


Guests: R. Pineo, Niagara Escarpment Program Team Leader, J. Gaweda, Niagara Escarpment Program Team; Natural Heritage Section, E. Kerr, Counsel, MNRF; R. Patrick, President, C.O.N.E.

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

Chair Don Scott presided.

Introductions:

Robert Pineo introduced Joanna Gaweda, Policy Analyst, who has joined MNRF for the next phase of the Coordinated Review. Joanna was welcomed by the Commission.
APPROVAL OF MINUTES –M766/01-2016

M767R1/02-2016

Moved By: Miller
Seconded By: McQueen

“That the Commission accept the Commission Minutes of January 21, 2016, as written.”

Motion Carried

BUSINESS ARISING FROM THE PREVIOUS MINUTES

None.

CONFLICT OF INTEREST DECLARATIONS

None declared.

MOTION FOR SPEAKERS

M767R2/02-2016

Moved By: Beattie
Seconded By: Horner

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

Motion Carried

IN CAMERA SESSION

M767R3/02-2016

Moved By: Louis
Seconded By: Little

“That the Commission move in-camera to receive advice on the topic of Conflict of Interest.”

Motion Carried
M767R4/02-2016
Moved By: Beattie
Seconded By: VanderBeek

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

Motion Carried

A1

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

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 October 31st on the existing 59.95 ac lot.

RECOMMENDATION:

That the revised Conditions outlined in the Appendix be Approved.

M767R5/02-2016
Moved By: Louis
Seconded By: Miller

“That the draft conditions of approval be approved as amended.”

REVISED CONDITIONS OF APPROVAL P/C/2015-2016/162

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.

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

7. No overnight patron camping (e.g., tents, recreational vehicles) shall be permitted on the property.

8. All parking shall be confined to the property and as identified on the final approved site plan.

9. All portable washroom facilities shall be removed from the property at the end of each event season (i.e. November 1<sup>st</sup>) and shall be located as shown on the final approved site plan.

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

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

12. The use of sound equipment (stereo, band set-up, etc.) for the purposes of playing dance music shall be limited to and only played within the approved barn under this permit.

13. No trees shall be removed in conjunction with the approved wedding barn or ancillary components (e.g. parking lot, portable washroom facilities, signage).

14. **Prior to commencing any events**, the applicant shall obtain Site Plan Approval from the Town of Caledon. The Site Plan Approval shall be consistent with the site plan referred to in Condition 5, and to the satisfaction of the NEC. Once approved, this site plan shall form part of the site plan referenced in Condition 5.

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

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

1. This Development Permit does not limit the need for or the requirements of any other approval, license or certificate under any statute or municipal by-law (i.e., Ontario Building Code, Liquor Licence Act, Town of Caledon noise bylaw).

Motion Carried

A2

DEVELOPMENT PERMIT APPLICATION W/R/2015-2016/121
Robert Sheppard and Deborah Cook
Part Lot 38, Concession 1
City of Hamilton (Former Town of Dundas)

PROPOSAL:

To demolish a 2-storey 592.35 sq m (6,376 sq ft) dwelling, construct a new 2-storey ±1,107.4 sq m (±11,920 sq ft) single dwelling, and alter the existing 2-storey 198.8 sq m (2,140 sq ft) detached garage which includes increasing the building height by 2.5 m (8.2 ft) to a maximum of ± 9.14 m (± 30 ft), on a 8.22 ha (20.31 ac) lot serviced by a private well and on-site sewage disposal system.

RECOMMENDATION:

That the application be approved subject to conditions.

Note: Martin Kilian, NEC Planner, reviewed the staff report and answered questions. Dr. Robert Sheppard, Applicant, was present to answer questions.

Moved By: Horner
Seconded By: VanderBeek

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

CONDITIONS OF APPROVAL W/R/2015-2016/121

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 demolition permit and building permit issued concurrently and within the three years is in effect and the development has been completed.

5. Development shall take place only in accordance with the site plan and development permit application submitted, and in accordance with the following conditions.

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 the existing dwelling, the construction of the new single dwelling, the renovations to the existing accessory building, and the replacement of the private sewage 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 the existing dwelling, the construction of the new single dwelling, the renovations to the existing accessory building, and the replacement of the private sewage 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 owner/applicant shall submit for the approval of the Niagara Escarpment Commission in consultation with the City of Hamilton (Natural Heritage Staff) and the Hamilton Conservation Authority, a Vegetation Protection and Landscape Plan identifying the existing vegetation to be protected and the measures to be implemented for that protection (including the identification of a suitable Vegetation Protection Zone with silt fencing to define the limit of construction area), and proposed landscape features and plantings in accordance with Condition 8. Once approved, this Plan shall form part of the Development Permit. The owner/applicant shall install and maintain the silt fence for the duration of the construction phase to ensure the protection of identified endangered species from entering the work area.

