MINUTES OF M762/08-2015
NIAGARA ESCARPMENT COMMISSION
GEORGETOWN, ONTARIO
August 20, 2015
As Amended


Regrets: D. Alexander.


Also Present: S. Aslam, Land Use and Planning Advisor, Natural Heritage Land Use Planning Section, MNRF; R. Patrick, President, C.O.N.E.

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

Chair Don Scott presided.

Introductions:

Chair Scott introduced the Commission to the new Commissioner from Bruce County, Patricia Greig.

AGENDA ITEM I – M760/07-2015 and M761/07-2015

M762R1/08-2015

Moved By: McQueen
Seconded By: VanderBeek

“That the Commission accept the Minutes of July 15 and July 16, 2015 as written.”

Motion Carried
**Business Arising from the Previous Minutes**

Commissioner Cambray requested an update on the meeting staff had with the Bruce Trail Conservancy (BTC). He is still very concerned about the increased pressures on the Bruce Trail as urban areas expand and the loss of trails due to a lack of right of ways and landowners withdrawing permission to cross their lands. Staff advised that the BTC is reluctant to use severances, right of ways or easements to secure trail lands and would prefer to continue the current practice of using negotiation for purchase or agreements with landowners. Staff will invite the BTC to either the Policy or Commission meeting in October or November to make a presentation on the challenges currently faced by the BTC and how the Niagara Escarpment Commission could be of assistance in keeping and/or securing future lands for the Bruce Trail.

Staff advised the Commission that the Compliance Plan will be before the Commission at the October Commission meeting.

**AGENDA ITEM II** – Declaration of Conflicts of Interest

None declared.

**AGENDA ITEM III** – Applications & Planning Reports

M762R2/08-2015

Moved By: Baty
Seconded By: Beattie

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

*Motion Carried*

**A2 and B2**

**DEVELOPMENT PERMIT APPLICATION H/C/13-14/226**
Victor Petrovski
Part Lot 17, Concession 1
City of Burlington Halton Region

**PROPOSAL:**

1) Demolish a 1 storey, 187.4 sq m (2015 sq ft) 150-seat banquet hall (associated with a structure containing a dwelling, three bed and breakfast suites, conference facilities and a common kitchen facility);
2) Demolish a 1 storey, 33.9 sq m (365 sq ft) shed (used as a chapel for wedding ceremonies in conjunction with the banquet hall);

3) To construct a new 1 storey, 354.2 sq m (3809 sq ft) banquet hall (includes a foyer, washrooms, separate kitchen, and a 150-seat banquet room), having a maximum height of 8.97 m (29.4 ft) (note: part of the existing building to remain would be converted to a lounge/bar and linked to the new foyer);

4) Construct a 1 storey, 196.0 sq m (2108 sq ft) accessory building (new wedding chapel to replace the current chapel and to generally align with the remaining foundation of a former barn), having a maximum height of 11.4 m (37.4 ft); and

5) Expand the current gravel parking area from 1009 sq m (10,849 sq ft) to 1888 sq m (20,301 sq ft) with a new 54-space paved parking lot and widened driveway access, on an existing 1.85 ha (4.70 ac) lot.

RECOMMENDATIONS:

1. The proposal be refused.

2. The Niagara Escarpment Commission authorize staff to issue an exemption under Ontario Regulation 828/90, as amended, for the purpose of barrier-free access if the required modifications, following a review of the building plans, do not involve an expansion/increase of floor area of the commercial use.

Note: Bert Arnold, Counsel, presented and answered questions.
Victor Petrovski, Applicant, was present and answered questions.
Councillor John Taylor, City of Burlington, presented and answered questions.

M762R3/08-2015

Moved By: Elgar
Seconded By: Louis

“That the Commission accept the staff recommendation to refuse the application for the following reasons and that the Commission approves recommendation 2.”

Victor Petrovski

REASONS FOR REFUSAL

1. The proposal is not a permitted use in the Escarpment Protection Area designation of the Niagara Escarpment Plan.

2. The commercial use(s) established on the subject property are not Existing Uses as defined by the Niagara Escarpment Plan.

3. The proposal is contrary to a Condition of Approval that governs, in part, the continued use of the commercial use(s) established on the subject property.

Motion Carried
NOTE: Staff still suggested the Applicant may try to file an Urban Use Amendment with the Ministry of Municipal Affairs and Housing even though the deadline for filing has passed.

A6

DEVELOPMENT PERMIT APPLICATION W/R/2013-2014/181
Mark Verbruggen
Part Lot 46, Concession 2
(Former) Town of Ancaster City of Hamilton

PROPOSAL:

To replace a 1 storey single dwelling and a 1 storey, 33.6 sq m (361 sq ft) detached garage with a 2 storey, maximum 7.6 m (25 ft) high, ± 277 sq m (± 2,982 sq ft) single dwelling (including attached garage) plus porches totaling an additional 10.6 sq m (114 sq ft) in area, and to replace the existing private sewage system with a new system, on a 0.4 ha (1 ac) lot which also supports two small storage sheds that will be retained.

RECOMMENDATION:

The revised proposal be approved subject to Conditions.

Note: Mark Verbruggen, Applicant, was present and answered questions.

Moved By: Miller
Seconded By: Baty

“That the Commission accept the staff recommendation with the following conditions.”

CONDITIONS OF APPROVAL

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 issued within the three years is in effect and the development has been completed.

