality of Northern Bruce Peninsula, County of Bruce

PROPOSAL:

To undertake an Amendment to the Niagara Escarpment Plan (NEP) to allow for a site-specific change to the land use designation 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 a former gravel pit that had been operated by the municipality.

RECOMMENDATION:

That the Commission:

1) receive Amendment PB 208 15 and attached Schedule A as set out in this report but take no position on the proposed amendment at this time;

2) ask the Environmental Review Tribunal to appoint one or more Hearing Officers to hold a public hearing pursuant to Section 10. (3) of the Niagara Escarpment Planning and Development Act (NEPDA) as there are written objections to the proposed Amendment; and

3) instruct NEC staff to attend the hearing to assist the tribunal by presenting their staff report at the hearing.

BACKGROUND:

The subject property has an area of 6.29 hectares (26.34 acres) and is divided into two parcels. The municipally owned lands (941-943 Dyers Bay Road) are currently used as a parking lot for visitors to the area and contain signage for hikers and temporary washroom facilities. The other parcel (953 Dyers Bay Road) is privately owned and is undergoing rehabilitation. A temporary trailer is located on the property.

The subject property is currently designated Mineral Resource Extraction Area in the NEP, reflecting the prior ARA license on this site. The area of the proposed Amendment is within the Minor Urban Centre of Dyer’s Bay, but outside the Area of Development Control and subject to the municipal zoning by-law.

In accordance with Section 19 of the ARA, the Owen Sound District of the Ministry of Natural Resources and Forestry (MNRF), accepted the surrender of the Class ‘B’ August 7, 2003, concluding that the final rehabilitation was satisfactory and in
accordance with the rehabilitation requirements within the approved Site Plan. NEC staff learned of the licence surrender in 2014 and commenced the Amendment process. The proposed Plan Amendment was circulated for comment and no agency objections were received. The PIAC supported the proposed Amendment to the NEP. All comments received were taken into consideration.

NEC staff is of the opinion that the proposed Amendment PB 208 does not adversely affect the Purpose and Objectives of the NEPDA and the NEP, is consistent with the PPS, appropriately limits the after uses of the two lots consistent with the designation criteria of the Escarpment Natural and Escarpment Areas and is consistent with the rehabilitation that was undertaken on the subject lands as part of the formerly licensed Mineral Resource Extraction Area.

Although NEC staff held a public meeting and met with Dyer’s Bay Association representatives on more than one occasion and provided detailed responses to the issues and concerns raised by landowners, there remain written objections to the proposed Amendment. Therefore, the proposed Amendment must be referred to the Environmental Review Tribunal (ERT) for a hearing pursuant to the NEPDA, S. 10. (3). NEC staff should attend the hearing to present the staff report and provide expert opinion on the recommended Amendment PB 208.

The NEC will have an opportunity, after the hearing is conducted and the Hearing Officers present their findings, to consider all submissions received from the public, the PIAC and commenting agencies and submit its recommendations on the proposed Amendment to the Minister of Natural Resources and Forestry, for a final decision.

Note:

- Nancy Mott, Senior Strategic Advisor, reviewed the Summary Report and answered questions.
- Rob Salisbury, Dyer’s Bay Association Representative, presented and answered questions.
- Laurie Cochrane, Dyer’s Bay Association Representative, was present to answer questions.
- Barbara Rabicki, Property Owner, presented and answered questions.

M794R5/03-2019

Moved By: McKinlay
Seconded By: Pim

“That the Commission accept the staff recommendation.”

Motion Carried
DISCUSSION:

The Commission requested clarification regarding the campsites on the subject property; staff advised that they are un-serviced and 500 metres away from the road to minimize visual impact.

The Commission asked if the designation change from Escarpment Rural to Escarpment Natural would limit the landowner’s scope of development. Commission staff advised that the amendment needs to be based on how the site meets the designation criteria, and that the site meets those established for the Escarpment Rural Area.