10. No demolition or construction activities shall occur during March and April of any calendar year.

11. All waste materials generated by the demolition shall be completely removed from the property (e.g. taken to an approved landfill site or salvage/reclamation facility, or re-used/recycled elsewhere) and not otherwise stored or buried on site.
12. This conditional approval expires one year from the date of confirmation of the decision to approve the Development Permit Application. All pre-conditions to the issuance of the Development Permit (i.e. Condition 9) must be fulfilled before the expiry date or the Development Permit will not be issued. (Note: the Niagara Escarpment Commission advises that it requires reasonable time to review the information required by Condition 9).

NOTE:

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

Motion Carried

PRESENTATION

RE: Credit Valley Historical Society Credit Valley Trail Project

Susan Robertson, Environmental Planner, Watershed Management, Credit Valley Historical Society, presented the 2 year plan for the Credit Valley Trail Project to the Commission.

The goal of the Project is to create a corridor of protected land along the Credit River with foot and bicycle paths that would be linked with the Bruce Trail, the Greenbelt and NEPOSS points of interest, such as the Limehouse Conservation Area, Forks of the Credit Provincial Park and the Ken Williams Conservation Area. The Credit Valley Historical Society is in the early stages of the process and is seeking general endorsement from the Niagara Escarpment Commission for the Trail, as well as continued staff involvement.

The Commission thanked Ms. Robertson for her excellent presentation.

M767R7/02-2016

Moved By: Beattie
Seconded By: VanderBeek

“That the Commission receive the Credit Valley Historical Society Credit Valley Trail Project presentation.”

Motion Carried
DEVELOPMENT PERMIT APPLICATION W/S/2015-2016/177
Ed English, Empire (Red Hill) Ltd.
Glover Mountain Road
Part Lot 27, Concession 5
City of Hamilton

PROPOSAL:
To construct a portion of a storm sewer system, including the storm water outfall structure comprised of a single cast-in-place concrete headwall, located within the Niagara Escarpment Development Control Area and the Escarpment Natural Area designation of the Niagara Escarpment Plan, in order to service the development of Red Hill Phase 1 and 2 lands (located outside the Development Control Area).

RECOMMENDATION:
That the proposal be refused for the following reasons:

REASONS FOR REFUSAL W/S/2015-2016/177

1. The proposed storm sewer outfall structure is not considered an essential utility facility and, accordingly, is not a permitted use in the Escarpment Natural Area of the Niagara Escarpment Plan.

2. The proposed storm sewer outfall structure does not meet Development Criteria Parts 2.2.1, 2.2.4, 2.5.2, and 2.15.2 of the Niagara Escarpment Plan.

Note: Martin Kilian, NEC Planner, reviewed the staff report and answered questions. Darrell Smith, Manager, Development Approvals, Planning and Economic Development, and Alvin Chan, Planner, City of Hamilton, presented and answered answer questions. Stephen Armstrong, Planning and Project Management, presented and answered questions. Jeff Gross, MMM Group, presented and answered answer questions. Dragan Zec, Urbantech Consulting, was present and answered questions.
COMMISSION DISCUSSION

The Commission expressed concern that the NEC was not consulted after initial contact on this project circa 1995. The Commission inquired if other locations for storm water output had been considered. The review of alternatives was considered inadequate by the Commission.

Commissioners questioned whether appropriate consideration had been given to the water budget of the overall area (Nash Neighbourhood) destined for development, and whether pre-development storm water quality and quantity would be maintained after the development had been completed. The proponent’s consultants assured members of the Commission that all these matters had been taken into account in preparing the detailed designs for the storm water system, and stated that pre-development flows through the storm water outfall would be maintained and water quality would be improved. NEC staff to work with the City of Hamilton and the proponent to ensure that the Conditions of Approval reflect these matters.

M767R8/02-2016 Moved By: VanderBeek
Seconded By: Downey

“That Development Permit Application W/S/2015-2016/177 be approved for the following reason:

The project is considered an essential utility facility for the planned development of the Nash Neighbourhood and, therefore, is permitted under Part 1.3, Permitted Use No. 7 of the Niagara Escarpment Plan."

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

For the Motion
Baty
Downey
Greig
McQueen
Miller
VanderBeek
Chair Scott

Against the Motion
Beattie
Cambray
Elgar
Horner
Little
Louis

Motion Carried

NOTE:

Chair Scott broke the tie vote.
PRESENTATION

RE: Brock University Boundary Interpretation

Note: Thomas A. Richardson, Solicitor, Sullivan Mahoney presented, and Tom Saint-Ivany, Associate Vice President, Facilities, Brock University, was available to answer questions.

