MINUTES OF M766/01-2016
NIAGARA ESCARPMENT COMMISSION
GEORGETOWN, ONTARIO
January 21, 2016


Regrets: None.


Also Present: A. Boyd, Manager, R. Pineo, Niagara Escarpment Program Team Leader, Natural Heritage Section, W. MacLarkey, Counsel, Ministry of the Attorney General; R. Patrick, President, C.O.N.E.

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

Chair Don Scott presided.

Introductions:

Chair Don Scott introduced the Commission to the new Commissioner for Dufferin County, Janet Horner. Commissioner Horner was welcomed by the Commission.

The Chair notified the Commission that Senior Strategic Advisor, Lisa Grbinicek, will be Acting Manager for the next three months followed by Senior Strategic Advisor, Kim Peters, who will be Acting Manager for the remaining three months of the six month period until the recruitment process takes place.
AGENDA ITEM I – P73/11-2015 and M765/11-2015

M766R1/01-2016

Moved By: Miller
Seconded By: Beattie

“That the Commission accept the Policy Minutes of November 18, 2015, as written.”

Motion Carried

M766R2/01-2016

Moved By: Louis
Seconded By: McQueen

“That the Commission accept the Commission Minutes of November 18 and 19, 2015, as written.”

Motion Carried

Business Arising from the Previous Minutes

Some Commissioners asked to revisit the Closed meeting Procedure No. 21 of the Guidelines for Procedure at Meetings that was adopted at the previous Commission meeting. Specifically, it was unclear as to whether or not the Procedure should include a provision to require a statement be recorded to address the topic of the in-camera session once the Commission has come out of the closed session. It was noted that as an Agency of the Province of Ontario the Commission follows provincial legislation on freedom of information and privacy matters which is different from the municipal legislation. Staff were intending to re-examine Procedure 21 in this regard. Staff would include reviewing the Closed meeting procedure as part of this effort and report back to the Commission at a future meeting.

AGENDA ITEM II – Declaration of Conflicts of Interest

None declared.

AGENDA ITEM III – Applications & Planning Reports

M766R3/01-2016

Moved By: Borodczak
Seconded By: Little

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

Motion Carried
PRESENTATION

RE: Co-ordinated Review of the Provincial Plans
Overview of Panel Recommendations

Adam Redish, Director, Growth Policy, Planning and Analysis Branch, Ministry of Municipal Affairs and Housing, presented to the Commission and NEC staff on the Panel recommendations on the Co-ordinated Review of the Provincial Land Use Plans. Audrey Bennett, Director, Provincial Planning Policy Branch, Ministry of Municipal Affairs and Housing, was also present and answered questions. Chair David Crombie sent his regrets as he was unable to attend.

There was a brief overview of the Co-ordinated Review that was launched on February 27, 2015. From March to May 2015, there were 17 public town hall meetings and over 19,000 written submissions received by the Ministries. The Panel's report contained 87 recommendations, of those, 56 were directly related to changes in the four plans, while 31 related to changes to other provincial legislation or policies that would facilitate implementation of the plans.

The Panel's recommendations were grouped into six themes. The first theme is to build compact and vibrant communities that support transit and active transportation. The key panel recommendations for this theme were summarized.

The Commission expressed concerns with the concept of a “complete community” given the intensification and density targets for the Growth Plan. There was discussion, about developers acquiring lands and using them for development that was not the local government’s planned uses for the lands. There was also a question on how to prevent areas with few job opportunities from becoming “bedroom communities” which puts an added burden on transportation systems. It was noted by Mr. Redish that the provincial government is working on strengthening the co-ordination between the Growth Plan and the Big Move Plan to improve transit connectivity across the region. The need to balance employment with housing, especially in areas where low-density employment (e.g., warehousing) makes it difficult to achieve Growth Plan targets in a way that is supportive of complete communities.

The Commission noted that older, more established communities will have difficulties meeting the growth numbers since industrial lands are now in short supply in the Greater Golden Horseshoe (GGH). It was confirmed that provincial growth targets applied at the upper-tier municipal level, and that separate towns or cities would not be allocated targets directly.

The second theme was the significant contribution that agriculture plays in the provincial economy. The Panel proposed changes that would better link agricultural protection with other elements that contribute to the economic success of the industry. Such changes included limiting conversion of agricultural land to non-agricultural uses in
prime agricultural areas, harmonizing policies with the Provincial Policy Statement (PPS), including policies for permitted on-farm uses and adding policies to support access to local and healthy food.

