Minutes of M774/10-2016

Niagara Escarpment Commission
Georgetown, Ontario
October 20, 2016


Regrets: M. Miller.


Also Present: R. Pineo, Niagara Escarpment Program Team Leader, Natural Heritage Section, MNRF; R. Patrick, President, C.O.N.E.

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

Chair Don Scott presided.

Introductions:

The Director introduced the Commission to Planning Technician Brandon Henderson who was brought in to assist the Planners with development control. The Commission welcomed him.

The Chair, Don Scott, tabled petitions with the Commission which are in support of Grey County’s motion to oppose increasing the Plan area and ask the province to disband the Niagara Escarpment Commission. The Commission noted the receipt of the petitions.

Approval of Minutes – M773/08-2016

M774R1/10-2016

Moved By: McQueen
Seconded By: Borodczak

“That the Commission accept the Commission Minutes of August 18, 2016, as written.”

Motion Carried
Business Arising from the Previous Minutes

The Commission acknowledged the thank you letter that was sent to Bohdan Wynnycky.

CONFLICTS OF INTEREST – Declaration of Conflicts of Interest

None declared.

MOTION FOR SPEAKERS

M774R2/10-2016

Moved By: Beattie
Seconded By: Downey

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

Motion Carried

A2 and B1

DEVELOPMENT PERMIT APPLICATION D/P/2016-2017/145
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

PROPOSAL:

This is a re-application of a previously approved Development Permit 10992/D/P/2014-2015/178 that requests to modify (remove) a previous Condition of Approval requiring the demolition of the St. Peter House. The building has since been designated as a Heritage Building under the Ontario Heritage Act (OHA). Notwithstanding the proposal to remove the condition for demolition of the St. Peter House, all of the other details of the proposed development remain the same as the previous Application, which was conditionally approved by the Commission in September 2015, and a Permit issued in January 2016. The proposal approved was as follows:

To recognize the unauthorized construction of an addition to an existing institutional building consisting of a one storey 782.5 sq m (8422 sq ft) church hall and a 2 storey 1127sq m (12,131 sq ft) dormitory and 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 150 stall surface parking lot and an outdoor sports field consisting of a soccer field and volleyball court.
The revised proposal includes the demolition buildings and structures totalling approximately 713.8 sq. m (7683.64 sq ft) but not including the 2-storey 435 sq m (4684 sq ft) St. Peter House. The proposal continues to include the decommissioning of 280 sq m (3017.7 sq ft) of basement dormitory living quarters situated in the existing main monastery building.

**RECOMMENDATION:**

Approve, with revised Conditions of Approval removing the requirement to demolish the St. Peter House given the new information of the recent heritage designation under the OHA. Include a condition that would require St. Peter House to be maintained as a heritage building only and that it is not to be actively used by the Church as office space or dormitories. Maintain all other previous Conditions of Approval of Permit 10922 D/P/2014-2015/178.

**Note:** Lisa Grbinicek, Senior Strategic Advisor, reviewed the staff report and answered questions.
Chris Barnett, Legal Counsel, presented and answered questions.
Mark Early, CAO/Clerk, Town of Mono, answered questions.
Karen Rosenbrock, Agent, and Nash Youssef, Applicant, were present and answered questions.

M774R3/10-2016

Moved By: Horner
Seconded By: Downey

“That the Commission accept the staff recommendation with the following revised conditions of approval which removes the restriction from Condition 21 on using St. Peter House for office space, changes the wording in Conditions 22, 23 and 24 from ‘a Development Permit’ to ‘this Development Permit’ and that the word ‘residential’ be removed from the second note on lighting.”

Coptic Orthodox Patriarchate of Alexandria the Church of the Virgin Mary

CONDITIONS OF APPROVAL

D/P/2016-2017/145

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 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 required 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. The demolitions of the buildings and structures identified on the Site Plan as Yellow Nun’s Dormitory, Monk Cell 1 and Monk Cell 2, Angel House and the steel wood drive shed structures (2), shall be completed prior to the continued development of the monastery expansion in accordance with Conditions 8 and 10.

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.

12. The disturbed areas of the former proposed sports field in the Escarpment Protection Area shall be rehabilitated to their former condition 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. The applicant shall follow the Final Site Plans dated January 20, 2016, which sets out all existing and proposed final grades/drainage, 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. This Plan shall form part of the Development Permit.

