MINUTES OF M761/07-2015
NIAGARA ESCARPMENT COMMISSION
GEORGETOWN, ONTARIO
July 16, 2015


Regrets: None.


Also Present: Ala Boyd, Manager, S. Cooper, Land Use and Planning Advisor, Natural Heritage Section, Policy Division, MNRF; R. Patrick, President, C.O.N.E.

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

Chair Don Scott presided.

Introductions:

Chair Don Scott, on behalf of the Commission, welcomed Susan Cooper back.

AGENDA ITEM I – M759/05-2015

M761R1/07-2015 Moved By: Miller
Seconded By: McQueen

“That the Commission accept the Minutes of May 21, 2015 with a change in wording to the note on Page 10 regarding the Dark Skies policy.”

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

No business arising.

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

None declared.

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

**M761R2/07-2015**

*Moved By:* Beattie  
*Seconded By:* Baty

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

*Motion Carried*

**C1 SUB # 9574**

RE: PROPOSED ADDITION OF LANDS TO THE NIAGARA ESCARPMENT PARKS AND OPEN SPACE SYSTEM (NEPOSS)  
ESCARPMENT BIOSPHERE CONSERVANCY

**BACKGROUND:**

The Escarpment Biosphere Conservancy (EBC), an Approved Conservation Organization listed in Appendix 4 of the Niagara Escarpment Plan (NEP), wishes to add five properties (totaling 98.7 ha) within the NEP Area to Niagara Escarpment Parks and Open Spaces System (NEPOSS) for conservation purposes.

Included below is a list of the five EBC-owned properties proposed for inclusion in NEPOSS, including the proposed NEPOSS classification and draft park description for inclusion of Appendix 1 of the NEP.

It is proposed that one small property be classified as “Escarpment Access” with the remaining four properties classified as “Nature Reserve”. Two of the properties include the Bruce Trail. Several of the properties are in close proximity to existing NEPOSS lands.
RECOMMENDATIONS:

1. That Appendix 1 and Map 10 of the NEP be modified to include five additional properties in the Niagara Escarpment Parks and Open Space System;

2. That the properties be shown as Public Land (in the Parks and Open Space System) on the applicable land use maps of the NEP; and,

3. That the MNRF be informed that the Commission is satisfied that the addition of the subject properties is consistent with the objectives of NEPOSS so that the MNRF may confirm that they are also satisfied with this requirement for the addition of lands to NEPOSS.

Note: Ken Whitbread, Manager, reviewed the staff report and answered questions. Bob Barnett, Landowner Relations, Escarpment Biosphere Conservancy, made a brief presentation and answered questions.

M761R3/07-2015

Moved By: Little
Seconded By: Louis

“That the Commission accept the staff recommendations.”

Motion Unanimously Carried

C4

STAFF SUMMARY POSITION REPORT

PROPOSED NIAGARA ESCARPMENT PLAN AMENDMENT PD 204 14
NIAGARA ESCARPMENT COMMISSION
LAND USE RE-DESIGNATION of a former Gravel Pit
Operated by Doug’s Haulage
Part Lot 10, Concession 7 EHS
Town of Mono Dufferin County

PROPOSENT: Niagara Escarpment Commission (NEC)

OWNERSHIP: Douglas Wineholt (Doug’s Haulage)

PROPOSAL:

To undertake an Amendment to the Niagara Escarpment Plan (NEP) to allow for a site specific change to the Land Use Designations from Mineral Resource Extraction Area (MREA) to Escarpment Protection Area; as it relates to the surrender of the Aggregate Resource Act (ARA) licence on the former gravel pit operated by Doug’s Haulage.
RECOMMENDATION:

That the Niagara Escarpment Commission:

1. Endorse Niagara Escarpment Plan Amendment PD 2014 14, dated January 15, 2013 attached to this Report (as Appendix 2).

2. Not refer Amendment PD 204 14 to a Hearing or appoint a Hearing Officer under Section 10(3) of the NEPDA since there are no objections that require such a referral.