The Panel recognized the important role that natural heritage features and systems play in protecting the environment, ensuring quality of life and providing resilience to climate change. A few of the key recommendations for this third theme are to improve mapping of the natural heritage system, require municipalities to undertake watershed planning when making planning decisions, and align natural heritage protection policies across the four plans while respecting the unique policy objectives of the four plans.

The fourth theme was on the effective and efficient provision and location of infrastructure to support the development of complete communities that save money long term and enhance environmental protection. Part of the infrastructure recommendations include requiring stormwater master plans prior to approving new major development in greenfield and intensification areas as well as enhancing intensification and density requirements in areas with existing and planned infrastructure such as major transit station areas. The other component to the recommendations was to improve approaches to the designation and protection of infrastructure corridors and provide more specific direction and support for goods movement in the Growth Plan.

Climate change was the focus of the recommendations for theme five as it presents a threat to health and prosperity for the GGH. Municipalities should integrate climate change policies into their official plans as well as climate change vulnerability risk assessments to guide the design of resilient infrastructure.

The sixth theme addressed alignment of the plans by streamlining policy framework, harmonizing terminology and policies across the four plans with the PPS as appropriate. It was recommended that the Growth Plan conformity deadline be extended to 2021. It was also suggested that a comprehensive monitoring program for the region be developed, with a focus on measuring progress towards plan goals. An education and outreach program should also be supported to explain plan goals and benefits. The recommendations included the consideration of potential additions to the NEP, as recommended by the Commission, as well as a process for adding lands to the Greenbelt.

The Ministries are now reviewing the recommendations in the Panel report and will be preparing amendments that take into consideration the Panel’s advice. MMAH and MNRF will seek public input on the proposed amendments early in 2016. The NEC will receive a copy of the draft amendments to the NEP for their input. It is anticipated that the final plan amendments will be approved later in 2016.

COMMISSION DISCUSSION

In response to questions about watersheds, MMAH advised that water resources are important components of the Natural Heritage System.
The Commission asked if there will be additional funding to manage the implementation of the recommendations. MMAH advised there is a strong push to work on policy and delivery.

The Commission noted that farmers are looking at diversification to make their farms more viable as the cost of expanding the average farm is prohibitive, and wanted to know how the recommendations address farmers' need for diversification. MMAH advised that the recommendations do focus on protecting agricultural viability and there are recommendations for municipalities to protect agriculture with policies that allow for diversification through on-farm diversified uses and agriculture-related uses. The relationship between the natural heritage system and agricultural operations is also being reviewed, particularly in specialty crop areas.

The Commission advised that there is pressure on Escarpment lands to accommodate growth, and wanted to know how the recommendations strengthen the NEP to control the sprawl. MMAH noted that there are many recommendations in the report that came from the Commission’s discussion papers.

The Chair thanked MMAH for the presentation and that the Commission is pleased with the Report and that the emphasis is on maintaining the high standards of the NEP.

M766R4/01-2016

Moved By: VanderBeek
Seconded By: Borodczak

“That the Commission receive the presentation.”

Motion Carried

A3

ADDENDUM REPORT
DEVELOPMENT PERMIT APPLICATION N/F/2012-2013/147
Bill Dremetsikas and Theos Tsakaridis
Part Lot C, East Gore
Town of Grimsby, Region of Niagara

REVISED PROPOSAL:

To construct a 1 storey, 185.8 sq m (2000 sq ft) agricultural equipment shed with accessway on a vacant 21.2 ha (52.3 ac) lot, remove all unauthorized fill placement except that which may be utilized to prepare the site for this construction, and permit the importation of ± 36,000 cu m of fertile topsoil and farmyard manure to be graded for improving site conditions to re-establish crop production.
REVISED RECOMMENDATION:

The proposal, as revised on December 21, 2015, be approved subject to conditions.

Note: Martin Kilian, NEC Planner, reviewed the staff report and answered questions. Theos Tsakaridis, Applicant, presented and answered questions. Bill Dremetsikas, Applicant, was present.

M766R5/01-2016 Moved By: Miller
Seconded By: VanderBeek

“That the Commission accept the staff recommendation with the following Conditions as amended. That Condition 11 be amended to include a time period of 12 months (one year) in which to complete the equipment shed, accessway and removal of relocation of fill, and that Condition 16 be deleted.”