15. The applicant shall submit for the approval by the Town of Mono, a lighting plan for the property.

16. The applicant shall follow the Landscape/Site Rehabilitation Plans prepared by a qualified Landscape Architect and dated January 20, 2016, in accordance with the requirements of Condition 8 which provides for the rehabilitation and planting of all disturbed areas of the lot and phasing of such a Plan. This Plan shall form part of the Development Permit.

17. 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. 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 rental 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.

19. 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).

20. 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 and shall form part of the Agreement on title identified in Condition 22.

21. The building identified as “St. Peter House” shall not be used as a dormitory and shall remain for historical purposes only.
22. **Prior to the issuance of this Development Permit by the Niagara Escarpment Commission**, the Landowner shall enter into an Agreement under Section 24(2.1) of the *Niagara Escarpment Planning and Development Act*, in a form acceptable to the Niagara Escarpment Commission. The agreement shall be registered on title of Part of East Half of Lots 8 & 9, Concession 7 EHS at the Landowner’s expense. The agreement shall identify the decommissioning of the 42 beds, kitchen and related facilities and conversion to storage space only within the existing main Monastery and include restrictions on the use of St. Peter House, including that it shall not be used as a dormitory. The Landowner shall provide proof satisfactory to the Niagara Escarpment Commission that the agreement has been registered against the lands, and that the Landowner under this Development Permit is the Landowner of the lands at the time of registration.

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

24. Upon issuance of this Development Permit, Permit 10992 D/P/2014/2015/178 shall become null and void.

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

**Notes:**

This Development Permit does not limit the need for or the requirements of any other approval, license or certificate under any statute (e.g., Ontario Building Code, *Conservation Authorities Act, Endangered Species Act*).

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).

**PLEASE NOTE:** Condition 9 was fulfilled on September 9, 2016; Condition 15 was fulfilled on December 3, 2015; Condition 17 was fulfilled on November 17, 2015; Condition 18 was fulfilled on September 1, 2016.

*Motion Carried*
DEVELOPMENT PERMIT APPLICATION N/A/2015-2016/370

Richard Redekop
Part Lots 5 and 6, Concession 6
Town of Pelham Niagara Region

PROPOSAL:

To construct three additions onto an existing 1,311 sq m greenhouse complex, totalling an additional 832.8 sq m on a 10.93 ha lot which also supports a single dwelling, two barns, a storage pavilion, and a storage trailer (to be removed upon completion of the proposed additions).

RECOMMENDATION:

That the proposal be refused for the following reason:

1. The proposed use of the expanded greenhouse as a medical marijuana facility is not a permitted use in the Escarpment Protection Area of the Niagara Escarpment Plan.

Note: Martin Kilian, NEC Planner, reviewed the staff report and answered questions. Barbara Irek, Property Owner, presented and answered questions.

Moved By: Davidson
Seconded By: McQueen

“That the Commission approve the proposal with the following conditions of approval as the proposal is an agricultural use and conforms to the agricultural policies under the Niagara Escarpment Plan.”

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. Prior to the issuance of a Building Permit by the Town of Pelham, the applicant shall submit for Niagara Escarpment Commission approval, in consultation with the Niagara Peninsula Conservation Authority and the Ministry of Natural Resources and Forestry, a storm water management plan which enhances on-site infiltration of storm water and other water discharges, to maximize recharging capacity of the aquifer. The approved storm water management plan shall form part of the Development Permit Application referred to in Condition #1 and development shall proceed in accordance with the details of the approved Plan.

Notes:

a) This Development Permit does not limit the need for or the requirements of any other approval, license or certificate under any statute (e.g., Ontario Building Code, Ontario Heritage Act, Endangered Species Act, Controlled Drugs and Substances Act, etc.).

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.

Motion Carried

NOTE: The Commission requested staff bring back the Interpretation Report on medical marijuana in the Niagara Escarpment Plan Area to the Commission for discussion at a future meeting.
INFORMATION REPORTS – G Package

Moved By: Elgar
Seconded By: VanderBeek

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

Motion Carried

DISCUSSION

The Chair updated the Commission on the meeting with the new Minister of Natural Resources and Forestry, Kathryn McGarry.

