MINUTES OF M764/10-2015
NIAGARA ESCARPMENT COMMISSION
GEORGETOWN, ONTARIO
October 15, 2015


Regrets: M. Miller.


Also Present: L. Rogers, Niagara Escarpment Policy Advisor, Natural Heritage Section, S. Zhai, Counsel, MNRF; R. Patrick, President, C.O.N.E.

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

Chair Don Scott presided.

Introductions:

The Chair thanked Commissioner Miller for chairing the September Commission meeting on his behalf.

AGENDA ITEM I – M763/09-2015

M764R1/10-2015 Moved By: McQueen
Seconded By: Little

“That the Commission accept the Minutes of September 17, 2015 as written.”

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

Staff advised the Commission that the discussion on the history of Development Control being lifted in Minor Urban Centres will take place at a meeting in 2016, including the designation of Escarpment Natural Area.

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

None declared.

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

**M764R2/10-2015**  
Moved By: Borodczak  
Seconded By: Beattie

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

Motion Carried

**A2**

STAFF SUMMARY REPORT

Proposed Niagara Escarpment Plan Amendment PH 205 15

Union Gas

Part Lots 10, Concessions 1 through 5, Nelson, City of Burlington  
Part Lot 10, Concession 7, Nelson, Town of Milton  
Halton Region

PROPOSPONENT: Union Gas Ltd.

AGENT: Harold Elston, Barriston Law LLP

OWNERSHIP: Union Gas, various private landowners

PROPOSAL:

To amend the Niagara Escarpment Plan (NEP) by adding a special policy to apply to a natural gas pipeline easement corridor that traverses 9.8 km of the NEP Area in the City of Burlington and the Town of Milton in Halton Region. The pipeline corridor includes a Provincially Significant Wetland and unevaluated wetlands. Development within these wetlands will not comply with Part 2.6.10 of the NEP and requires an exception to proceed.
RECOMMENDATION:

That the Niagara Escarpment Commission:


2. Not refer Amendment PH 205 15 to a Hearing or appoint a Hearing Officer under Section 10(3) of the Niagara Escarpment Planning and Development Act since there are no objections that require such a referral.

3. Authorize the Chair to submit a report recommending approval pursuant to Section 10(9) of the Niagara Escarpment Planning and Development Act of Niagara Escarpment Plan Amendment PH 205 15, dated October 19, 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: Kim Peters, Senior Strategic Advisor, reviewed the Staff Summary Report and answered questions. Paul Rietdyk, Vice President, Engineering Construction / Storage and Transmission Operations, Union Gas, presented and answered questions. Rob Morson, Principal Project Manager, Canadian Projects, Union Gas, presented and answered questions.

M764R3/10-2015

Moved By: Louis
Seconded By: Cambray

“That the Commission approve the staff recommendation.”

Motion Carried

IN CAMERA SESSION

M764R4/10-2015

Moved By: Beattie
Seconded By: McQueen

“That the Commission move in-camera.”

Motion Carried
 Moved By: Beattie
 Seconded By: Cambray

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

Motion Carried

A4

RESTORATION ORDER
Contravention File C/D/2011-2012/032
Hans Stiegert
Part Lot 4, Concession 7 East
Town of Mono Dufferin County

PROPOSAL:

A request from the landowner to rescind the Order to Restore issued by the Niagara Escarpment Commission (NEC) on July 15, 2015 by way of considering new evidence regarding the unauthorized placement of ~125 loads of fill material on the subject lands including soil testing analysis and a proposed restoration plan by Long Environmental.

RECOMMENDATION:

Therefore it is the recommendation of staff that the Order to Restore stand and the expiry date be extended to allow the landowner a reasonable time period to comply with the Order.

 Moved By: Beattie
 Seconded By: Baty

“That the Commission reconsider the Restoration Order.”

Motion Carried by Majority Vote

Note: O. J. MacDonald, Compliance Officer, was present.
Ron Webb, Solicitor, made a presentation and answered questions.
Mr. and Mrs. Hans Stiegert, property owners, were present.
M764R7/10-2015

Moved By: Borodczak
Seconded By: Louis

“That the Commission accept the staff recommendation to confirm the order and to amend the dates on the Restoration Order accordingly.”

Motion Carried

NOTE: The Commission requested the soils test be reviewed by the Ministry of the Environment and Climate Change.

A3

DEVELOPMENT PERMIT APPLICATION P/F/2014-2015/105
Terra Cotta Gardens
Part Lot 29, Concession 6 WHS
Town of Caledon Peel Region

PROPOSAL:

To recognize the unauthorized grading and fill placement on a portion of the Terra Cotta Gardens property (Site 32) for the purpose of accommodating a larger trailer and wheelchair ramp and reducing run-off potential. The fill placement consisted of 11 truckloads of fill (approximately 110 to 140 cubic metres).