5. Development shall take place only in accordance with the revised 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 lot in the area of the development is permitted, with the exception of that which is required for the demolition of existing structures, the construction of the new single dwelling, and the replacement of the sewage disposal system.

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 of existing structures, the construction of the new single dwelling, and the replacement of the sewage disposal system.

8. Screening, landscaping and rehabilitation shall be completed within the first growing season following completion of the development. All trees, shrubs and nursery stock shall be native to Ontario.

9. Prior to the issuance of a Development Permit, the applicant shall submit for the approval of the City of Hamilton, Manager of Development Planning, Heritage and Design and the Niagara Escarpment Commission, in consultation with the Ministry of Natural Resources and Forestry, a Final Site and Grading Plan prepared by a qualified professional which includes revisions to the building footprint of the new dwelling as required to avoid encroachment into regulated habitat of endangered species as stipulated under the Endangered Species Act, and revisions to the location of the new private sewage disposal system to establish a location as close to the new dwelling location as possible. Once approved, this Plan shall form part of the Development Permit.

10. Prior to the issuance of a Development Permit, the applicant shall submit for the approval of the City of Hamilton, Manager of Forestry and Horticulture and Manager of Development Planning, Heritage and Design, and the Niagara Escarpment Commission a Tree Management Plan for all trees on private and municipal property, which shall ensure that all existing healthy trees located on slopes exceeding 25% (1 in 4 slope) are retained. Once approved, this Plan shall form part of the Development Permit.
11. **Prior to the issuance of a Building Permit by the City of Hamilton**, the applicant shall obtain the necessary municipal approvals for the replacement of the existing private sewage system with a new system to service the approved single dwelling.

12. **Prior to the issuance of a Building Permit by the City of Hamilton**, the applicant shall submit for the approval of the Niagara Escarpment Commission, in consultation with the City of Hamilton Building Services Department, **Final Building Plans**. Once approved, these plans shall form part of the Development Permit.

13. **Prior to commencement of any development**, the applicant shall install a silt fence encompassing all construction and grading activities to prevent sediment migration off-site and for reptile and amphibian exclusion using duty silt fence buried to a depth of 10 cm (4 in) as per the Ministry of Natural Resources and Forestry Species at Risk Branch Technical Note for Reptile and Amphibian Exclusion Fencing (Version 1.1 – July 2013), and maintained throughout the construction process until all disturbed areas have been re-vegetated.

14. All materials resulting from the demolition shall be removed from the site immediately and deposited at a waste disposal site approved by the Ministry of the Environment and Climate Change to receive such waste.

15. The approved single dwelling shall not be altered or converted to create a second dwelling unit (i.e. apartment or in-law suite).

16. With regard to the replacement of the existing private sewage system with a new private sewage system, the construction period, including completion of site rehabilitation to the original vegetated condition, shall occur **only between May 1st and September 1st in any calendar year for which this Development Permit is valid**.

17. 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 Niagara Escarpment Commission encourages the applicant to complete a geotechnical investigation to ensure that the steep slopes in proximity to the approved development will support the development and remain stable over the long term.

2. The applicant is advised by the City of Hamilton that the subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition,
3. Grading, construction activities, landscaping, staging, stockpiling or other soil disturbance, in addition to any areas impacted by the installation of services, such as water, electricity and ground-source heat pumps, and the proponent is advised to conduct an archaeological assessment prior to such impacts in order to address these concerns and mitigate, through preservation of resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Tourism, Culture and Sport (MTCS). All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the MTCS.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MTCS should be notified immediately (416-314-7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MTCS and the Registrar or Deputy Registrar of the Cemeteries Regulation Unity of the Ministry of Small Business and Consumer Services (416-326-8392).

Motion Carried

NOTE: Staff will amend the proposal to reflect the correct size of the proposed new dwelling (± 2,982 sq ft including the garage of which ± 2,250 sq ft will be the dwelling), as advised by the Applicant, prior to sending out the Notice of Decision.

Commissioner Borodczak cautioned the applicant regarding the geotechnical studies that were recommended but not mandatory, as the property is in close proximity to steep slopes and there will be a lot of heavy equipment on the property during construction, and therefore the studies may assist with ensuring the land remains stable during and after construction.

C1

STAFF SUMMARY REPORT
NIAGARA ESCARPMENT PLAN AMENDMENT PB 196 13
Ontario Heritage Trust (Nochemowenaing/Hunter Court)
Lots 9 – 20 and Hunter Court, Plan 3M-117
Part Lot 7, Concession 14 EBR
Municipality of Northern Bruce Peninsula (Eastnor) Bruce County

PROPOsENT: Ontario Heritage Trust (OHT) – owner
Kendrick Doll, Agent
PROPOSAL:

To amend the Niagara Escarpment Plan (NEP) by re-designating Hunter Court and Lots 9-20, Plan 3M-117, from the Escarpment Recreation Area designation to the Escarpment Natural Area designation. The intent is to set aside the lands for permanent conservation notwithstanding the other permitted uses set out in the NEP.

RECOMMENDATION:

That the Niagara Escarpment Commission:


2. Authorize the Chair to forward Niagara Escarpment Plan Amendment PB 196 13, dated August 20, 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.

M762R5/08-2015

Moved By: Borodczak
Seconded By: Little

“That the Commission accept the staff recommendation.”