3. Authorize the Chair to forward Niagara Escarpment Plan Amendment PD 204 14, dated January 15, 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: Lisa Grbinicek, Senior Strategic Advisor, reviewed the staff report and answered questions.

M761R4/07-2015

Moved By: Miller
Seconded By: Cambray

“That the Commission accept the staff recommendation.”

Motion Unanimously Carried

C3

INFORMATION REPORT

DEVELOPMENT PERMIT APPLICATION N/I/2011-2012/371
Winona Concrete and Pipe Products Ltd.
Part Lot 20, Concession 2
Town of Grimsby Niagara Region

On April 16, 2015, staff advised the NEC that the applicant was intending to address the identified policy conflicts with the original proposal by submitting an application to amend the NEP through the Co-ordinated Review, an option not available earlier in the process. Staff advised that, should the NEC accept the request for the extended deferral, staff would report back to confirm whether or not the NEP Amendment application had been filed. The NEC agreed to the extended deferral.

Staff hereby confirms that such an application was received from the owner on May 26, 2015. The application seeks a site specific policy amendment to permit a fixed expansion of the use at 489 Main Street West and extending onto 487 Main Street West. The application is supported by a professional planning justification report.
Therefore, the owner has fulfilled his obligations to date regarding the terms of the extended deferral granted for the subject development permit application. Accordingly, the current deferral of the development permit application will continue until a final decision has been given on the NEP amendment application. At that time, staff will provide another information update.

**Note:** Martin Kilian, Planner, reviewed the staff report and answered questions.

### M761R5/07-2015

**Moved By:** Miller  
**Seconded By:** Beattie

“That the Commission receive the information report.”

**Motion Carried**

**NOTE:** The Commission requested staff provide another progress report for the October 2015 Commission meeting.

### C2 SUB # 9575

**RE:** INFORMATION REPORT  
Ontario Municipal Board Decision Case No’s. PL110857, PL091166  
Regional Official Plan Amendment 38 – Phase 2 – Aggregate Policy  
Halton Region

**BACKGROUND:**

Amendment No. 38 to the Region of Halton Official Plan (ROPA 38) was adopted in December 2009 and was subject to a number of appeals. The Ontario Municipal Board (OMB) hearing for those appeals was divided into phases based on the policy area (e.g. natural heritage, agriculture). The subject of the Phase 2 of the hearing that took place in February 2014 was aggregate policy. The Niagara Escarpment Commission has been represented in certain phases of the hearing to ensure that the ROPA 38 policies are not in conflict with the Niagara Escarpment Plan.

Staff gave evidence at the hearing along with other parties such as the Ontario Stone, Sand and Gravel Association, Nelson Aggregate Company, Holcim (Canada) Inc., the Region of Halton and the City of Burlington. The Ministry of Municipal Affairs and Housing and Conservation Halton attended the hearing but did not present evidence.

The Commission received a copy of the OMB decision with the Report.
CONCLUSION:

Staff recommends that the Commission receive the Report for information. Staff will bring future reports to the Commission on the final phases of ROPA 38, as policies are settled or addressed through decisions of the OMB.

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

M761R6/07-2015

Moved By: Elgar
Seconded By: Borodczak

“That the Commission receive the information report.”

Motion Carried

A4

DEVELOPMENT PERMIT APPLICATION D/1/2014-2015/141 (As built)
Holy Cross Orthodox Monastery
Part Lot 12, Concession 7 EHS
Town of Mono Dufferin County

PROPOSAL:

To recognize the establishment of a chapel (to be connected to existing on-site sewage disposal system) in a one-storey, ± 77.85 sq m (± 838 sq ft) portion of an existing dwelling (former attached garage) on a 7.02 ha (17.36 ac) lot. The applicant is also seeking to build two washroom facilities and add an exit door adjacent to the chapel.

Approval of this proposal also recognizes the construction of a 10 stall parking lot, demolition of a 400 sq ft barn, construction of an 80 sq ft vestibule and minor drainage works around the footprint of the chapel.