RECOMMENDATION:

That the proposal be refused for the following reasons:

1. Does not comply with the General Development Criteria in Parts 2.2.1(c) (d) of the Niagara Escarpment Plan;

2. Does not comply with Development Criteria regarding New Development Affecting Water Resources in Parts 2.6 (3, 4, 16, and 17) of the NEP;

3. Does not comply with Section 3.1.1 (b) of the Provincial Policy Statement (2014);


Note: Sean Stewart, Planner, reviewed the Staff Report and answered questions. Valeria O’Dell, Terra Cotta Gardens Board Treasurer/Secretary and Applicant, presented and answered questions. Patricia Martin, Terra Cotta Gardens, was present.
M764R8/10-2015

Moved By: Louis
Seconded By: Elgar

“That the Commission defer to the January meeting for the purpose of determining the impact of the sodium on the stream, and how much top soil would be required to re-sod the area, and the impact on drainage should the area be re-sodded. NEC Staff is to meet with the Conservation Authority to discuss their comments.”

Motion Carried

Broke for Lunch: 12:00 p.m.

Reconvened: 12:45 p.m.

C1 and C2 SUB # 9580

RE: STAFF REPORTS

Proposed Revisions to Provincial Class Environmental Assessment
Ministry of Natural Resources and Forestry Resource Stewardship and
Facility Development Projects
EBR Posting 012-3289
and
Proposed Revisions to Provincial Class Environmental Assessment
Ministry of Natural Resources and Forestry Provincial Parks and
Conservation Reserves
EBR Posting 012-3296

The Class Environmental Assessment (EA) for Ministry of Natural Resources and Forestry Stewardship and Facility Development Projects and Provincial Parks and Conservation Reserves are being updated and the revised Class EA’s are posted on the Environmental Registry. The Niagara Escarpment Commission was invited to provide comments.

Staff reviewed the Class EA documents and prepared letters for submission to the Ministry of the Environment and Climate Change (MOECC).

Staff is seeking endorsement of the comments and authorization to submit them to the MOECC.
**Note:** Nancy Mott, Senior Strategic Advisor, reviewed the staff reports.

**M764R9/10-2015**

Moved By: Louis  
Seconded By: Little

“*That the Commission accept the letters with a minor correction on page 2 of the letter regarding Stewardship and Facility Development Projects. The letter being submitted regarding Parks and Conservation Reserves did not require any changes and was approved as written.*”

*Motion Carried*

**C4 SUB # 9578**

**RE: PROPOSED 2016 COMMISSION MEETING SCHEDULE**

**BACKGROUND:**

Commission meetings are held every third (3rd) Thursday of the month with the exception of December. There are two Policy meetings held during the year with 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.

**RECOMMENDATION:**

That the Commission accept the proposed 2016 Meeting Schedule.

**Note:** Deb Pella Keen, Director, reviewed the proposed 2016 meeting schedule.

**M764R10/10-2015**

Moved By: Beattie  
Seconded By: McQueen

“*That the Commission confirm the January and February 2016 Commission meeting dates as proposed, and that the Commission wait for the announcement of the 2015 Co-ordinated Review schedule prior to setting the balance of the 2016 Policy and Commission meetings schedule.*”

*Motion Carried*

**NOTE:** The Commission is to consider the option of moving the one day spring 2016 Policy meeting (currently proposed for April 20th) to March 16 or moving both the Policy and Commission meeting in April (now proposed for April 20-21) to the week before (April 13-14).
INTRODUCTION:

The purpose of the Wetland Conservation Discussion Paper was to provide an overview of Ontario’s current wetland conservation framework; to increase awareness about the main issues and concerns related to the province’s wetlands; to provide stakeholders and the public with ideas and priorities for wetland conservation in Ontario; and to solicit feedback from a diverse array of stakeholders and the public. There were three priority areas of focus in the Discussion Paper: 1) Strengthening policy, 2) Encouraging partnerships, and 3) Improving knowledge.

The discussion paper was not intended to provide an assessment of the effectiveness of the current policy framework or evaluate the strengths and effectiveness of partner contributions. The paper also did not endeavour to outline science and research needs.

BACKGROUND:

Wetlands are land types commonly referred to as swamps, fens, marshes or bogs. They are critical ecosystems that provide numerous ecological functions including water storage and filtration, provision of habitat, and key ecosystem services that support human health and well-being such as carbon sequestration. Protection and restoration of wetlands are crucial to maintaining biodiversity and enhancing resilience to climate change.