Motion Carried

NOTE: Commissioner Little expressed gratitude to former City of Hamilton Councillor and former Commissioner Brian McHattie for his work on bringing the lands under the control of the Ontario Heritage Trust.

C2

STAFF SUMMARY REPORT
NIAGARA ESCRAPMENT PLAN AMENDMENT PG 203 14
Kerbel (Duncan Lake)
Lots 7, 8, and West ½ Lot 9, Concession 2
Municipality of Grey Highlands (Euphrasia) Grey County

PROPOSER: Niagara Escarpment Commission (NEC)

OWNERSHIP: Diana Kerbel, Sharon Meyer
PROPOSAL:

To amend the Niagara Escarpment Plan (NEP) by changing the special policies applicable to Lots 7 and 8, and the west half of Lot 9, Concession 2, Municipality of Grey Highlands, to allow for approval of a five-unit Plan of Condominium instead of the eight-unit plan of condominium allowed for under current NEP policies.

RECOMMENDATION:

That the Niagara Escarpment Commission:


2. Authorize the Chair to forward Niagara Escarpment Plan Amendment PG 203 14, dated August 20, 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.

M762R6/08-2015

Moved By: McQueen
Secended By: Borodczak

“That the Commission accept the staff recommendation.”

Motion Carried

C4 SUB # 9576

INFORMATION REPORT

Blue Mountain Watershed Trust Application for a Trillium Grant

The Blue Mountain Watershed Trust (BMWT) was seeking a letter of support from the Niagara Escarpment Commission (NEC) for inclusion with their submission of a Trillium Grant Application for a local land stewardship initiative, the “Silver Creek Watershed Stewardship System: An Urgent Call for Action”. A portion of the project area is within the Niagara Escarpment Plan.

The proposed stewardship project supports the Purpose and Objectives of the Niagara Escarpment Planning and Development Act and the Niagara Escarpment Plan. The project does not require NEC staff resources other than those typically provided in the form of on-going dialogue, information, advice and expert knowledge, and perhaps taking part in an educational presentation.
RECOMMENDATION:

That the Niagara Escarpment Commission through the Chair, provide a letter of support for the Blue Mountain Watershed Trust’s Trillium Grant application for the “Silver Creek watershed Stewardship System: An Urgent Call for Action” land stewardship project.

M762R7/08-2015

Moved By: Little
Seconded By: Miller

“That the Commission accept the staff recommendation.”

At the request of Commissioner Beattie, the vote was recorded:

For the Motion Against the Motion

Baty
Beattie
Borodczak
Cambray
Elgar
Greig
Little
Louis
McQueen
Miller
VanderBeek

Motion Unanimously Carried

NOTE: The Commission requested that the letter from the Chair be amended to note that the Commission “unanimously” endorsed the letter.

A5 and B1

STAFF SUMMARY REPORT
NIAGARA ESCRAPMENT PLAN AMENDMENT PG 207 15
CAFRAMO LIMITED
Part Lot 3, Jones Range
Township of Georgian Bluffs (Keppel) Grey County

OWNER: Solkima Limited c/o Caframo Limited
AGENT: Ron Davidson, Ron Davidson Land Use Planning Consultant Inc.
PROPOSAL:

To amend the Niagara Escarpment Plan (NEP) to add a special policy exception to the property at 501273 Grey Road 1, Part Lot 3, Jones Range, Geographic Township of Keppel, Township of Georgian Bluffs, County of Grey, to permit the construction of a 2,235 sq m (24,057 sq ft) addition to an existing 2,574 sq m (27,706 sq ft) commercial, manufacturing operation (Caframo Limited).

RECOMMENDATION:

The Niagara Escarpment Commission:


2. Authorize the Chair to forward Niagara Escarpment Plan Amendment PG 207 15, dated August 20, 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.

Note: Dale Schnurr, Agent, presented and answered questions.

Moved By: Miller
Seconded By: McQueen

“That the Commission accept the staff recommendation.”

Motion Carried

A4

ADDENDUM STAFF REPORT
DEVELOPMENT PERMIT APPLICATION H/P/14-15/097
The Corporation of St. George’s Anglican Church
Part Lot 11, Concessions 3 and 4
Town of Milton Halton Region

REVISED PROPOSAL:

To relocate an existing, non-illuminated/single-sided sign to a location on the property that has greater exposure to public view, and to modify the signage as two-directional for the purpose of advertising church activities/functions, on an existing 1.58 ha (3.9 ac) lot.
Note: The irregular surface of the existing signage measures approximately 1.2 m (4 ft) x 1.8 m (6 ft), having a surface area of approximately 2.0 sq m (22.0 sq ft) and is supported by vertical posts at each end.

RECOMMENDATION:

The proposal be approved subject to Conditions.

Note: Peter Mercer, Consultant, was present and answered questions.

Rev. Nigel Bunce, was present and answered questions.

Moved By: Elgar
Seconded By: Little

“That the Commission accept the staff recommendation with the following conditions.”

The Corporation of St. George’s Anglican Church

CONDITIONS OF APPROVAL

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 is issued within the three years 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 lot in the area of the development is permitted, with the exception of that which is required for relocation of the existing sign on the property.

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 relocation of the existing sign on the property.
8. Screening, landscaping and rehabilitation shall commence by the end of the growing season after the development is completed. All trees, shrubs and nursery stock shall be native to Ontario.

9. All exposed areas resulting from construction shall be stabilized with suitable ground cover (e.g., mulch, seed) immediately upon completion of the construction.