The Commission thanked the Director, Deb Pella Keen, for her service as Director of the Niagara Escarpment Commission over the last three years and wished her all the best in her retirement. The Director was thankful to the Commission and spoke briefly about the incoming Director, David Ayotte.

NEC Staff will ensure the Appeals and Hearings Chart does not include the items that have been resolved, and highlights any updates from the previous report, as per the request of the Commission.

PRESENTATION

Municipality of Meaford Mayor, Barb Clumpus, spoke to the Commission about the concerns the municipality has with the proposed additions to the Niagara Escarpment Plan (NEP) Area.

The Mayor advised the Commission that the Municipality of Meaford currently demonstrates an ongoing commitment to environmental sustainability through its policies and procedures and that the Municipality supports the objectives of the NEP.

The Municipality of Meaford requested that the Commission not recommend adding more land to the current NEP; and that the current deadline for public comments be extended until at least October 31, 2017, to allow for more meaningful consultation with the municipalities in the NEP Area. The Municipality presented the Commission with an on-line petition with more than 200 signatures in support of its request.

The Chair advised that the additions were put forward by the Commission at the request of the Province, as the Province requested ways to grow the Greenbelt and that it is the Province setting the timelines and not the Commission. The Chair also acknowledged the Municipality’s concern with the tax revenues for the local communities being affected.
Note: Mayor Barb Clumpus, Municipality of Meaford, presented and answered questions. Denyse Morrissey, CAO, and Rob Armstrong, Director of Development and Environmental Services, were present to answer questions.

M774R6/10-2016

Moved By: Horner
Seconded By: McQueen

“That the Commission receive the presentation.”

Motion Carried

NOTES: The Chair thanked the Mayor for her presentation and recognized the Mayor of Mulmur, Paul Mills, who was present for the presentation.

The Chair acknowledged receipt of the petitions. NEC Staff will advise the Minister’s office of the Municipality’s concerns.

Broke for Lunch: 12:10 p.m.
Reconvened: 1:00 p.m.

A1

DEVELOPMENT PERMIT APPLICATION G/R/2016-2017/9088
Township of Georgian Bluffs
Part Lot 19, Concession 2 (Orchard Drive – no address assigned)
Township of Georgian Bluffs (Sarawak) Grey County

PROPOSAL:

To construct a one storey, ± 285.3 sq m (± 3071 sq ft) dwelling, having a maximum height of ± 5 m (± 16.4 ft), a ± 160.5 sq m (± 1728 sq ft) accessory building having a maximum height of ± 5 m (± 16.4 ft), a ± 9.29 sq m (± 100 sq ft) garden shed, and install a private sewage disposal system, all within the proposed development envelope, and install a driveway on a 13.1 ha (32.4 ac) proposed lot, to be separated from a 37.1 ha (91.65 ac) existing lot.

RECOMMENDATION:

The application should be approved subject to Conditions.

Note: Rick Watt, Senior Planning Coordinator, reviewed the staff report and answered questions.
"That the Commission accept the staff recommendation with the following conditions."

**CONDITIONS of APPROVAL**

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

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

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

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

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

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

7. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission**, the Landowner shall enter into an Agreement under Section 24(2.1) of the *Niagara Escarpment Planning and Development Act*, in a form acceptable to the Niagara Escarpment Commission. The agreement shall be registered on title of Part of Lot 19, Concession 2 (geographic Sarawak Township), Township of Georgian Bluffs, at the Landowner’s expense, and recognize that development shall only be permitted within the area on the remnant easterly parcel outside of the Niagara Escarpment Plan, save and except for incidental development (e.g., gazebo, picnic platform, dock) to the...
residential development located outside the NEP; 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 is the Landowner of the lands at the time of registration.

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

   a) All drawings submitted must be drawn to scale (bar scale shown), reference the application number and address of the proposal, and be dated (revisions as well);
   b) An accurate delineation of the approved development envelope;
   c) The accurate location of all structures, sewage disposal system and driveway within the development envelope showing setbacks from the property lines, watercourse, 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. 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.

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

10. Site alterations/disturbance shall **not** occur between May 1 and July 31, inclusive, of any given year, within the breeding season of the species at risk [Bobolink, Eastern Meadowlark] to ensure protection of breeding habitat.