The Commission requested clarification on the role of the Environmental Review Tribunal, and requested assurance that all aspects of the proposed development and neighbour concerns are recognized in its process. The Commission also noted concern regarding accommodating land owners from the United States when scheduling the hearing. The Chair assured the Commission that the Environmental Review Tribunal does its best to optimize participation by all interested parties and participants.

The Commission acknowledged the need for the Environmental Review Tribunal’s participation in this matter and wished all parties well.

Broke for lunch: 12:00 p.m.
Reconvened: 12:50 p.m.

M794R6/03-2019 Moved By: Baty
Seconded By: Mausberg

“That the Commission move in-camera.”

Motion Carried

M794R7/03-2019 Moved By: VanderBeek
Seconded By: Horner

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

Motion Carried
M794R8/03-2019

Moved By: McKinlay
Seconded By: VanderBeek

“That the Commission approve the recommendations made in-camera.”

Motion Carried

CHAIR’S ITEMS

M794R9/03-2019

Moved By: McQueen
Seconded By: VanderBeek

“That the Commission receive the information.”

Motion Carried

DISCUSSION:

The pilot paperless meeting package process was discussed. Paper copies of reports will continue for the May meeting.

E4 and F2 (moved from Consent agenda due to changes to Conditions of Approval)

DEVELOPMENT PERMIT APPLICATION H/A/2017-2018/013
Monaghan Mushrooms (c/o George Graham)
Part Lots 12-14, Concession 4
Town of Milton, Region of Halton

PROPOSAL:

To construct two agricultural buildings (detailed below) and demolish a one-storey ± 832 sq m (± 8952.3 sq ft) garage, on an existing 41 ha (100.5 ac) lot that supports an existing mushroom producing facility.
1. A one-storey, ± 2,822 sq m (± 30,364.7 sq ft) casing shed and connecting corridor, with a height to peak of ± 13.0m (± 42.7 ft); and,
2. A one-storey ± 8,634 sq m (± 92, 901.8 sq ft) structure housing incubation tunnels, with a height to peak of ± 13.0m (± 42.7 ft).

RECOMMENDATION:

That the proposal be approved subject to the following conditions:
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 (including graded slopes) shall be re-vegetated and stabilized, by the end of the first growing season following the completion of site grading and building construction.

7. All waste materials generated from the demolition shall be completely removed from the property (e.g. taken to an approved landfill site, salvage/reclamation facility, re-used/recycled elsewhere) and not otherwise stored or buried on-site.

8. An engineering analysis be completed within 120 days of the issuance of the Development Permit to the satisfaction of the NEC which identifies alternative odour mitigation and monitoring measures, implementation strategies and a protocol for managing odour complaints.

9. Prior to the issuance of a Development Permit by the Niagara Escarpment Commission, an accurate and detailed Final Site Plan shall be submitted to the Niagara Escarpment Commission for approval. The Plan shall include, but not be limited to the following:
   a) All drawings submitted must be drawn to scale (bar scale shown), reference the application number and address of the proposal, be dated (revisions as well) and denote the relevant consultant;
   b) An accurate delineation of the approved development envelope;
   c) The accurate location of all structures, sewage disposal system and driveways 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) Final building design to be consistent with the information and drawings
   provided with the application and any modifications required by the Niagara
   Escarpment Commission. This would include, but not be limited to height to the
peak of roof, area/square meters, architectural treatment, lighting and
fenestration.

h) 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 proposed buildings
including exterior elevations, floor area and height above existing and proposed
grades. Upon approval, these plans will be stamped “NEC Approved” and shall
form part of the Development Permit referred to in Condition # 1.

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

Advisory Notes:

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

b) Halton Region requires the completion of the Land Dedication Process to dedicate
to the Regional Municipality of Halton any lands within 17.5 m of the centre line of
the original 20.12 m right-of-way of Regional Road 1 (Guelph Line) that are part of
the subject property.