10. The owner/applicant shall obtain a municipal sign permit from the Town of Milton.

11. No construction / installation related to the existing sign relocation shall occur within 17.5 m (57 ft) of the centreline of Guelph Line.

12. The existing sign to be relocated shall not be illuminated.

13. No additional signage shall be installed on the property.

**Note/Advisory:**

The Regional Municipality of Halton advises the following:

The entire property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by Halton Region, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property, the Ministry of Tourism, Culture and Sport (MTCS) should be notified immediately (416-212-8886 or archaeology@ontario.ca). In the event that human remains are encountered during construction, the proponent should immediately contact both the MTCS and the Registrar or Deputy Registrar of The Cemeteries Regulation Unit, Ministry of Government and Consumer Services (416-326-8393 or 1-800-889-9768 or consumer@ontario.ca).

*Motion Carried*

**NOTE:** The Commission requested that the new sign use the same colours as shown in the pictures that were distributed by staff. Staff will ensure that this is reflected in the Permit.

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

**M762R10/08-2015**

*Moved By: Beattie*
*Seconded By: Borodczak*

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

*Motion Carried*
DISCUSSION

The Commission was saddened to hear of the passing of Lyn MacMillan, the founder of the Coalition On the Niagara Escarpment (C.O.N.E.).

The Commission was concerned with the Bulletin put out by the Ministry of Natural Resources and Forestry on July 10, 2015, as there were no dates given as to how long the public has in order to submit their comments/feedback on the Conservation Authorities Act. The task force looking at this matter has been approved. Staff indicated that they were aware of the dates and comments would be prepared.

Staff noted that the three as-builts listed on the Director’s Approval Report for July 2015 were all first time offences. Any subsequent as-builts on the property would have to go before the Commission for approval.

Staff has received acknowledgement of receipt from a few municipalities that received the July 20, 2015 letter advising the Niagara Escarpment Plan Municipalities of the potential Plan Additions being put forward to the Co-ordinated Provincial Land Use Planning Review Panel.

Broke for Lunch:  11:50 a.m.
Reconvened:     1:00 p.m.

A1

DEVELOPMENT PERMIT APPLICATION N/P/2013-2014/200
Niagara Shorthills Christian Ministries
Part Lots 7 and 8, Concession 5
Town of Pelham  Niagara Region

PROPOSAL:

To construct 1 and 2 storey additions to, and conversions of, existing attic storage space for useable area in an existing building used for a church-based children’s day camp and a seasonal maple syrup event facility, resulting in 289 sq m (3,111 sq ft) of additional total floor area and a maximum building height of 8.7 sq m (28.5 sq ft); to expand the current maximum allowable campers during summer months from 50 to 70; and to expand the existing parking lot, on a 56.7 ha (140 ac) lot which also supports two single dwellings and 3 other buildings supporting the institutional/recreational, agricultural, and small-scale commercial uses.
RECOMMENDATIONS:

1. That the aspect of the proposal requesting an increase in the maximum number of day camp attendees at any one time from 50 to 70 be **refused** for the following reason.

   1. The proposed increase in the maximum number of day camp attendees at any one time does not conform to Part 2.3.4 (Existing Uses) in the Niagara Escarpment Plan.

2. That the balance of the proposal be **approved** subject to conditions.

Note: Tim Hartwick, Agent, presented and answered questions.

**Moved By:** Baty  
**Seconded By:** Cambray

“That the Commission accept the proposal with the following revised Conditions including the additional 20 day campers for a maximum of 70 campers per day.”

**CONDITIONS OF APPROVAL**

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 issued within the three years is in effect and the development has been completed.

5. Development shall take place only in accordance with the revised 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 construction of the extension of the pavilion, the extension of the parking lot, and the replacement of the sewage disposal system.

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 construction of the extension of the pavilion, the extension of the parking lot, and the replacement of the sewage disposal system.

8. Screening, landscaping and rehabilitation shall be completed within the first growing season following completion of the development. All trees, shrubs and nursery stock shall be native to Ontario.

9. **Prior to the issuance of a Development Permit**, the applicant shall submit for the approval of the Niagara Escarpment Commission, in consultation with the Town of Pelham Community Planning and Development Department and the Regional Municipality of Niagara Public Works Department, a **Final Site Plan** which sets out all existing and proposed site development, including the location of the new private sewage system and expanded parking lot area and design. Once approved, this Plan shall form part of the Development Permit.

   Notes: 1) The Town suggests that there be Disabled Parking spaces. 2) The Niagara Escarpment Commission recommends that the increase in the number of parking spaces shall not exceed 25 percent.

10. **Prior to the issuance of a Development Permit**, the applicant shall submit for the approval of the Niagara Escarpment Commission a **Landscape Plan** prepared by a qualified Landscape Architect which provides visual screening of the expanded parking lot. Once approved, this Plan shall form part of the Development Permit.

11. Prior to the issuance of a Building Permit from the Town of Pelham, the applicant shall obtain a Sewage Permit from the Regional Municipality of Niagara Public Works Department, for the replacement of the existing sewage system.

12. **Prior to the issuance of a Building Permit from the Town of Pelham**, the applicant shall submit for the approval of the Niagara Escarpment Commission, in consultation with the Town of Pelham Building Department and the Regional Municipality of Niagara Public Works Department, **Final Building Plans** including scaled floor plans of each level and scaled elevations. Once approved, these plans shall form part of the Development Permit.