Bill Dremetsikas & Theos Tsakiridis

CONDITIONS OF APPROVAL N/F/2012-2013/147

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 in accordance with Condition 11 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 is permitted in the area of the development, except that which is absolutely necessary for the construction of the accessory building and driveway, and otherwise in accordance with the Final Site, Grading and Drainage Plan approved under Condition 9.
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 accessory building and driveway, and the approved fill and grading work.

8. Landscaping and rehabilitation using only species native to Ontario shall be completed within the first growing season following completion of the development.

9. **Prior to the issuance of a Development Permit**, the applicant shall submit for the approval of the Town of Grimsby, the Regional Municipality of Niagara Public Works or Planning Department, the Niagara Peninsula Conservation Authority and the Niagara Escarpment Commission a Final Site, Grading and Drainage Plan prepared by a qualified professional which illustrates all of the features provided in the application’s revised site plan, and relocates the proposed accessory building to a site at least 15 metres from the westerly side lot line. Once approved, this Plan shall form part of the Development Permit.

10. **Prior to the issuance of a Development Permit**, the applicant shall submit a letter of approval from the Ministry of Tourism, Culture and Sport to the Planning and Development Services Department of the Regional Municipality of Niagara confirming that all archaeological resource concerns have met licensing and resource conservation requirements of the *Ontario Heritage Act* and shall provide the Niagara Escarpment Commission with a copy of that letter.

11. Within 12 months (one year) of the issuance of the Development Permit: a) all existing unauthorized fill placed on the property shall be removed from the site except for material able to be utilized for the preparation of the approved building site and the construction of the driveway access; and, b) the construction of the accessory building and driveway shall be complete.

12. **Prior to the importation of additional fill to the site**, the applicant shall submit sales receipts to the Niagara Escarpment Commission which verify that the material to be imported is fertile topsoil or farmyard manure from an accredited source.

13. **Prior to commencement of any further site disturbance or any development**, the applicant shall install a light duty silt fence adjacent to the existing ditch as illustrated on the application’s revised site plan to prevent any sediment mobilization off-site, and during construction shall maintain the fence in good working order until work is completed and the area is stabilized.

14. The ditch feature on the property within the area to be graded shall be enhanced to maintain drainage from upstream properties and promote drainage from the site, in accordance with the application’s revised site plan.
15. The owner/applicant shall be responsible for stationing a person (gatekeeper) on the property in order to ensure that all truckloads of fertile topsoil and farmyard manure are those which have been confirmed approved by Condition 12.

16. Should the works authorized under this Permit to assist in supporting the agricultural use of the lot not take place within the time periods specified, all imported fill will be removed from the property and the lands rehabilitated to the satisfaction of the Niagara Escarpment Commission.

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

Motion Carried

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

C2 SUB # 9585

RE: INFORMATION REPORT

BACKGROUND:

On December 7, 2015, the Advisory Panel on the Co-ordinated Review of the Growth Plan, the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan, and the Niagara Escarpment Plan completed its work and submitted its Panel Report to the Ontario government. The Panel Report was also posted for public viewing on the Municipal Affairs and Housing website. The Advisory Panel consisted of six members including Panel Chair, the Honourable David Crombie.

The Panel's mandate was to provide the Ministry of Municipal Affairs and Housing (MMAH) and Natural Resources and Forestry with recommendations on how to amend and improve the four plans with six specific themes for consideration.

The Panel Report contained 87 recommendations that relate to the six strategic themes identified for the Co-ordinated Review. These themes were covered in the presentation by MMAH earlier in the day.
STAFF RECOMMENDATION:

That the Commission receive the information report.

**Note:** Kim Peters, Senior Strategic Advisor, reviewed the information report and answered questions.

**M766R6/01-2016**

Moved By: Beattie
Seconded By: Davidson

“That the Commission receive the staff information report.”

Motion Carried

**NOTE:** The Commission discussed the report and will provide comments and feedback once the proposed changes to the Niagara Escarpment Plan have been released.

Also, at the request of the Chair, staff will draft a letter of thanks to the Review Panel for maintaining the integrity of the Niagara Escarpment Plan and for incorporating most of the Commission’s Discussion Papers into the recommendations.

IN CAMERA SESSION

**M766R7/01-2016**

Moved By: Miller
Seconded By: Cambray

“That the Commission move in-camera to receive legal advice.”