RECOMMENDATION:

The proposal be approved subject to conditions.

Note: Sean Stewart, Planner, reviewed the staff report and answered questions. Cristian Csafardi, Treasurer, Holy Cross Monastery, was present and answered questions.
“That the Commission accept the staff recommendation with the following conditions that includes an additional condition for an agreement to be registered on title that the Commission is to be advised if the property is sold and changes ownership.”

Holy Orthodox Monastery

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.

6. The institutional use shall not include the attached dwelling. The owners shall submit a Development Permit to the NEC for review should they wish to expand the space dedicated to institutional uses in the future.

7. The applicants shall obtain a Building Permit for any proposed interior renovations and shall demonstrate compliance with the Ontario Building Code.

8. Should the County of Dufferin deem it necessary, the applicants shall upgrade the existing on-site sewage disposal system to meet Ontario Building Code requirements.

9. The applicants shall obtain a Development Permit from the NEC for any property signs.

10. This approval is non-transferrable and will become void if and when the applicants sell or lease the property. Any continuation of an institutional use will require NEC approval.
11. Should a new Permit not be obtained in accordance with Condition 10 the area of the institutional use shall be converted back to a use accessory to the existing residence (e.g. garage).

12. The applicants shall apply for a Development Permit from the NEC for any large-scale outdoor special events held on the property.

13. **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 and acceptable to the Niagara Escarpment Commission pursuant to the *Niagara Escarpment Planning and Development Act*, which shall ensure:

   That the provision of Condition 10 respecting the sale or lease of the Property and the future use of the site requires notification to the Niagara Escarpment Commission.

14. The registered agreement forms part of this Permit and its provisions apply against any subsequent owners of the land and shall not be removed from title or altered without the prior written consent of the Niagara Escarpment Commission.

   *Motion Carried*

**A2**

**DEVELOPMENT PERMIT APPLICATION G/I/2015-2016/9019**

Hallman Lumber c/o Paul Hallman

Part Lot 2, Concession 12

Township of Chatsworth Grey County

**PROPOSAL:**

To undertake the following on an 11.7 ha (29 ac) existing lot containing a sawmill operation:

- construct a 1 storey, 318 sq m (3,425 sq ft) re-handling shop, having a maximum height of 9.1 m (30 ft);
- construct a 1 storey, 167 sq m (1,800 sq ft) lumber storage shed, having a maximum height of 7.3 m (24 ft)
- construct a 1 storey, 120 sq m (1,300 sq ft) accessory building (shed) having a maximum height of 7.3 m (24 ft).

**RECOMMENDATIONS:**

1. The application to construct three new buildings should be refused, as it does not comply with the Escarpment Rural Area designation, nor satisfy the Existing Uses Development Criteria and ‘small scale’ interpretation.
2. The construction of a 139 sq m (1500 sq ft) storage shed be approved as a minor expansion to an Existing Use in keeping with the Existing Uses Development Criteria (Section 2.4) of the Niagara Escarpment Plan, subject to Conditions, and locating within the ‘Structure Envelope’.

3. That no further development approvals be supported unless an Amendment to the Niagara Escarpment Plan is approved.

Note: Bev Nicolson, Planner, reviewed the staff report and answered questions. Paul Hallman, Applicant, was present and answered questions.

M761R8/07-2015

Moved By: Elgar
Seconded By: McQueen

“That the Commission approve the construction of a maximum 139 sq m (1500 sq ft) building with the following conditions that includes an extra note in Condition 11 which includes the size of the building to be stated in the Condition.”

Hallman Lumber c/o Paul Hallman

CONDITIONS of APPROVAL

G/I/2015-2016/9019

1. Non-fulfillment 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 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 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 which is absolutely required for the construction of the accessory building (storage shed).
7. No trees other than dead or diseased trees shall be cut or removed from the subject lands with the exception of those absolutely necessary for the construction of the accessory building (storage shed).

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. The accessory building shall not be used as a dwelling unit, for human habitation / accommodation, or for animal husbandry purposes.