13. During construction, the applicant shall adhere to the following practices:
   - The extent of the construction should be clearly identified on site (preferably using visible construction fence) at the 7.5 metre Top of Slope delineation prior to any site alteration, and no equipment, machinery or materials shall extend beyond the project area.
• Sediment and erosion control measures should be implemented as required prior to construction commencing on site, and maintained during the work phase to prevent the discharge of sediment or debris into the natural heritage features.
• All disturbed areas should be stabilized and re-vegetated as required upon completion of work and restored to a pre-disturbed state or better.
• All materials and equipment used for the purpose of site preparation and project completion should be operated and stored in a manner that prevents any deleterious substance (e.g. petroleum products, silt, debris, etc.) from entering the natural heritage features.
• Any equipment maintenance and refueling operations shall be set back sufficiently to prevent spills from entering the natural heritage features.
• Sediment and erosion control measures should be left in place until all disturbed areas have been stabilized.
• Any stockpiled materials should be stored and stabilized away from the natural heritage features.

14. The maximum number of permitted day camp attendees at any one time on the property shall not exceed 70.

15. 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.

Motion Carried

Reason for Approval:

There will be no increase in staff or times of operation and the increase of 20 campers is considered minimal on a property of this size and will not put an extra burden on the current septic system, servicing or parking and is therefore not an intensification of use.

NOTE: Commissioner Louis noted that this could be precedent setting for interpretation of intensification of use and should be considered in greater detail in a staff report to be presented at a future Policy meeting.

C3

STAFF SUMMARY REPORT
NIAGARA ESCARPMENT PLAN AMENDMENT PS 206 15
(KEN ZEGGIL CONSTRUCTION LTD.)
Part Lot 9, Concession 5
Township of Clearview Simcoe County

PROPOSENT: Gordon Zeggil (Ken Zeggil Construction Ltd.)
OWNERSHIP: Ken Zeggil Construction Ltd.

PROPOSAL:

To amend the Niagara Escarpment Plan (NEP) by adding a special policy exception to the property at 7749 County Road 9, Township of Clearview, County of Simcoe, to permit the construction of a 468 sq m (5040 sq ft) addition to an existing 266 sq m (2867 sq ft) commercial woodworking shop.

RECOMMENDATION:

That the Niagara Escarpment Commission:


2. Authorize the Chair to forward Niagara Escarpment Plan Amendment PS 206 15, dated August 20, 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.

Note: Deborah Alexander, Agent, and Ken Zeggil, Owner, were present.

M762R12/08-2015

Moved By: Elgar
Seconded By: McQueen

“That the Commission accept the staff recommendation.”

Motion Carried

A3

DEVELOPMENT PERMIT APPLICATION H/C/14-15/232
Randall Longfield (Longfields Ltd.)
Part Lot 3, Concession 3
Town of Milton Halton Region

PROPOSAL:

To recognize the partial demolition (roof, interior partitions and loft) of a ± 464.5 sq m (± 5,000 sq ft) storage building (approved for storage of a personal antique automobile collection, with limited sales), which had a maximum height of 4.9 m (16 ft), and to allow the partial re-construction of a modified 1 storey, ± 609.4 sq m (± 6,559 sq ft) storage
building (with new loft level) to store a personal antique automobile collection, with limited sales, to have a maximum height of ± 7.3 m (± 24 ft), on an existing 0.43 ha (1.07 ac) lot.

Notes: 1) The partially re-constructed building presently has a height of ± 10.7 m (± 35 ft), which is to be reduced to ± 7.3 m (± 24 ft). 2) The re-constructed building would continue to contain a related private office and washroom facility, but will include a new personal workshop area and a fully accessible storage loft. 3) The original building footprint would not change.

RECOMMENDATIONS:

1. The proposal be approved subject to conditions.

2. That the Niagara Escarpment Commission grants its consent to remove the current registered agreement on the property’s title upon proof of registration of a new Agreement that would better address current uses on the property, subject to conditions.

Note: Randy Longfield, Applicant, presented and answered questions.

M762R13/08-2015

Moved By: Elgar
Seconded By: VanderBeek

“That the Commission accept the staff recommendations with the following revised conditions which includes a condition that voids other Permits.”

CONDITIO NS OF APPROVAL

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 is issued within the three years 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 lot are permitted.

7. No trees other than dead or diseased trees shall be cut or removed from the lot.

8. Screening, landscaping (see Condition 11) and rehabilitation shall commence by the end of the growing season after the development is completed. All trees, shrubs and nursery stock shall be native to Ontario.

9. All exposed areas resulting from construction shall be stabilized with suitable ground cover (e.g., mulch, seed) immediately upon completion of the construction.

10. Appropriate tree protection measures (e.g. tree hoarding) shall be installed around all treed areas and individual trees located adjacent to the subject building prior to commencing roof demolition and completion of the approved building modifications, and photographs verifying the installation of the fencing shall be submitted to the Niagara Escarpment Commission prior to commencing construction. The hoarding shall be maintained until the works are completed.

11. Prior to the issuance of a Development Permit, the owner/applicant shall submit a Landscaping Plan to the satisfaction of the Niagara Escarpment Commission. The approved Plan shall be a part of the Development Permit.

The Plan shall address the provision of native trees and shrubs to provide foreground screening of the subject building area. The Plan shall include details for the type, size and numbers of all new plant material to the satisfaction of the Niagara Escarpment Commission.