Motion Carried

**M766R8/01-2016**

Moved By: Beattie
Seconded By: Elgar

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

Motion Carried
C3 SUB # 9586

RE: Delegation Request from Counsel for Brock University

Tom Richardson, Counsel for Brock University, wrote the Chair requesting an opportunity to address the Commission on a long-standing boundary interpretation issue, which Brock University is seeking to resolve. The boundary interpretation relates to the extent of Urban Area on lands owned by Brock University on Lockhart Drive in the City of St. Catharines.

Note: Kim Peters, Senior Strategic Advisor, and Martin Kilian, NEC Planner, were available to answer questions.

Moved By: Cambray
Seconded By: Greig

“That the Commission accept a delegation from Brock University at the February 18, 2016 Commission meeting.”

Motion Carried

A1

DEVELOPMENT PERMIT APPLICATION S/T/2013-2014/9153
Township of Clearview
Lots 25-31, Concessions 10 and 11
Township of Clearview Simcoe County

PROPOSAL:

To reconstruct Concession 10 from Duntroon Sideroad (formerly County Road 91), north to the 30/31 Sideroad by improving the vertical alignment, mitigating site line deficiencies, replacing road-crossing culverts, improving the road base, and addressing road side safety measures. The road will be a paved surface upon completion.

RECOMMENDATION:

The application should be approved subject to Conditions.
Note: Judy Rhodes-Munk, NEC Planner, presented and answered questions. Linda Laflamme, NEC Landscape Architect, was present and answered questions. Steve Sage, CAO, Township of Clearview, was present and answered questions. Don McNalty, R. J. Burnside, presented and answered questions. Ruth Grier, Clearview Citizen’s Coalition, presented and answered questions. David Donnelly, Donnelly Law, Barrister and Solicitor, sent his regrets.

Moved By: Miller
Seconded By: Downey

“That the Commission accept the staff recommendation with the following Conditions which includes the friendly amendments to Condition 10: a) remove “except where otherwise approved by the NEC”, and c) amend the second sentence to read “…must be replaced with the exact size and species of the material removed.”

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 representatives 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 license, certificate, permit or similar permission relating to development shall be issued or be considered to be in force unless the Development Permit is in effect.

4. The Development Permit shall expire three years from its date of issuance unless the development has been completed.

5. Development shall take place only in accordance with the Final Site Plan comprised of the following: Final Construction Drawings, Final Vegetation Preservation Plan, and Final Landscape Plan, any other related drawings, Development Permit Application as approved, and in accordance with the following conditions.

6. No grading of the existing contours of the development area is permitted with the exception of that approved under the Final Site Plan as per Condition #5.
Prior to the issuance of a Development Permit by the Niagara Escarpment Commission, accurate and detailed Final Construction Drawings shall be submitted for the approval of the Niagara Escarpment Commission. The drawings 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, be dated (revisions as well) and denote the relevant consultant;
b) All drawings must be stamped and signed with the professional seal of the consultant responsible for the construction drawing;
c) An accurate delineation of the approved development area with temporary limit of work fencing;
d) The accurate location of all works proposed including detailed design for all watercourse crossings;
e) Extent of all disturbed areas;
f) All erosion and sediment control measures in accordance with Ontario Provincial Standards Document. 219.110;
g) Stormwater management design and details;
h) Grading and drainage design including areas of excavation and fill. The quantity and source of all fill materials must be accurately identified. The quantity of all excavated material and disposal location(s) on or off site must be accurately identified. Any imported fill must satisfy Condition 8 below.
i) Detailed design for any retaining systems; the retaining systems shall be designed and certified by a qualified expert in engineering within the Province of Ontario;
j) Surveyed location and inventory of vegetation to be preserved and all associated protection measures;
k) Schedule of timing windows to satisfy all requirements of the Department of Fisheries and Oceans, Ministry of Natural Resources and Forestry and Nottawasaga Valley Conservation Authority;
l) Location of all staging, material storage, repair and refueling areas.

Prior to the issuance of a Development Permit by the Niagara Escarpment Commission, the owner/applicant shall provide certification from a professional Engineer or Geoscientist confirming that all sources from which the topsoil/fill material is obtained and all truckloads of material to be deposited conform to the definition of “inert fill” per Ontario Regulation 347 and Table 1 of the Soil, Ground Water and Sediment Standards for Use per Part XV.1 of the Environmental Protection Act, March 9, 2004.