10. **Prior to the onset of construction** a Building Permit issued by Township of Chatsworth, which is in accordance with the Development Permit Application and Site Plan as approved by the Niagara Escarpment Commission, shall be obtained.

11. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission**, the applicant shall submit, for the approval of the Niagara Escarpment Commission, **final construction details** for the accessory building, which shall be a maximum of 139 sq m (1500 sq ft), including exterior elevations, floor area, height above existing and proposed grades and the number of stories. Upon approval, these plans will be stamped “NEC Approved” and shall then form part of the Development Permit referred to in Condition # 5. Development shall occur in accordance with the approved final construction details.

12. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission**, an accurate and detailed **Final Site Plan and Landscape Plan** shall be submitted for the approval of the Niagara Escarpment Commission. This plan shall include the final location of all buildings and facilities (measurements from lot lines and between buildings); areas associated with a berm and/or tree retention abutting the County Road and east boundary; the location of new coniferous tree planted to increase the visual buffer of all new development; and, shall indicate locations and types of new exterior lighting, if any. The approved Final Site Plan shall form the Site Plan referred to in Condition 5 and development shall proceed in accordance with the details of the approved Final Site Plan.

13. 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**: The Niagara Escarpment Commission supports the protection of the night sky from excessive residential lighting and recommends that the applicant obtain information on shielding the night sky through the use and operation of appropriate lighting fixtures. This information is available at [www.darksky.org](http://www.darksky.org).

*Motion Carried*
NOTE: The applicant advised the Commission that the staff recommendation was acceptable and agreed with the Conditions of Approval as noted above.

A6

ADDENDUM REPORT
DEVELOPMENT PERMIT APPLICATION N/A/2013-2014/152
Justin Mamone – Losani Homes
Part Lot 23, Concession 3
Town of Grimsby Niagara Region

PROPOSAL:

To undertake site grading using fill material already placed on a portion of a vacant 19.5 ha (48.3 ac) lot to prepare this area for agricultural use.

REVISED RECOMMENDATION:

The proposal be approved subject to conditions.

Note: Martin Kilian, Planner, reviewed the staff report and answered questions. Sean Colville, Consultant, presented and answered questions. Justin Mamone, Applicant, was present and answered questions.

Moved By: Miller
Seconded By: McQueen

“That the Commission accept the staff recommendation which includes three amendments to the Conditions. Condition 8 to be shortened, an additional comment that the grading and seeding for preliminary ground cover shall be completed by October 1, 2015, and that the condition recommending the Site Recommendations provided in the July 7, 2015 report prepared by Colville Consulting shall be implemented also note that there must be a qualified agrologist on site to monitor the stripping and handling process to ensure that the soils are stripped and separated appropriately. Monitoring must also occur following construction to ensure compaction has been alleviated and that seeding of the site has been successful.”

Justin Mamone – Losani Homes

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 portion of this Development Permit pertaining to the implementation of the revised site plan approved by Condition 5 shall expire one year from its date of issuance unless the development has been completed. The time frame for implementation of the site recommendations referred to in Condition 10 and listed in Appendix B shall be as stated in those recommendations.

5. Development shall take place only in accordance with the revised site plan attached to the July 7, 2015 report prepared by Colville Consulting 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 stripping and stockpiling of topsoil, transfer of placed fill to the approved location, placement of topsoil over the transferred fill, as per the revised site plan approved by Condition 5.

7. The grading and seeding for preliminary ground cover shall be completed by October 1, 2015.

8. No additional fill material shall be imported to the subject property.

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

10. The Site Recommendations provided in the July 7, 2015 report prepared by Colville Consulting and attached as Schedule 3 shall be implemented. **Note**: A qualified agrologist must be on site to monitor the stripping and handling process to ensure that the soils are stripped and separated appropriately. Monitoring must also occur following construction to ensure compaction has been alleviated and that seeding of the site has been successful.

11. 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 NEC.