12. The exterior coloration of the storage building shall consist of neutral/earth tones and be non-reflective.

13. The owner/applicant shall obtain a municipal Building Permit(s) for the approved roof modifications/exterior and interior storage building modifications from the Town of Milton, prior to commencing roof demolition/reconstruction and any other building modifications.

14. Prior to the issuance of a Development Permit, the owner/applicant shall at their expense, enter into an Agreement (to be registered on title) with the Niagara Escarpment Commission pursuant to Section 24(2.1) of the Niagara Escarpment Planning and Development Act, which shall ensure that:
1) The building shall be used solely for the purpose of storing the owner’s antique automobile collection (and accessories) and to conduct limited sale and/or trade of automobiles from the owner’s personal collection (to other collectors) to a maximum of two (2) such sale or trade transactions per calendar year.

2) The building shall not be used as a second dwelling, apartment unit, or an accessory dwelling unit (e.g., an “in-law suite”, “granny flat”) or, for home business, any other or additional commercial use or for institutional, industrial or agricultural purposes.

3) The building shall not contain a full kitchen (may contain a bar fridge/microwave oven).

4) The storage building/property shall not be used for automotive repairs, servicing, assembly or painting.

5) Outdoor storage, signage and access to the general public is prohibited.

6) The owner agrees to there being no future expansion of the subject building.

15. The Agreement shall not be amended or removed from title to the property without the prior written consent of the Commission.

16. The current agreement per Development Permit No. H/D/2010-2011/159 will be considered invalid upon fulfilment of Condition 13 and once proof of registration is provided to the satisfaction of the Niagara Escarpment Commission.

17. The materials resulting from the demolition of the roof structure shall be completely removed from the property to the satisfaction of the Niagara Escarpment Commission, except where re-used in conjunction with the new development.

18. Roof modifications/height reduction and exterior cladding, as approved, shall be completed prior to interior renovations and no later than November 30, 2015.

19. Development Permit 10714/H/R/13-14/238 (Longfields Ltd.) shall be null and void upon issuance of the Development Permit.

20. 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.
Note/Advisory:

The Regional Municipality of Halton advises the following:

The entire property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by Halton Region, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property, the Ministry of Tourism, Culture and Sport (MTCS) should be notified immediately (416-212-8886 or archaeology@ontario.ca). In the event that human remains are encountered during construction, the proponent should immediately contact both the MTCS and the Registrar or Deputy Registrar of The Cemeteries Regulation Unit, Ministry of Government and Consumer Services (416-326-8393 or 1-800-889-9768 or consumer@ontario.ca).

Motion Carried

PLAN REVIEW 2015

PR5

NIAGARA ESCARPMENT PLAN REVIEW 2015
Discussion Paper
Topics 1 and 2: Final Recommendations on Land Use Designation Criteria

CONCLUSIONS

The existing Niagara Escarpment Plan (NEP) Land Use Designation mapping dates to the original 1985 NEP. The mapping is now out of date and does not accurately reflect the features and areas on the ground today. Staff concludes that there is sufficient justification to recommend that the NEP Land Use Designation Criteria and mapping be amended and reflected in the draft mapping.

Staff has evaluated the proposals for modifications and additions to the NEP Land Use Designation Criteria and has considered the comments and discussion provided by the Commission on the review of the various draft Scenario Land Use Designation mapping presented to date. Staff concludes that the most appropriate scenario to recommend as an Amendment through the 2015 Plan Review, is “Final Scenario 3”.

RECOMMENDATIONS

1. That the Commission endorse the final proposed amendments to the NEP Land Use Designation Criteria, as modified.

2. That the proposed modified Designation Criteria be applied to produce the draft mapping and related statistics for all the remaining Escarpment municipalities, including those lands endorsed for addition to the NEP under the Topic 3 Discussion Paper – NEP Area Additions.
DISCUSSION

Staff is recommending significant woodlands as a Criterion for the identification of Escarpment Protection Area in the Plan after several discussions by the Commission on earlier scenarios with Significant Woodlands as a Criterion for Escarpment Natural Area.

There was a discussion around the identification of Significant Woodlands as each of the Escarpment municipalities have different criteria. The Commission decided early in the process to adopt the municipalities Criteria to determine significant woodlands. This is similar to how the Plan reflects Environmentally Sensitive Areas, which is done using municipal data.

Linkages and corridors identified within Natural Heritage Systems (NHS) were discussed. As the PPS is strong about linkages and corridors and most municipalities within the NEP have an identified NHS or will have an NHS as required now by PPS, not all municipalities have identified linkages and corridors as a separate data layer within the NHS. If not included as a Criterion for Designation Criteria, staff reminded that the protection for these features is provided in Part 2 of the NEP Development Criteria. Staff indicated that a robust Escarpment Natural and Protection Area are the NEP’s Natural Heritage System.

The Commission discussed Outliers and it was noted that the criterion would only apply to those outliers that are currently in the NEP area until a decision is made on additions to the Plan by the Ministry/Minister. The Commission requested that the mapping specific to the Designation Criteria topic should be amended to only show that portion of the outlier that is currently within the NEP at this time. Staff noted that should the additions ultimately be approved through the Plan Review (by the Minister), and should outliers be approved as a new Designation Criteria, only at that time would it be applied to the areas proposed for additions.