Prior to the issuance of a Development Permit by the Niagara Escarpment Commission, a Final Vegetation Preservation Plan shall be prepared by a qualified person, for the approval of the Niagara Escarpment Commission. The Plan shall address vegetation preservation requirements and shall include but not be limited to a detailed inventory, assessment, protection and management measures in accordance with the standard practices of the Niagara Escarpment Commission. Stipulations:
a) Schedule of timing windows for vegetation removals to satisfy all requirements of the Department of Fisheries and Oceans, Ministry of Natural Resources and Forestry and the Nottawasaga Valley Conservation Authority;
b) All arboricultural work shall be included on the Final Vegetation Preservation Plan and all tree inspections during construction shall be undertaken by an ISA certified Arborist;
c) All construction related arboricultural work shall be undertaken by an ISA certified Arborist;
d) Any vegetation noted for preservation and damaged from the construction process shall be reported and replaced; trees 150mm and over DBH shall be replaced on a per caliper basis. Replacement shall be to the satisfaction of the Niagara Escarpment Commission, consistent with the Final Landscape Plan;
e) A protocol to address any trees on adjacent private lands that may be impacted by the road works.

10. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission, a Final Landscape Plan** shall be prepared by a qualified person, for the approval of the Niagara Escarpment Commission. The plan shall address all planting, mitigation and rehabilitation. Stipulations:

a) All new tree, shrub and groundcover species shall be native to Ontario. Plant material shall be sourced from local plant nurseries; bush dug plant material is not acceptable;
b) Planting and the rehabilitation of all disturbed areas shall be completed by the end of the first growing season following the completion of grading and road works, including structures, to the satisfaction of the Niagara Escarpment Commission;
c) All plant material shall be guaranteed for twenty four (24) months following installation. All plant material found during this time to be dead or dying must be replaced with the exact size and species of the material removed to the satisfaction of the Niagara Escarpment Commission.

11. **Prior to the commencement of any construction the following is required:**

a) All erosion and sediment controls (ESC), vegetation and tree protection and limit-of-work fencing shall be installed as per the Final Site Plan;
b) A letter confirming all three (3) controls noted above have been installed as per the Final Site Plan shall be submitted to the Niagara Escarpment Commission by each of the consulting experts;
c) All three (3) controls noted above must remain in place and be maintained during all construction until such time as the site has been landscaped and stabilized according to the final landscape plan;
d) The property boundary shall be surveyed and marked by an Ontario Land Surveyor; demarcation shall remain in place until development has been completed.
12. Upon completion of the development the following is required:
   a) Within thirty (30) days - a letter confirming the development was completed in accordance with Development Permit as approved including the final Site Plan, Final Landscape Plan and Final Vegetation Preservation Plan shall be submitted by each of the consulting experts to the satisfaction of the Niagara Escarpment Commission;
   b) A letter confirming compliance with Condition # 10(c) indicating that all plant material has survived the twenty four (24) month guarantee period shall be submitted by the consulting expert to the satisfaction of the Niagara Escarpment Commission in accordance with the Final Landscape Plan as approved.

13. Prior to the issuance of a Development Permit by the Niagara Escarpment Commission, the following shall be provided to the satisfaction of the Niagara Escarpment Commission:
   a) A schedule of inspections to be undertaken by each consulting expert during the development activities;
   b) A reporting schedule for inspection reporting in accordance with Condition 13(a).

14. There shall be no re-fueling of any kind on Concession 10 within the road reconstruction project boundaries.

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.

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

Motion Carried
A4

DEVELOPMENT PERMIT APPLICATION P/C/2015-2016/162
Tabitha McDow
Part Lot 8, Concession 3, EHS
Town of Caledon    Peel Region

PROPOSAL:

To convert the upper floor of an existing 760 sq m (8184 sq ft) barn to a commercial rental facility. The facility would be used primarily for weddings, on weekends only, annually from May 1st to mid-October on the existing 59.95 ac lot.

RECOMMENDATION:

That the proposal be refused for the following reasons.

REASONS FOR REFUSAL

2. Proposal does not comply with Objective 3 of Part 1.5 of the NEP.

Note: Don McDow, Agent, presented and answered questions.
Tabitha McDow, Applicant, was present.

M766R11/01-2016

Moved By: Louis
Seconded By: Little

"That the Commission defer the Application until after the Plan Review has been completed at the end of 2016."