RECOMMENDATION:

That the Commission endorse the letter signed by the Chair as the Niagara Escarpment Commission’s response to Wetland Conservation in Ontario: A Discussion Paper, prepared by the Ministry of Natural Resources and Forestry and posted on the Environmental Registry.

Note: Lisa Grbinicek, Senior Strategic Advisor, reviewed the Staff Report and answered questions.

Moved By: Cambray
Seconded By: Elgar

“That the Commission accept the staff recommendation with the changes to the letter as noted by the Commission and that the final letter be reviewed and confirmed by the Chair.”

Motion Carried
PROPOSALS:

S/R/2015-2016/9050

To construct a 1.5 storey, 632.4 sq m (6800 sq ft) dwelling, having a maximum height of 10.7 m (35 ft) and install a private sewage disposal system within an identified building envelope, accessed by an existing driveway on a 20.5 ha (50.74 ac) existing lot. Note: The existing driveway access is from an unmaintained portion of Collingwood Street. The applicant proposes to upgrade a portion of the road to municipal standards.

S/T/2015-2016/9051

To upgrade to municipal standards an approximately 366 m (1200 ft) long, 20 m (66 ft) wide portion of Collingwood Street to provide access to the subject property.

RECOMMENDATION:

That the proposals be refused for the following reasons.

S/R/2015-2016/9050

1. The lot is located on a portion of Collingwood Street that is currently unimproved and not maintained by the municipality and therefore does not meet municipal servicing requirements, as per General Development Criteria 2.2.1 d). Development of the lot is dependent on providing access from a public road that is maintained year round through the approval of S/T/2015-2016/9051.

2. The applicant has not provided enough information to determine whether the lot can sustain development without a negative impact on the Escarpment environment, as per the General Development Criteria 2.2.1 a), b), c) and d).

3. An Environmental Impact Study and detailed grading/site plan drawings would be required to assess whether the proposal will be able to satisfy Development Criteria 2.5 Steep Slopes & Ravines, 2.6 Water Resources, 2.7 Wooded Areas, and 2.8.2 Wildlife Habitat.
1. Only essential transportation and utility facilities are permitted within the Escarpment Natural Area designation. The proposed road upgrade through a portion of Escarpment Natural Area is not necessary to the public interest and therefore does not meet the definition of essential.

2. Detailed engineering plan and profile drawings would be required to assess whether the proposal will be able to satisfy Development Criteria 2.2.1 and 2.2.5 General, and 2.15 Transportation.

3. This application is not consistent with Part 1.1.5.5 of the PPS.

*These Applications have been deferred to the November 19, 2015 Commission Meeting at the request of the Applicant.*

**C3 SUB # 9581**

RE: STAFF REPORT
Conservation Authorities Act Discussion Paper
A review of the roles, responsibilities, funding and governance of conservation authorities under the Conservation Authorities Act

**BACKGROUND:**

The Conservation Authorities Act was passed in 1946, in response to poor land, water and forestry management practices which led to extensive flooding, erosion, deforestation and soil loss. Conservation Authorities are governed by the Conservation Authorities Act, and by a municipally appointed Board of Directors.

There are 36 Conservation Authorities in Ontario, seven (7) of which have jurisdiction within the Niagara Escarpment Plan Area. Staff noted that there are no Conservation Authorities in the Bruce Peninsula and therefore the municipality and/or the Ministry of Natural Resources and Forestry provides the commenting roll respecting matters like flood and erosion control in absence of a Conservation Authority.

**COMMENT:**

Staff reviewed the discussion paper prepared by the Province and drafted a response for submission through the Environmental Registry. The comments acknowledge the benefits of the current provisions of the Conservation Authorities Act, based on NEC experience. Staff limited the proposed responses to those areas that are relevant to the Niagara Escarpment Program.
RECOMMENDATION:

That the Commission endorse the letter signed by the Chair as the Niagara Escarpment Commission’s response to the Conservation Authorities Act Discussion Paper prepared by the Province and posted on the Environmental Registry.

Note: Lisa Grbinicek, Senior Strategic Advisor, reviewed the staff report and answered questions.

M764R12/10-2015

Moved By: Elgar
Seconded By: Beattie

“That the Commission accept the staff recommendation with the modifications to the letter as noted by the Commission.”