*Motion Carried*
Broke for Lunch: 12:20 p.m.
Reconvened: 1:00 p.m.

A3

DEVELOPMENT PERMIT APPLICATION G/F/2014-2015/9056
Frances Foresi
Lot 6, Concession 4
Municipality of Grey Highlands (Euphrasia) Grey County

PROPOSAL:
To construct an approximately 30 m x 100 m (width range from 66 - 100 ft x length approximately 360 ft) dug pond with a maximum depth of 5.5 m (18 ft), utilize the excavated material to create pond banks due to the undulating topography, install a bottom-draw outlet and a secondary emergency outlet at the north end of the pond, install a stone outlet channel directing any outlet water west to a nearby swale, relocate an existing grass farm lane accessing an old barn, and, plant mature and immature native trees and shrubs around the pond, on a 74.5 ha (184.1 ac) existing lot.

RECOMMENDATION:
The Development Permit Application should be approved subject to Conditions.

Note: Bev Nicolson, Planner, reviewed the staff report and answered questions. Alison Bond and Jeff Akitt, Consultants, presented and answered questions. Mr. and Mrs. Foresi, Applicants, were present.

M761R10/07-2015 Moved By: Miller
Seconded By: McQueen

“That the Commission accept the staff recommendation with the following conditions which includes an additional condition that additional work be done to ensure that the pond remains healthy by way of a nutrient management plan.”

Frances Foresi

CONDITIONS of APPROVAL

1. Non-fulfillment 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 development has been completed.

5. Development shall take place only in accordance with the Final Site Plan, Landscape Plan, and Development Permit Application as approved, and in accordance with these conditions.

6. No grading of the existing contours of the development area is permitted with the exception of that which is absolutely required for the construction of the pond and access and as per the Final Site Plan (Condition #11) and Landscape Plan (Condition #13).

7. No trees other than dead or diseased trees shall be cut or removed from the development area with the exception of those absolutely necessary for the construction of the pond and access path, and site rehabilitation as per the Final Site Plan (Condition #11) and Landscape Plan (Condition #13). Any trees to be removed shall be identified on the final Pond Design Concept.

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. Prior to the commencement of development, the applicant shall obtain a permit from the Grey Sauble Conservation Authority under the Conservation Authorities Act. A copy of this approval shall be filed by the Applicant with the Niagara Escarpment Commission and become part of this Development Permit Application record.

10. Prior to the commencement of development, appropriate erosion/sedimentation control measures (e.g., silt fence, limit-to-work fencing) shall be implemented and properly maintained throughout the project to prevent any sediment transfer into the adjacent watercourse, as shown on the approved Final Site Plan.
11. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission**, the applicant shall submit a Final Site Plan for Niagara Escarpment Commission approval, including the location of the pond; centre line of the access (grass path); location of the fire hydrant, outflow channel, and waterfall feature; setbacks from the abutting watercourses; and location of any material to be excavated for use in construction of the pond and its features (i.e., on-site clay material) or proposed location of any sediment storage (if any). All trees to be removed outside of these staked areas (e.g., trees adjacent to the slopes, etc.) shall also be flagged. Limit-to-work fencing, defining the work zone, shall be shown. The **Final Site Plan** and will be stamped “NEC Approved” and will form part of the Development Permit Application referred to in Condition #5. Development shall occur in accordance with the approved Final Site Plan.

12. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission**, the applicant shall submit, for the approval of the Niagara Escarpment Commission, **final construction details** for the pond, including elevations, details on overflow channel, location of silt removed during maintenance of the pond features, location of any clay product taken from within the property (and rehabilitation details of that area), fire hydrant, waterfall feature and details of uses around the top of the berm (i.e., extent of grass path (start and finish), picnic area, any service access), the means of stabilizing/re-vegetating any disturbed area should be identified, and, design details to include measures to ensure aeration of the pond so that anaerobic or stagnant conditions do not occur. This may include, but is not limited to, mechanical means (waterfall, fountains, and aerators) and shoreline works incorporating grading, rocks and vegetation.