Motion Defeated

M766R12/01-2016

Moved By: Downey
Seconded By: VanderBeek

"That the Commission approve Development Permit Application P/C/2015-2016/162 to convert the upper floor of an existing barn to a commercial rental facility as it conforms to the purpose of the Niagara Escarpment Planning and Development Act, the objectives of the Niagara Escarpment Plan, the objectives of the Escarpment Rural Designation, the General Development Criteria of Section 2.2 and the proposal qualifies as a Niagara Escarpment Plan Home Business."
At the request of Commissioner Little, the vote was recorded:

For the Motion  Against the Motion
Baty                        Alexander
Beattie                     Borodczak
Davidson                   Cambray
Downey                      Elgar
Greig                       Little
Horner                     Louis
McQueen                    Miller
VanderBeek

Motion Carried

A5 and B1

DEVELOPMENT PERMIT APPLICATION H/R/2013-2014/197
Emshih Developments Inc.
Part Lots 3 and 4, Concession 2, EF
City of Burlington        Halton Region

PROPOSAL:
To construct a 2 storey, ± 970 sq m (± 10,451 sq ft) second dwelling, (including attached garage) at a maximum height of ± 10.46 m (± 34.3 ft), a ± 85 sq m (± 914 sq ft), swimming pool, a ± 60 sq m (± 641 sq ft), pool cabana at a maximum height of ± 7.62 m (± 25 ft), an on-site sewage treatment system and driveway extension, on a 30.2 ha (74.6 ac) existing lot.

Notes:  1) Existing on-site heritage structures (dwelling, barn and accessory building) are to be retained (an existing swimming pool and tennis court would be removed).
2) Only the north portion approximately 8.1 ha (20 acres) of the property is located within the NEP/Development Control Areas and subject to this application.
3) Registration of an existing heritage agreement is pending.

RECOMMENDATION:
No recommendation was provided at that time. Staff provided the Commission with the following three options for consideration:
1. Approval, subject to Conditions;
2. Refusal;
3. Deferral pending the completion and review of requested information and revisions to the Application as determined necessary.
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**Note:** Michael Baran, NEC Planner, was present to answer questions.
Kandie Van Derzeeuw, Administrative Assistant, Emshih Developments Inc., was present.

**M766R13/01-2016**

*Moved By:* Louis  
*Seconded By:* Little

“That the Commission defer the Application as requested by the Applicant to the April 21, 2016 Commission meeting.”

*Motion Carried*

**NOTE:** Staff advised that the Applicant would prefer a deferral to a meeting taking place in the Georgetown office.

**A2 and B2**

**DEVELOPMENT PERMIT APPLICATION B/L/2014-2015/9112**
Bruce Trail Conservancy  
Part Lot 16, Concession 8  
Municipality of Northern Bruce Peninsula (Eastnor) Bruce County

**PROPOSAL:**
To construct an engineered steel spiral staircase, approximately 9.8 m (32 ft) in height, with approach ramp and railings, secured by a 0.8 sq m (9 sq ft) concrete pad at the top of the Escarpment and a 2.3 (25 sq ft) concrete pad at the base, to provide an ascent/decent of the Escarpment cliff for the Bruce Trail, on a 1.1 ha (2.8 ac) lot owned by Ontario Heritage Trust and managed by Bruce Trail Conservancy under agreement. A small amount of brush and low-lying vegetation is proposed to be removed at the top and base of the structure. Note: Engineered structural drawings, an ecological Field Report Summary, and Municipality of Northern Bruce Peninsula By-law #2011-23 were submitted in support of the application.

**RECOMMENDATION:**
The application should be approved subject to Conditions.

**Note:** Judy Rhodes-Munk, NEC Planner, advised the Commission that the Bruce Trail Conservancy has requested a deferral of this Application.
Moved By: Miller
Seconded By: Davidson

“That the Commission defer the Application, as requested by the Applicant, until such a time as the boundary dispute has been resolved.”

Motion Carried

C1 SUB # 9584

RE: STAFF REPORT
Request to Appear as a Delegation to the Niagara Escarpment Commission
Credit Valley Historical Society / Credit Valley Project

BACKGROUND:

The Niagara Escarpment Commission (NEC) has received a request from the Credit Valley Historical Society (CVHS) to appear as a delegation to provide information regarding the Credit Valley Trail Master Plan. CVHS has been working with a number of agencies to develop a master plan for a trail along the length of the Credit River, including lands within the Niagara Escarpment Plan Area.

RECOMMENDATION:

That the NEC endorse receiving a delegation from the CVHS at the February 2016 Commission meeting.