Note:

- Ruth Conard, Senior Planner, presented and answered questions.
- George Graham, Applicant, answered questions.
- Ravi Mahabir, Dhillon Consulting, answered questions.
“Commissioner Pim proposed the following friendly amendment to Condition 8 in the staff report:

8a) Prior to issuance of a Development Permit by the Niagara Escarpment Commission, a protocol for managing odour complaints shall be developed and submitted to the NEC.

8b) Within 1 year of issuance of the Development Permit, an engineering analysis shall be prepared and submitted to the NEC which identifies odour mitigation and monitoring measures and the plan for implementation.”

Motion Carried

The Mover (Commissioner Downey) and Seconder (Commissioner Mackenzie) agreed with the friendly amendment.

DISCUSSION:

The Commission discussed odour management, the scope of the proposed works and the long-term plan for the farm.

The Commission strongly recommended that an odour management protocol be developed and shared with the neighbouring property owners.

A4

DEVELOPMENT PERMIT APPLICATION P/C/2018-2019/263
Tabitha McDow
Part Lot 8, Concession 3
Town of Caledon, Region of Peel

PROPOSAL:

To construct a one storey addition to an existing barn to provide washroom facilities, install a cistern to provide water for fire suppression, widen/extend an existing driveway for fire safety access, and to recognize minor deck constructions, all associated with an approved commercial rental facility (as an on-farm diversified use).

RECOMMENDATION:

That the Application be approved, subject to the following conditions:
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 (NEC) in writing of the start and the completion date of the development. This notice shall be provided to the NEC forty-eight (48) hours prior to the commencement of development, and within fourteen (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 on the approved Site Plan.

5. No trees/vegetation shall be removed in conjunction with the approved wedding barn or ancillary components (e.g. parking area and signage installation), except where required for widening the existing driveway (see Condition 17).

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 the site grading and access road construction. All trees, shrubs, herbs and nursery stock shall be native to Ontario (see Condition 10). 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. Appropriate erosion/sediment control and tree protection measures (e.g. silt fencing and tree hoarding) shall be installed around all parts of the development site(s) prior to commencing any development and photographs verifying the installation of the fencing shall be submitted to the Niagara Escarpment Commission prior to commencing construction. The controls shall be maintained until the works are completed and the sites are stabilized.

8. Prior to the issuance of a Development Permit by the Niagara Escarpment Commission, final floor plans and elevations of the barn addition (washroom facility) shall be submitted to the Niagara Escarpment Commission for approval.

9. Events shall be limited to one (1) per weekend from May 1st to October 31st of any given year. No event(s) shall occur between Monday and Thursday unless the Monday is a statutory holiday.

10. No overnight patron camping (e.g. tents, recreational vehicles) shall be permitted on the property.
11. All parking shall be confined to the property and as identified on the final approved site plan.

12. Temporary special event tents shall be limited to three (3) per event and shall only be erected for a maximum of one (1) day prior and one (1) day following each event.

13. All events (e.g. wedding receptions, other functions) shall take place within the existing barn, with the exception of outdoor wedding ceremonies which can occur in the area indicated on the final approved site plan.

14. The use of sound equipment (stereo, band set-up, etc.) for the purposes of playing dance music, etc., shall be limited to and only played within the approved event facility.

15. **Prior to commencing any events**, the applicant shall obtain final Site Plan Approval from the Town of Caledon. The Site Plan Approval shall be consistent with the final site plan and to the satisfaction of the Niagara Escarpment Commission.

16. Associated roadway entrance signage shall be limited to one (1) unlit sign to a maximum size of .9 square metres (9.7 sq. ft.). The sign shall be located as indicated on the final approved site plan.

17. **Prior to commencing any tree removal** in conjunction with the driveway widening (for fire safety access), the proponent shall retain the services of a certified Arborist to identifying the final delineation of the modified driveway, including all trees to be removed and the location of tree protection fencing. The Arborist shall be present during the construction phase to ensure that retained trees continue to be protected.