**Inspections and certifications:**

a) Prior to the commencement of construction protective fencing shall be installed and inspected by the consulting engineer and a letter confirming the same provided to the NEC.

b) Subsequent to the completion of the grading and drainage works, including but not limited to the pond, overflow channel, waterfall and any other structures, a letter certifying the work has been completed in accordance with the approved final construction details shall be provided to the NEC by the consulting engineer.

Upon approval, these plans will be stamped “NEC Approved” and shall then form part of the Development Permit referred to in Condition # 5. Development shall occur in accordance with the approved final construction details.

13. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission**, an accurate and detailed **Final Landscape Plan** shall be submitted for the approval of the Niagara Escarpment Commission. This plan shall include the final location of the pond and all associated facilities, shall identify the areas of tree retention and removal and the areas of new tree planting, designed to buffer the visual impact of all new development, and shall include:
Condition 13 continued:

a) location and ‘Quality’ of Meadow mix proposed to stabilize the berms/slopes;
b) any landscape features (i.e., walkways, picnic areas, lighting), if any;
c) a list of the location, number, species and caliper of material installed (showing that the screening is effective within a short time frame); and,
d) if any transplanted material is proposed, the source location and information on replacement should it not survive.
e) shoreline planting species and layout associated with aeration of the pond as per the Final Construction Details (Condition 12).
f) installation of all plant material shall be completed within the first growing season (May to October) following completion of the structure.
g) all plant material shall be native species and guaranteed for a minimum of 18 months following installation. All plant material found during this time to be dead or dying must be replaced with a size and species to the satisfaction of the Niagara Escarpment Commission.
h) subsequent to the completion of the works a letter certifying the work has been completed in accordance with the approved plan shall be provided to the NEC by the consulting Landscape Architect.
i) any trees noted for preservation and damaged from the construction process shall be replaced on a per caliper basis.

The approved Final Landscape Plan shall form part of the Final Site Plan referred to in Condition # 5 and development shall proceed in accordance with the details of the approved Final Site Plan.

14. The pond shall not be filled, or water levels maintained or augmented by a drilled or dug well.

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:

The Niagara Escarpment Commission supports the protection of the night sky from excessive residential lighting and recommends that the applicant obtain information on shielding the night sky through the use and operation of appropriate lighting fixtures. This information is available at www.darksky.org.

Motion Carried

NOTE: The Commission requested staff compose a standard condition that will address the Commission’s concerns regarding pond nutrient management for use with this and all future pond applications.
DEV ELOPMENT PERMIT APPLICATION H/P/2014-2015/097
The Corporation of St. George’s Anglican Church
Part Lot 11, Concessions 3 and 4
Town of Milton Halton Region

PROPOSAL:

To install two-directional, non-illuminated permanent signage to advertise church activities/functions, on an existing 1.58 ha (3.9 ac) lot. Note: The proposed signage would consist of two sign surfaces, each measuring 2.4 m (8 ft) in width and 1.2 m (4 ft) in height, with each having a vertical surface area of 2.98 sq m (32 sq ft), and mounted on a single rectangular or square base, measuring 1.8 m (6 ft) in width and 1 m (3 ft) in height.

RECOMMENDATION:

The proposal be refused for the following reasons.

The Corporation of St. George’s Anglican Church

REASONS FOR REFUSAL

1. The proposed development conflicts with the Development Criteria under Parts 2.2.11.1b), c) and e), 2.2.4, 2.3.1 and 2.12.3 of the Niagara Escarpment Plan.
2. The proposed development conflicts with Objectives 1 and 2 of the Escarpment Rural Area

Note: Michael Baran, Planner, reviewed the staff report and answered questions.
Nigel Bunce, Parish Priest, presented and answered questions.
Peter Mercer, Consultant, was present and answered questions.

Motion Carried

"That the Commission defer the application for one month so that NEC staff and the applicant can discuss other sign options that could be considered and possibly permitted."