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

Moved By: Beattie
Seconded By: Borodczak

“That the Commission accept a delegation from the Credit Valley Historical Society at the February 18, 2016 Commission meeting.”

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

**RECOMMENDATION:**

That the Commission accept the proposed 2016 Meeting Schedule.

M766R16/01-2016

Moved By: Davidson
Seconded By: Cambray

“That the Commission accept the proposed 2016 Commission Meeting Schedule with the removal of the Policy meeting on April 20, 2016. The extra Policy meeting day will be scheduled at a later date to accommodate the Co-ordinated Review.”

Motion Carried

**PR1**

**NIAGARA ESCARPMENT 2015 PLAN REVIEW**
**ADDENDUM 3**
**DISCUSSION PAPER – TOPIC 21**
**Cultural Heritage**

**BACKGROUND**

The Addendum Report follows up on the Commission’s direction that staff should report back on revisions to the objective statement in Part 2.12 – Heritage so that it contains wording that is more specific to the Niagara Escarpment, and better reflects the role that the Niagara Escarpment Commission (NEC) plays in protecting cultural heritage resources in the Niagara Escarpment Commission (NEC) plays in protecting cultural heritage resources in the Niagara Escarpment Plan (NEP) Area.
RECOMMENDATIONS

- That the Commission endorse the revised objective statement for Part 2.12 of the NEP as presented in the paper;

- That the Commission endorse the recommendation in Addendum 2 to the Cultural Heritage Discussion Paper, i.e., endorse the use of cultural heritage terminology and definitions that are consistent with the Provincial Policy Statement (PPS), and are reflected in the proposed revisions outlined in Appendix A of the paper.

COMMISSION DISCUSSION

The Commission discussed two concerns related to impact on farmers of having to protect heritage barns, and the advantage to leaving the term “farm vacation home” in the NEP to provide farmers the opportunity for income diversification. With regard to heritage barns, staff noted that the Ontario Heritage Act governs designation of heritage buildings, and it was not an issue that could be addressed through the NEP.

With regard to farm vacation homes, staff noted that the definition for farm vacation home was identical to “bed and breakfast” and that farmers were permitted bed and breakfasts. Therefore there was no need for an additional term. The Commission expressed interest in the possibility that farmers could use surplus dwellings as vacation home rentals, and that this use could be termed a farm vacation home. Staff stated that the NEP currently had no policies prohibiting this type of use.

Several Commissioners asked about the process for establishing a cultural heritage landscape and why it would be listed in the NEP. It was suggested that the municipalities identify the cultural heritage landscape and advise the NEC through their comments on a development permit application. Staff advised that cultural heritage features would be noted in the NEP similar to the process currently in place for adding new parks to list of Niagara Escarpment Parks and Open Spaces System in Part 3 of the Plan. Any addition would be presented to the Commission in a staff report for the Commission’s approval before going into the Plan. Since this action would be largely symbolic in nature, the Commission did not think it necessary.

There was a brief discussion on the revised objective statement and whether or not it needed to include the words “on the Escarpment”. Staff agreed to remove the phrase from the objective statement.

Note: Kim Peters, Senior Strategic Advisor, reviewed the discussion paper and answered questions.
“That the Commission accept the staff recommendation including the minor amendments recommended by the Commission.”

Motion Carried

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

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

Motion Carried

DISCUSSION

The Commission asked that the Hearings Chart be revised to include a civic address where possible and that the reasons for appeal be summarized. Staff will implement the changes for the February meeting.

Various items in the G and H package were commented on by the Commission.

In answer to the Commission’s concern regarding the Master Plan Environmental Assessment in the Escarpment crossing study area (G8), staff advised that currently there is no demand for an Escarpment crossing as what is in place is sufficient but this may change many years in the future. Staff will continue to keep the Commission informed.

NEW BUSINESS

The Commission asked staff who will represent the Commission at the Hearing for the 26/27 Sideroad in the Township of Clearview. Staff advised that the Pre-hearing will take place on March 11th and the Hearing will be 10 days in May 2016. Management is still considering the matter as these situations are rare. Staff will bring back an update to the Commission at the February 18th Commission meeting.
AGENDA ITEM VI – Adjournment

M766R19/01-2016

Moved By: Davidson

“That this meeting be adjourned.”

Motion Carried

Time of Adjournment: 4:30 p.m.

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Don Scott
Chair