18. The event facility within the existing barn is limited to a **maximum occupancy of one hundred (100) persons** until such time that requisite approvals are received from the Ministry of Environment, Conservation and Parks (MECP) for sewage disposal system upgrades that would allow increased occupancy, but not to exceed a maximum occupancy of one hundred, seventy-five (175) persons.

The proponent shall provide all MECP approval documents to the Niagara Escarpment Commission, Town of Caledon and Credit Valley Conservation, prior to commencing any changes to the existing sewage disposal system and/or increasing event occupancy.

19. **Prior to the issuance of a Development Permit**, the proponent shall submit a site plan and septic system design flow details (as calculated by a septic system design consultant), and a Septic Impact Assessment (if required) to the satisfaction of Credit Valley Conservation.
20. All exterior site lighting related to the barn/event venue (including the driveway and parking area) shall be designed to be minimal, subdued, of low height and downward facing.

21. The cistern (for fire suppression) shall only be filled using an off-site water source (e.g. trucked-in) and shall not be filled or supplemented by a well(s) located on the property.

22. This approval is not transferrable and subsequent property owners will be required to apply for a new Development Permit should they propose to continue a similar activity within the existing barn.

23. Upon issuance of a Development Permit, Development Permit #11408/P/C/2015-2016/162 shall be void.

24. This conditional approval expires one (1) year from the date of confirmation of the decision to approve the Development Permit Application. Condition #’s 8 and 19 of this conditional approval shall be fulfilled before the expiry date.

Notes:

1. This Development Permit does not limit the need for or limit the requirements of any other approval, license or certificate under any statute (i.e., Ontario Building Code, Liquor Licence Act, Conservation Authorities Act, Town of Caledon noise bylaws, etc.).

2. The Niagara Escarpment Commission supports the protection of the night sky from excessive residential lighting and recommends, in conjunction with Condition 20, that the applicant obtains information on shielding the night sky through the use and operation of appropriate lighting fixtures. This information is available at www.darksy.org.

Note:

- Michael Baran, Senior Planner, presented and answered questions.
- Don McDow, Applicant, presented and answered questions.

M794R11/03-2019

Moved By: Pim
Seconded By: Gilhespy

“That the Commission accept the staff recommendation.”

Motion Carried
DISCUSSION:

The Applicant’s active Development Permit is no longer implementable due to the municipal site plan approval requirement (a condition of approval) that has triggered additional development components not covered by the current Permit. The Commission noted its concern for applicants who receive a Development Permit, which is, in practical terms, nullified because of additional municipal requirements.

CONSENT AGENDA: E PACKAGE (Staff Reports)

E1

DEVELOPMENT PERMIT APPLICATION H/R/2018-2019/342
Pamir Rafiq
Part Lot 11, Concession 5
Town of Milton, Region of Halton

PROPOSAL:

To recognize the unauthorized demolition of a 208.29 sq m (2242.01 sq ft), 1.5 storey detached dwelling with a height of 5.60 m (18.37 ft) and to permit the construction of a 237.90 sq m (2560.73 sq ft), two storey detached dwelling with a height of 7.73 m (25.36 ft), on a 0.23 ha (0.57 ac) lot.

RECOMMENDATION:

That the proposal be approved subject to the following conditions:

CONDITIONS OF APPROVAL H/R/2018-2019/342

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 (including graded slopes) shall be re-vegetated and stabilized, by the end of the first growing season following the completion of site grading and building construction.

7. The dwelling shall not contain more than one dwelling unit.

8. **Prior to the commencement of any development**, appropriate erosion/sediment control measures and tree protection hoarding shall be implemented and maintained as shown on the approved Site Plan (Condition #1) until all disturbed areas are stabilized. The landowner shall confirm the installation of the erosion/sediment control measures and tree protection hoarding through the submission of photographs to the Niagara Escarpment Commission. It is the responsibility of the landowner to implement, monitor and maintain all mitigation measures until vegetative cover has been successfully established. Any deficiencies shall be addressed immediately.