Motion Carried

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

M764R13/10-2015

Moved By: VanderBeek
Seconded By: Baty

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

Motion Carried

PLAN REVIEW 2015

PR1

NIAGARA ESCARPMENT PLAN REVIEW 2015
STAFF REPORT
Evaluation of Urban Amendment Requests Submitted during Phase 1 of Consultation for the Co-ordinated Land Use Planning Review

BACKGROUND

During the first phase of the Co-ordinated Land Use Planning Review (Co-ordinated Review) of the four provincial land use plans (February to May 2015), the Ministry of Natural Resources and Forestry (MNRF) and the Niagara Escarpment Commission (NEC) received applications to re-designate lands in the Niagara Escarpment Plan
(NEP) Area to urban designations (i.e., Urban Area, Minor Urban Centre, or Escarpment Recreation Area) or propose “urban uses” where they would normally not be permitted in the NEP Area. The reason for engaging in this process is set out in Section 6.1(2.2 and 2.3) of the Niagara Escarpment Planning and Development Act (NEPDA).

The role of the Commission was to provide advice to the Minister during the Co-ordinated Review. Any decision as to whether these proposals should move forward for further consideration is the decision of the Minister. Additional opportunities for applicants to comment will be provided during the second phase of consultation for the Co-ordinated Review.

The proposals received were evaluated and NEC staff placed each in one of four categories as follows: A) Not support – does not meet NEC evaluation criteria, B) Not support – should be subject to the regular NEP Amendment process, C) Defer until after the Co-ordinated Review, D) Support as criterion were met.

RECOMMENDATION

That the Commission endorse the recommendations on each of the proposals presented and forward its recommendations to the Minister of Natural Resources and Forestry as advice for his consideration.

DISCUSSION

The Commission reviewed and then discussed a number of the submitted proposals with NEC staff for clarity. Staff explained the reasoning behind each of the categories that were applied to the proposals in question.

It was noted that this Co-ordinated Plan Review is very different from past NEP Plan Reviews. NEC staff advised that there will be another round of consultation during the second phase of the Co-ordinated Review and that additional comments can be submitted at that time.

NEC staff advised the Commission that the Criteria used in the evaluation of each proposal was chosen to ensure that each proposal was considered with an open, transparent, fair and consistent approach.

Note: Ken Whitbread, Manager, reviewed the Discussion paper and answered questions.
Kim Peters, Lisa Grbinicek, and Nancy Mott, Senior Strategic Advisors, were present and answered questions.

M764R14/10-2015

Moved By: Alexander
Seconded By: VanderBeek

“That the Commission accept the staff recommendation.”

Motion Carried
BACKGROUND

This Discussion Paper was intended to cover those matters that have come up to the Niagara Escarpment Commission’s (NEC) attention in implementing the Niagara Escarpment Plan (NEP) where it would be appropriate for reasons of proper administration, clarity, streamlining, updating, delivery and good program planning to improve the policies, mapping and/or wording of the NEP. In some instances redundant sections are proposed for elimination or change and in others modifications are provided as follow up to prior Commission direction to reflect matters that have been dealt with at hearings and tribunals or before the Commission in considering its decisions.

RECOMMENDATIONS

- That the Niagara Escarpment Commission consider the Housekeeping and other Plan Modification items for inclusion in the Co-ordinated Provincial Land Use Planning Review.

- That the Niagara Escarpment Commission forward its recommendations on the Housekeeping and other Plan Modification items to the Minister of Natural Resources and Forestry along with the other proposed Amendments to the Niagara Escarpment Plan that the Commission has endorsed.

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

M764R15/10-2015

Moved By: Borodczak
Seconded By: Louis

“That the Commission accept the staff recommendations excluding the removal of Permitted Use 10 of Part 1.8 regarding Plan Amendment 145 approved by the Minister in September 2006. This should remain in the NEP.”

Motion Carried

NOTE: The Special Policy Areas identification for Waterdown and North Aldershot are recommended for removal as are the Escarpment Recreation Area designs for the former ski areas of Aspen and Cedar Highlands in the Town of Mono.
"That the Commission request NEC staff provide a letter to the Clerk of the lower and upper tier municipalities in the NEP Area with a link to the NEC website to the Discussion Papers regarding the 2015 Co-ordinated Plan Review once all the Discussion Papers have been completed."

Motion Carried

NEW BUSINESS

Manager Ken Whitbread advised the Commission that he is retiring on December 31, 2015, after 40 years with the Niagara Escarpment Commission. The Commission congratulated Ken on his upcoming retirement and thanked him for his many years of dedicated service to the Commission.

AGENDA ITEM VI – Adjournment

“That this meeting be adjourned."

Motion Carried

Time of Adjournment: 3:40 p.m.

Don Scott
Chair