11. **Prior to development**, including any site disturbance, the landowner shall obtain a Consent to sever, or separate the lot under Section 50(3)(c) of the **Planning Act**, in accordance with this Development Permit and shall complete the transfer of title in accordance with the Development Permit.
12. This conditional approval expires one (1) year from the date of confirmation of the decision to approve the Development Permit application. Conditions #7, 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 approval, licence or certificate under any statute (e.g., Ontario Building Code, Conservation Authorities Act, Endangered Species Act, etc.).

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.

Motion Carried

C1

RE: STAFF REPORT
Niagara Escarpment Commission File No. ES NI 27
Grimsby Water System Storage Location
Schedule ‘B’ Municipal Class Environmental Assessment AMENDMENT
Region of Niagara

BACKGROUND:

In April 2014, the NEC endorsed the preferred alternative for the establishment of a 10 Megalitre drinking water reservoir in the Town of Grimsby. The reservoir will be located on Park Road South, south of the intersection with Ridge Road East. The subject lands are designated Escarpment Rural Area and Escarpment Protection Area. The reservoir and proposed bulk water depot will be located entirely within the Escarpment Rural Area designation on the subject property, which is owned by Niagara Region.

The need for additional water storage capacity was identified in the Region of Niagara’s Water and Wastewater Master Servicing Plan, prepared in 2011. To determine the preferred location for this reservoir, Niagara Region prepared a Schedule ‘B’ Municipal Class Environmental Assessment (EA). A Development Permit Application for this project has not yet been submitted.
In June 2016, NEC staff received notification that the Region was seeking an amendment to this EA to include a bulk water depot immediately adjacent to the reservoir.

RECOMMENDATION:

That the Niagara Escarpment Commission (NEC) endorse the proposal to construct a bulk water depot immediately adjacent to the proposed Grimsby Water Reservoir, subject to meeting Development Criteria in Part 2 of the Plan.

Note: Kim Peters, Senior Strategic Advisor, reviewed the staff report and answered questions. Dean Whittaker, Manager, Vertical Infrastructure, Infrastructure and Environment, WSP/MMM Group, answered questions.

Moved By: Elgar
Seconded By: Beattie

“That the Commission accept the staff recommendation.”

Motion Carried

PR1

2015 CO-ORDINATED PLAN REVIEW
Update

The Director advised the Commission that the next item is an update on the Co-ordinated Review. With the Phase 2 consultation period closing on October 31, the Director took the opportunity to thank staff for their hard work over this six month consultation period which included attendance at the provincial technical workshops and public open houses, organizing and implementing two NEC led public information sessions in addition to responding to media, the public, municipal and stakeholder requests for meetings and additional information. The contribution of all staff and their professionalism and expertise was appreciated by management. The Chair concurred with the Director and recognized staff as being helpful and professional throughout the process.

Staff provided a brief overview on the comments received to date from the public and municipalities during the consultation phase of the Co-ordinated Review. The Commission requested staff identify the stakeholder and citizen groups when finalizing the comments received.
The Commission discussed their concerns with proposed policies respecting secondary dwellings in Escarpment Rural Areas. Staff advised that (as a result of Bill 14 and changes to the Planning Act), municipalities can determine where it is most appropriate for these uses to be located. This also brought up the topic of landscaping businesses in rural areas, and the compliance concerns and in what designation this use would be permitted.

On October 4th and 19th the Public Interest Advisory Committee (PIAC) met to review and discuss the proposed changes to the Niagara Escarpment Plan. Staff will bring a report to the Commission on the notes from both these sessions.

The Commission noted that the Chart on the timelines is helpful and thanked NEC and MNRF staff.

M774R9/10-2016

Moved By: McQueen
Seconded By: Borodczak

“That the Commission receive the petitions on the Grey County Resolution that opposes the additions to the Niagara Escarpment Plan Area and that requests to have the Commission disbanded.”

Motion Carried

NEW BUSINESS

The issue of the terms of appointments was discussed. The Chair suggested the Commission appointments be staggered to match municipal appointments.

ADJOURNMENT

M774R10/10-2016

Moved By: Davidson

“That this meeting be adjourned.”

Motion Carried

Time of Adjournment: 2:00 p.m.

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Don Scott
Chair