**Advisory Notes:**

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

b) 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)

**E2**

DEVELOPMENT PERMIT APPLICATION N/R/2018-2019/052
Vieni Estates Inc.
Part Lot 12, Concession 6
Town of Lincoln, Region of Niagara

PROPOSAL:

To recognize the construction of a dug, fire suppression/stormwater management pond with a water surface area of ±162.0m² (1,743 ft²) for use at an established winery that permits winery-related hospitality events but does not permit restaurant, banquet hall, or conference centre uses.
RECOMMENDATION:

That the proposal be approved subject to the following conditions:

CONDITIONS OF APPROVAL

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

2. The Development Permit shall expire 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. No water originating from a surface water feature or groundwater/well water source shall be used for filling or supplementing water levels of the pond at any time.

Notes/Advisories:

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., Planning Act, 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.
DEVELOPMENT PERMIT APPLICATION: H/P/2017-2018/477
John Hughes – Springridge Farm Inc.
Part Lot 12, Concession 6
Town of Milton, Region of Halton

PROPOSAL:
To permit the unauthorized construction of a 41.6 sq m (448 sq ft) public washroom facility, on a 25.9 ha (64 ac) lot known as Springridge Farm.

RECOMMENDATION:
That the proposal be approved subject to the following conditions:

CONDITIONS OF APPROVAL:

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

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

3. Any new development, expansion or alteration of the current development, or replacement of the holding tank shall require further evaluation through a new Development Permit application.

4. The owner shall maintain a contract licensed hauler or pumping service to empty the tank on a regular basis.

5. The owner shall maintain a daily inspection regimen of the holding tank, washroom building, and surrounding area for safety.

6. Prior to the issuance of a Development Permit by the Niagara Escarpment Commission, the owner shall install a high-level alarm on the holding tank that is to be maintained in good working order at all times.

7. Prior to the issuance of a Development Permit by the Niagara Escarpment Commission, the owner shall decommission the well adjacent to the holding tank in accordance with Regulation 903 (Wells Regulation) and the Ontario Water Resources Act.

8. Prior to the issuance of a Development Permit by the Niagara Escarpment Commission, an accurate and detailed Final Site Plan shall be submitted to the Niagara Escarpment Commission for approval. The Plan shall include, but not be limited to the following:
a) All drawings submitted must be drawn to scale (bar scale shown), reference the application number and address of the proposal, be dated (revisions as well) and denote the relevant consultant;
b) Accurately illustrate the approved development envelope; and,
c) Show the location of all buildings and structures, sewage disposal system(s) and driveway(s) within the development envelope with setbacks from the property lines, watercourse, top/bottom of slope, wooded areas, etc.

9. This conditional approval expires one (1) year from the date of confirmation of the decision to approve the Development Permit application. Conditions # 6, 7 and 8 of this conditional approval shall be fulfilled before the expiry date.

Advisory Notes:

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

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

CONSENT AGENDA: G PACKAGE (Information items)

G1 Director Approvals and Dashboard for January and February 2019
G2 Appeals and Hearings Status Chart as of March 5, 2019
G3 Director’s Report for January and February 2019
G4 Plan Amendments Status Update for January and February 2019
G5 Notice of Decision from NEHO Re: NEC File H/C/2016-2017/422
G6 Greenbelt Council Report
G7 Letter from Minister of Municipal Affairs and Housing

M794R12/03-2019

Moved By: VanderBeek
Seconded By: Haswell

“That the Commission move Consent Agenda Items E1, E2 and E3 and receive items G1 to G7.”

Motion Carried

Commissioner Downey inquired if Spring Ridge Farm would benefit from having a Master Plan.
CONSENT AGENDA:  F PACKAGE (Not pre-circulated)

F1

STAFF REPORT
Request for Delegation to the Niagara Escarpment Commission
Ohnia:kara: Aspiring UNESCO Global Geopark, Niagara Region

BACKGROUND:

The Niagara Escarpment Commission (NEC) has received a request from Geospatial Niagara to give a presentation at the July 18, 2019 meeting regarding Ohnia:kara, a proposed UNESCO Global Geopark in Niagara Region. Ohnia:kara is a Mohawk word for “neck between two bodies of water”.