Moved By: Miller
Seconded By: Elgar
OVERVIEW

Policies related to the rehabilitation and after use of mineral resource operations

In September 2014, the Niagara Escarpment Commission (NEC) considered the first Discussion Paper on the topic of mineral aggregate resources and endorsed Option #1, to prohibit further aggregate extraction on the Escarpment. Further direction from the NEC in October 2014 requested that staff continue with further Discussion Papers on the topic of aggregate policy relevant to existing aggregate uses such as the review of the current Niagara Escarpment Plan (NEP) policies relating to the rehabilitation of sites formerly used for mineral resource extraction and the after use of those sites. The purpose of this paper was to consider whether the current policies on rehabilitation and after uses are sufficiently clear and effective or should be modified to better achieve the purpose and objectives of the NEP. The policy approaches of other provincial planning documents were evaluated and options were presented for possible policy changes to the NEP.

Current Issues

As part of a licence application, a rehabilitation plan must be prepared by the applicant. Agencies such as the NEC have an opportunity to comment on those rehabilitation plans. The final implementation stage of a mineral resource extraction licence includes a requirement to complete the rehabilitation of the depleted pit or quarry by restoring the land to support a compatible after use.

Issues that have been identified at both stages in the licence process include:

- Type of rehabilitation;
- Adequacy and extent of rehabilitation;
- Timeliness of commencement of rehabilitation and its final completion;
- Appropriateness of the proposed rehabilitated landform or proposed end use;
- Compatibility with surrounding rural land uses;
- The management of water resources during extraction and after rehabilitation;
- The timely removal of the processing and related equipment after extraction has ceased within the licensed site to promote prompt rehabilitation rather than the industrial use continuing;
- Compatible interim and after uses versus proposals for industrial uses, including manufacturing of aggregate products and aggregate recycling, after the extraction use has ceased delaying rehabilitation, introducing permanent industrial uses contrary to current NEP policies; and,
- Planning for after use potential as public parks and open space.
RECOMMENDATION AND CONCLUSION

Staff recommended that the Commission consider the options presented, and provide direction on the options presented for the Plan Review. Any final revisions to the policies on mineral aggregate resources can be addressed through housekeeping.

DISCUSSION

Staff noted that there is currently nothing in the Plan with regards to the recycling of aggregate but it is introduced in the new policies.

The Commission discussed the amendment of rehabilitation plans and at what point the Commission is involved in the process. The Commission will discuss the issue in more detail when the proposed changes to the Aggregate Resources Act (ARA) are released for comment/consideration.

The Commission had only a few specific comments to make regarding the Paper. The Commission noted that there is good information in the Paper but recommended caution to avoid duplicating work that is already being done by MNRF and not to have the policies of the NEP overlap with the ARA. Staff advised that the monitoring of mineral aggregate operations would be specific to the monitoring related to Development Permit conditions.

The Commission accepted staff’s preferred options with the exception under Part 2.11.1 item f) as this will be extremely difficult to achieve during the extraction phase. Staff noted that this could be achieved on those lands that were outside the extraction area.

The Commission had concerns that the recreation uses in an Escarpment Recreation Area Designation were not included in the objectives under rehabilitation. Past discussions had noted that rock climbing is an activity better suited in a properly rehabilitated quarry than on the natural Escarpment itself. Staff advised that certain recreational uses are permitted under the Mineral Resource Extraction Area Designation and any recreational uses would be a consideration when the pit or quarry is rehabilitated and changed through Amendment to another NEP Designation.

The Commission also advised caution regarding the availability of funds for rehabilitation through the TOARC fund for old pits and quarries as it applies to sites abandoned prior to 1971.

There was discussion on the proposed policy that sites going directly into the NEPOSS system after rehabilitation but staff advised that a private owner may not want that. The Commission noted doing so would encourage the aggregate industry to step up and the policies should reflect this direction.

The Commission advised that under Option 1 on page 28 that Objection 7 is not applicable as the Commission has already stated that there shall be no new aggregate
operations on the Escarpment and the same with Option 1 on page 36 the proposed objective should include the word “existing” before the words …mineral aggregate operations … again as the Commission’s position is there be no new mineral aggregate operations. This may have to be reflected in other policies proposed in the Report.