Note: Lisa Grbinicek, Senior Strategic Advisor, and Dan Ventresca, GIS Specialist, reviewed the Discussion paper and answered questions.

M762R14/08-2015

Moved By: Cambray
Seconded By: Louis

“That the Commission accept the staff recommendations with clarification to the wording regarding outliers.”

Motion Carried
CONCLUSION

The Discussion Paper proposes changes to the Niagara Escarpment Plan (NEP) to clarify that urban servicing, including stormwater management systems and municipal/communal sewage and water systems are not Permitted Uses in the non-urban Designations of the NEP. The revised Development Criteria address the limited circumstances under which such services can be provided in non-urban Designations.

These changes also help to clarify the perceived overlap between prohibited urban uses in the Niagara Escarpment Commission’s administrative policy and Permitted Uses in the NEP’s non-urban Designations.

The Paper also addresses the definitions of “development,” “utilities,” and “infrastructure” and the difficulty in aligning the definitions of these terms between provincial plans because of differences in legislation. However, staff has recommended adding the NEPDA definition of development to the NEP to provide greater clarity and ease of interpretation for Plan users.

RECOMMENDATIONS

1. Add a definition for “development” to the NEP;

2. Clarify Development Criteria to ensure stormwater management ponds and municipal/communal sewage and water systems are not permitted to locate or expand into Escarpment Natural, Protection and Rural Areas and Mineral Resource Extraction Areas, unless it is necessary to protect public health; and

3. Clarify Permitted Uses under Escarpment Natural, Protection and Rural Areas and Mineral Resource Extraction Areas so that it is clear that Permitted Uses must take into account the Development Criteria in Part 2 of the NEP.

DISCUSSION

Staff advised that the definition for development was added to the NEP for transparency reasons as it is already in the NEPDA and the definition is similar to the other plans.

The Commission’s concerns related to servicing outside of urban boundaries were discussed. Limits on servicing controls sprawl.
Note: Ken Whitbread, Manager, reviewed the Discussion paper and answered questions.

M762R15/08-2015

Moved By: Elgar
Seconded By: Cambray

“That the Commission accept the staff recommendations with the Commissions amendments to the wording.”

Motion Carried

PR2

NIAGARA ESCARPMENT PLAN REVIEW 2015
Information Report
RE: Site-Specific Requests re: Niagara Escarpment Plan Area Submitted During Phase 1 of Consultation for the Co-ordinated Review

BACKGROUND

The first phase of consultation for the Co-ordinated Review of the Provincial Land Use Plans took place between February 27 and May 28, 2015. The consultation was structured around a Discussion Document entitled Our Region, Our Community, Our Home. Regional Town Hall meetings took place to directly engage interested parties in the issues raised in the Discussion Document. Meetings with Aboriginal groups also occurred. Interested parties were invited to submit written comments through the Ministry of Municipal Affairs and Housing (MMAH). As directed by the Commission, staff also notified those parties who had requested urban uses prior to the commencement of the Co-ordinated Review and indicated that urban-related requests could be submitted during the first phase of consultation.

Although the removal of lands from the various plan areas was not a topic included in the Discussion Document, the Niagara Escarpment Commission (NEC) and MMAH received multiple requests for the removal of lands. With regard to the Niagara Escarpment Plan (NEP), there were also requests for changes in Designation, as well as requests for site-specific urban uses. Since urban use and urban NEP Designation requests can only be considered during a review of the NEP, the NEC prepared for these requests by setting out a process and criteria for evaluating these requests. These were contained in a Staff Report dated January 15, 2015, which was endorsed by the Commission with minor changes.

NEXT STEPS

Staff will evaluate the requests and bring reports to the Commission with staff recommendations, using the evaluation criteria approved by the Commission in
January 2015. The Commission’s position on each of the requests will be forwarded to the Minister of Natural Resources and Forestry as part of its advice on the Co-ordinated Review of the four provincial land use plans.

DISCUSSION

It was noted by several Commissioners that Niagara Region supports the inclusion of the Fonthill Kame lands to the NEP Area.

The evaluation of amendments by staff will be provided in October or November.

Note: Ken Whitbread, Manager, reviewed the Discussion paper and answered questions.

M762R16/08-2015

Moved By: Elgar
Seconded By: Louis

“That the Commission receive the information report.”

Motion Carried

PR3

NIAGARA ESCARPMENT PLAN REVIEW 2015
Discussion Paper
Topic 6: Mineral Resources Policies – Rehabilitation and After Uses
(Addendum 1)

BACKGROUND

At the Niagara Escarpment Commission (NEC) meeting on July 16, 2015, the Commission considered the Discussion Paper on Mineral Resources Policies – Rehabilitation and After Uses and provided input to the draft policy revisions. NEC staff was directed to prepare an Addendum to the Discussion paper with possible revisions to the policies consistent with the Commission discussion.

RECOMMENDATION AND CONCLUSION

Staff recommends that the Commission endorse the policy options relating to the rehabilitation and after use of mineral aggregate extraction operations, subject to the changed Designation Criteria of the Escarpment Rural Area since it mirrored the Criteria endorsed in the Designation Criteria Topic Paper by the NEC.
Note: Nancy Mott, Senior Strategic Advisor, reviewed the Discussion paper and answered questions.

M762R17/08-2015

Moved By: Louis
Seconded By: Elgar

“That the Commission accept the staff recommendation subject to the amended Designation Criteria for the Escarpment Rural Area.”