A Geopark is defined by UNESCO as a “single unified geographical area where sites and landscapes of international geological significance are managed with a holistic concept of protection, education and sustainable development”.

Geospatial Niagara is a non-profit organization working towards submitting an application to get Niagara Region designated as a UNESCO Global Geopark. They are seeking the support of stakeholders including the NEC in supporting the proposed Geopark. There is potential for opportunities for collaboration with the Niagara Escarpment Biosphere Reserve, particularly with respect to Indigenous engagement.

RECOMMENDATION:

M794R13/03-2019

Moved By: McKinlay
Seconded By: Burton

“That the Commission approve the Delegation request from Geospatial Niagara.”

Motion Carried

B1

STAFF REPORT
City of Hamilton Proposed Temporary Use By-law ZAR 19-013
Columbia International College
574 Northcliffe Avenue, Dundas

BACKGROUND:

NEC staff was contacted by the planning consultant for Columbia International School, (CIS) a private school for international students regarding a proposed temporary use by-
law and holding provision to permit between 96 and 138 students to reside at the Sisters of St. Joseph Motherhouse. The proposed temporary use by-law would be dependant on the ability of the septic system to accommodate the increased number of residents. Staff was advised that CIS was interested in expanding its use of 574 Northcliffe Avenue as not only a dormitory for students but also as a private school for its Grade 12 students. Following a meeting, NEC staff provided the opinion to the consultant that a Niagara Escarpment Plan Amendment would be required to permit the change of use.

Staff is of the opinion the temporary use of the Motherhouse for additional student accommodation is consistent with the existing use of the property and will be limited by the capacity of the available servicing. The permanent conversion to a private school will require justification in accordance with the Niagara Escarpment Plan, Part 1.2.1 to demonstrate how the impact of the change in use will not adversely impact the Purpose and Objectives of the Plan and the applicable Development Criteria and be consistent with other relevant Provincial policies. The Plan amendment process will also provide the opportunity for public and agency consultation.

RECOMMENDATION:

That the Niagara Escarpment Commission (NEC) advise the City of Hamilton that it does not object to the proposed temporary use by-law and Holding Zone for 574 Northcliffe Avenue, under the following conditions:

1) That the temporary use of the existing Motherhouse on the subject lands as a dormitory for 96 students of Columbia International College be allowed for a maximum of three (3) years with no opportunity for renewal;

2) At the end of the 3 years, if the applicant has not been able to obtain the required Niagara Escarpment Plan Amendment to permit the conversion of the Motherhouse to a private school, the temporary use will cease; and,

3) That the City of Hamilton provide the NEC with a copy of its Notice of Decision with respect to the proposed Temporary Use By-law.

Note:

- Nancy Mott, Senior Strategic Advisor, reviewed the staff report and answered questions.
- John Ariens, Planning Consultant, IBI Group, presented and answered questions.

M794R14/03-2019
Moved By: Gilhespy
Seconded By: Robertson

“That the Commission accept the staff recommendation.”

Motion Carried
DISCUSSION:

The Commission asked if the school plans to purchase the entire property; the applicant’s agent advised that an agreement to purchase the land has been accepted; the offer includes a lease agreement for the Sisters of St. Joseph Convent.

The Chair asked if a three year renewal would be required; the agent advised that he was confident that the work will be complete before the end of the 3 year approval. The Commission noted concern that the Plan Amendment could be held up at the Minister level.

NEW BUSINESS

Commissioner Baty suggested that municipalities be informed of recent changes to staffing.

The Chair advised the Commissioners that nominations for Commissioner positions have been sent to the Minister.

ADJOURNMENT

M794R15/03-2019 Moved By: McQueen

“That this meeting be adjourned.”

Motion Carried

Time of Adjournment: 3:20 p.m.

Original signed by

R.F. (Russ) Powers
Chair