The Commission discussed the maximum allowable disturbed area under Rehabilitation Part 1.9 before the After Uses section. Staff noted that this policy is similar to and in the Greenbelt Plan. There was concern about the time limits to achieve rehabilitation proposed in Part 1.9.2 not being attainable. This may depend on the ARA review and ultimately this policy may not be needed in the NEP.

The Commission also recommended that staff work on adding more to 1.9.4 from 1.9.5 and make 1.9.5 specific to the monitoring being done by NEC staff not monitoring by MNRF under the ARA where it is MNRF’s responsibility.

The Commission discussed the issue of single dwellings being permitted in a rural area or near a pit or quarry operation. Staff noted that a single dwelling is permitted in not only the Escarpment Rural Designation but also in Escarpment Natural and Protection if the Development Criteria are met. The permission for a dwelling in a worked out pit or quarry is one introduced by the NEP through an earlier Amendment.

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

**M761R12/07-2015**

*Moved By:* Miller  
*Seconded By:* Elgar

“That the Commission endorse the staff recommendation with the modifications noted by the Commission.”

*Motion Carried*

**NOTE:** The Commission noted that the Paper was well written and that forward thinking had been applied.

The Commission was interested in obtaining information on the pits and quarries close to but outside the Plan Area as to how much aggregate is being produced or could be produced from the pits and quarries currently in operation and how many years will the licences be operational and whether those reserves could offset future mining in the NEP. Staff advised that there are proprietary issues that would prevent specific information from being obtained. However, there is information available under the SAROS Report but that Report also noted that there is not sufficient aggregate available to meet demand, and therefore it must be assumed that removing NEP reserves would exacerbate the projected situation.
NEW BUSINESS

The Commission asked about monitoring of Development Permit Conditions as a follow up to an outstanding action item from the April Minutes regarding as-builts. Staff advised that there is a Compliance Plan being drafted which will cover this topic. Staff will advise the Commission of the date that the Compliance Plan will be presented at the meeting in August.

AGENDA ITEM VI – Adjournment

M761R13/07-2015

“That this meeting be adjourned.”

Motion Carried

Time of Adjournment: 3:30 p.m.

Moved By: VanderBeek

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>Development Permit Application H/C/2013-2014/226 (Victor Petrovski) City of Burlington Halton Region</td>
<td>February 19, 2015</td>
<td>Commission requested NEC staff bring forward a report and recommendation on this Application in August as the applicant failed to submit an Amendment application by the May deadline.</td>
<td>August 20, 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>To be Confirmed</td>
</tr>
<tr>
<td>Strengthening policies in the NEP to provide better protection for the continuation of the Bruce Trail</td>
<td>July 15, 2015</td>
<td>Staff to meet with the Bruce Trail Conservancy.</td>
<td>Staff has since spoken with the Bruce Trail Conservancy</td>
</tr>
<tr>
<td>Adding more information to the Reason/Status section of the Deferred Items Chart</td>
<td>July 15, 2015</td>
<td>Staff will provide more information on the Deferred Items Chart and will review it carefully for accuracy.</td>
<td>To be implemented at the August 20, 2015 Commission meeting</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.</td>
<td>Staff to discuss with MNRF and MMAH</td>
</tr>
<tr>
<td>Task</td>
<td>Date</td>
<td>Details</td>
<td>Date</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>------------</td>
<td>--------------------------------------------------------------------------------------------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>Inform the municipalities of the lands being considered for addition to the Niagara Escarpment Plan</td>
<td>July 15, 2015</td>
<td>Staff to draft a letter to the municipalities.</td>
<td>Sent on August 20, 2015</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>Monitoring of Development Permit Conditions</td>
<td>July 16, 2015</td>
<td>Will form part of a Compliance Report and Operational Plan.</td>
<td>Fall 2015</td>
</tr>
</tbody>
</table>