Brock University requested the Niagara Escarpment Commission to consider the boundary interpretation of a specific portion of a 38 acre piece of land owned by the university located on the south side of Lockhart Drive in the City of St. Catharines. There appears to be conflicting information about the extent of Urban Area designation on the property. The Commission requested that the University provide a list of potential uses for the land. Mr. Richardson noted that additional student housing had been considered but nothing has yet been decided. Mr. Saint-Ivany agreed to consider the request.

The Commission thanked Mr. Richardson for his presentation.

PRESENTATION

RE: Niagara Escarpment Commission Annual Compliance Report and Operational Plan November 2015

The Commission was given an overview of the 2015-2015 Compliance Report and Operation Plan, which included a summary of responsive and proactive approach to achieving compliance with the Niagara Escarpment Plan. The report also outlined outreach with partner agencies, municipalities and the public in achieving NEC compliance objectives.

Note: Bohdan Wynnycky and O.J. MacDonald presented and were available to answer questions.

M767R9/02-2016 Moved By: Miller
Seconded By: VanderBeek

“That the Commission receive the Niagara Escarpment Commission Annual Compliance Report and Operation Plan 2015.”

Motion Carried
PR1 and PR2

RE: Co-ordinated Plan Review 2015
Summary of Discussion Papers

SUMMARY AND NEXT STEPS

NEC staff presented the 2015 Niagara Escarpment Commission Coordinated Plan Review Discussion Paper Executive Summaries. These were provided as advice to the Minister of Natural Resources and Forestry during the first phase of consultation on the Co-ordinated Review (May 2015), and are also posted on the Niagara Escarpment Commission website. The next phase of consultation is expected to start in 2016 when the Province releases its proposed amendments to the Plans under review. The Niagara Escarpment Commission will have a lead role in assessing the proposed amendments and comments received and provide final recommendations to the Minister under the process set out by the Niagara Escarpment Planning and Development Act. The Minister will consider the final recommendations of the Commission and submit the final NEP amendments to the Lieutenant Governor in Council for a decision.

Note: Lisa Grbinicek, Acting Manager, presented and answered questions.

M767R10/02-2016
Moved By: Beattie
Seconded By: Cambray

“That the Commission receive the Niagara Escarpment Commission Plan Review 2015 Executive Summaries document.”

Motion Carried

NOTE: The Commission thanked staff for the very helpful resource.

INFORMATION REPORTS (G AND H PACKAGES)

M767R11/02-2016
Moved By: Beattie
Seconded By: Greig

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

Motion Carried

COMMISSION DISCUSSION

The Commission commented that the new format of the Appeals and Hearings chart is very good.
IN CAMERA SESSION

M767R12/02-2016
Moved By: Beattie
Seconded By: VanderBeek

“That the Commission move in-camera to discuss a matter before an administrative tribunal affecting the NEC.”

Motion Carried

M767R13/02-2016
Moved By: Beattie
Seconded By: Baty

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

Motion Carried

Preamble to the motion from Commissioner McQueen:

On November 19th, the Niagara Escarpment Commission met in Owen Sound for its monthly meetings. Development permit application S/T/2013-2014/9152 Township of Clearview was presented to the commission by staff as a favorable report and supported the application.

There were a number of presentations made following the staff report with concerns with the proposal being presented.

There were many questions asked by the commission.

A motion was moved by Commissioner Borodczak, seconded by Commissioner Elgar “That the Development Permit application S/T/2013-2014/9152 be refused for the following reasons:

1. The road project does not meet the test of “essential” as defined in the NEP (Appendix 2, Definitions), which requires consideration of all options in the Niagara Escarpment Natural Area. The Development Permit application did not provide adequate evidence that all options had been taken into consideration.

2. A tunnel under (former) County Road 91, that will be used to move aggregate from the new Duntroon Quarry, was not in place, or taken into consideration, when the Development Permit application was made and is now operational, which further erodes the case for this road project to be deemed “essential”.
3. Development would offend the objectives of the NEP’s two most sensitive land use designations: Escarpment Natural Area and Escarpment Protective Area.

4. Development would cause environmental harm, in particular to cold water streams and would damage Escarpment slopes.”

At the request of Commissioner Elgar, the vote recorded: 11 to 1 (for the motion). Motion was carried.

At the January 21, 2016 NEC Commission meeting under 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 11 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.”

**M767R14/02-2016**

Moved By: McQueen
Seconded By: Elgar

“That the Commission recommends the Niagara Escarpment Commission be a Party at the hearing for Development Permit Application S/T/2013-2014/9152 along with legal assistance from the Ministry of Natural Resources and Forestry.”

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

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Motion Carried
NEW BUSINESS

No new business.

ADJOURNMENT

M767R15/02-2016  Moved By:  Beattie

“That this meeting be adjourned.”

Motion Carried

Time of Adjournment:  4:40 p.m.

__________________________________________
Don Scott
Chair