Motion Carried

PR4

NIAGARA ESCARPMENT PLAN REVIEW 2015
Discussion Paper
Topic 16: Climate Change

INTRODUCTION

The purpose of this Discussion Paper is to provide:

1. a brief background on climate change, as well as current directions and approaches to addressing climate change; and
2. options for potential changes to Part 1 of the NEP; and
3. the use of Development Criteria as an approach that the Commission could consider to address climate change in the NEP.

The Discussion Paper and proposed policy options have considered the following principles: 1) climate change has been exacerbated by human activity; 2) climate change will impact natural and human systems; and 3) climate change mitigation and adaptation measures are important for reducing the risks and adverse impacts associated with climate change.

BACKGROUND

In the NEC’s response to this Discussion Document, staff highlighted the important contribution that natural heritage and agricultural areas can make in the removal and storage of carbon dioxide from the atmosphere and building resilience. Further, staff noted that by implementing policies related to the protection of these areas, the NEP already provides measures to adapt to the impacts of climate change (for example preventing development in flood plains and wetlands, limiting forest removal and encouraging reforestation and naturalization), but that opportunities exist to make some changes to the Plan to directly address climate change and improve climate change related policies already in the NEP.
Although the NEP already addresses a number of strategies by way of its permitted uses and Development Criteria, they were not expressly developed for the purpose of addressing climate change. Opportunities exist to update the Plan to provide more clarity for the Province’s vision and goals for climate change and better describe how they can be achieved in the NEP Area. It is also an opportunity to identify any measures that should be considered and/or addressed when development is proposed in the NEP, as it relates to climate change.

OPTIONS

Staff considered the purpose and objectives of the NEPDA and the NEP, as well as current Provincial policies, and determined that there are a number of approaches that can be taken to address climate change in the NEP. Adopting staff’s recommended approaches would clarify the NEC’s position on climate change and would demonstrate that the NEP is consistent with the 2014 PPS as it relates to climate change and aligns with the MOECC Climate Change Strategy and Action Plan Discussion Paper commented on by the NEC in 2015.

DISCUSSION

The Commission discussed the pros and cons of including an introduction to climate change at both the beginning of the NEP as well as part of the objectives.

The Commission advised staff of their preferred options moving through the Discussion Paper.

The NEC endorsed including climate change in an introduction to the NEP as well as being reflected in new Development Criteria, both general and specific.

Note: Ken Whitbread, Manager, reviewed the Discussion paper and answered questions.

M762R18/08-2015

Moved By: Baty
Seconded By: Louis

“That the Commission accept the high level statement on climate change at the beginning of the NEP (the introduction) and for the General Development Criteria and within the Transportation and Utilities Criteria. The Commission chose Option 2 in both cases.”

Motion Carried
NEW BUSINESS

NEC staff advised that the Commission is on track to finish the Discussion Papers for the September or October meeting. Staff noted that the deadline for submitting Plan Amendments for Urban Uses by landowners and stakeholders was May 28, 2015. After the Plan Review is complete there will be no more submissions accepted until the next Plan Review in 10 years.

AGENDA ITEM VI – Adjournment

M762R19/08-2015

Moved By: McQueen

“That this meeting be adjourned.”

Motion Carried

Time of Adjournment: 4:30 p.m.

__________________________
Don Scott
Chair
# Outstanding Action Items

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Commission Date</th>
<th>Action Required</th>
<th>Update</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy Paper on energy development on NEP lands</td>
<td>October 16, 2014</td>
<td>NEC staff to produce a Policy Paper</td>
<td>For Fall of 2015</td>
</tr>
<tr>
<td>Is the Smart Growth for our Communities Act (Bill 73) subject to accountability and transparency legislation</td>
<td>April 16, 2015</td>
<td>Staff will inquire and return to the Commission with a response.</td>
<td>Consulted with Legal and no further action is required</td>
</tr>
<tr>
<td>Additions to the NEP also be considered for lands within the Greenbelt (Protected Countryside) and Oak Ridges Moraine Conservation Plan where such areas are in the Niagara Escarpment Planning Area and meet the Criteria for inclusion in the NEP, and where the NEP would be determined to be the most appropriate Provincial Plan to administer such lands, based on the Purpose and Objectives of the NEPDA</td>
<td>July 15, 2015</td>
<td>Staff to review the lands in the NEP area that are currently under the Greenbelt Plan and the Oak Ridges Moraine Conservation Plan for additions to the NEP if the criteria are met and add them to the list of lands previously on the list (e.g., Fonthill Kame Area).</td>
<td>Staff to discuss with MNRF and MMAH</td>
</tr>
<tr>
<td>Development Permit Application N/I/2011-2012/371 (Winona Concrete and Pipe Products Ltd.) Town of Grimsby Niagara Region</td>
<td>July 16, 2015</td>
<td>Commission requested another progress report once Coordinated Review decisions have been made with respect to Urban Uses.</td>
<td>Fall/Winter 2015</td>
</tr>
<tr>
<td>Compliance Plan and monitoring of Development Permit Conditions</td>
<td>July 16, 2015</td>
<td>Bring Staff Report to Commission.</td>
<td>October or November 2015</td>
</tr>
<tr>
<td>Review of Policy on Intensification of Use</td>
<td>August 20, 2015</td>
<td>Staff Report</td>
<td>Fall-Winter 2015</td>
</tr>
</tbody>
</table>