MINUTES OF M796/06-2019
NIAGARA ESCARPMENT COMMISSION
GEORGETOWN, ONTARIO
June 20, 2019


Regrets: J. Horner, L. Pim


Also Present: R. Pineo, Niagara Escarpment Program Team Leader (MNRF), S. Cooper, Partnership Liaison and Advisor, Natural Heritage Section (MNRF), K. Novacek, Ministry of Natural Resources; R. Patrick, President, C.O.N.E.

Meeting called to order: 9:40 a.m.

Chair Russ Powers presided.

Land Acknowledgement

The Chair read the Land Acknowledgment.

Introductions:

The Chair welcomed the Commissioners and members of the public to the meeting. He advised that quorum would be lost, and the meeting halted if any Commissioners left the meeting. He also noted that at this time, quorum will not be met for September; he thanked Ministry of Natural Resources staff for working on Commissioner appointments.
The Chair introduced Katie Novacek, who is replacing Robert Pineo as the Niagara Escarpment Commission Team Leader.

**APPROVAL OF MINUTES – M795/05-2019**

M796R1/06-2019

Moved By: Mausberg
Seconded By: Haswell

“That the Commission approve the Commission Minutes of May 16, 2019.”

Motion Carried

**CONFLICTS OF INTEREST** – Declaration of Conflicts of Interest

None declared.

**MOTION FOR SPEAKERS**

M796R2/06-2019

Moved By: Haswell
Seconded By: Greig

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

Motion Carried

**DISCUSSION AGENDA: A, B and C PACKAGES (Staff Reports, External submissions)**

C1

**STAFF REPORT**

Ontario Aggregate Reform 2019

**BACKGROUND:**

The government posted a survey on the Environmental Registry in March 2019 seeking public comments on “reforming the aggregate industry in Ontario, cutting red tape and creating jobs”.

At the May 16, 2019 meeting of the NEC, staff gave a presentation with respect to mineral aggregate resources in the NEP Area. The Commission directed staff to respond to a government survey with respect to Aggregate Reform before the May 31, 2019 deadline. The NEC staff response to the survey was submitted before the deadline. NEC staff also submitted responses to a second survey on possible changes to the aggregate policies in the Growth Plan.

The Commission further directed staff to prepare a report to provide further information regarding possible changes to the process for reviewing applications for new or expanded pits and quarries in the NEP Area. The purpose of this staff report is to expand on the government survey to inform a more in-depth dialogue with MNRF staff.

As part of the consideration of the proposed reform to the application and policy approaches to make aggregate available to support Ontario’s growth, the NEC would like the opportunity to undertake further dialogue with staff of the MNRF in this regard. The NEC previously considered new approaches in 2010, through a sub-committee of NEC members, which proposed possible streamlining of the Plan amendment process for aggregate applications. The approaches considered at that time would have required changes to the NEPDA to be implemented.

Expanding on staff’s submitted comments and focussing on the land use planning approval process for mineral resource extraction sites, NEC staff provide the following suggestions within the NEP Area.

1. a) Co-ordinated comprehensive land use and licence review process:
   Under the current process, the land use, licensing, *Endangered Species Act* (ESA) and water resources approvals (*Ontario Water Resources Act*, OWRA) are largely sequential, not concurrent and have separate government (provincial and municipal), agency and public consultation processes.

   - Streamlining the process for reviewing new applications so that all approvals are dealt with at the same time (NEPDA, Planning Act, ARA, OWRA etc.) rather than sequentially, including the final Joint Board hearing (if any) would shorten the process and ensure that all approval authorities and the applicant are at the same stage in their understanding of the proposal. Process change could also include combined public meetings to satisfy the requirements of the NEPDA, ARA and Planning Act so the public does not have to attend multiple meetings and the applicant would save money on consultants by not having to make them available on multiple dates.

   - Having one provincial approval authority to have lead responsibility for a cradle-to-grave approach to coordinating, approving and regulating land use applications from pre-consultation, to the submission of an application through all related government approvals, surrender of licence, completion of rehabilitation and land use approvals for any after use of the site would assist in co-ordinating regulatory timetables and streamlining the related processes. Also, by making multiple approvals concurrent in the process,
it could save time and resources for the applicants and approval authorities.

b) Provide legislative authority to undertake Joint Agency Review (JART).
   - Require provincial, municipal and agencies to work together to review the applications, establish terms of reference, retain peer reviewers as necessary (with funding from the applicant or using application fees created through an amendment to the NEPDA to allow fee collection) and consult with the applicant on the associated technical studies, as part of the pre-consultation process before the formal application process begins.
   - This “JART” approach has been used on several aggregate applications in the GTA but it is done on a voluntary basis, not prescribed or authorized by legislation. The NEC typically chairs the JART meetings and coordinates the process, as the senior land use approval authority.
   - The JART approach prevents the applicant from having to deal with individual planning approval authorities separately and can help to bring better understanding of what is proposed and how it might be managed before the respective agencies have to make decisions on the various planning applications. This Joint Agency Review could be defined and required through regulation to ensure that it is applied consistently and has defined targets for this aspect of the application review process.
   - Ministry staff from the MNRF and the MECP should be included as JART members to ensure that they are familiar with the application when it comes time to give approval to the related applications (e.g. licence, Permit to Take Water).

c) Develop pre-consultation and application processing guidance material specific to aggregate applications: In October 2018, NEC staff provided an outline of guidance material to be developed for NEC applications for Plan amendments and Development Permits. For the purposes of the NEC and its approval authority for Plan amendments for new aggregate operations, this could include the development of “complete application” guidance material so that the applicant would know what submissions would be required to satisfy the general application requirements of the Plan amendment process set out in Part 1.2.2 of the NEP. Taking this concept a step further, application criteria could be required in regulation

NEC staff propose to bring a draft of the technical criteria for complete applications to the fall Policy meeting. Given the inter-related nature of aggregate applications with other provincial and municipal planning processes, separate and more detailed technical criteria for mineral aggregate resource Plan amendment applications should be considered.
2. Open data:

a) Licence Information: Ontario.ca website contains limited information about licensed pits and quarries in the province. NEC staff suggest that access to additional information about licensed sites would be useful to:

• follow up on compliance issues,
• answer public inquiries regarding activities at licensed sites,
• review and comment on changes to site plans, and
• review and comment on applications for new or expanded pit or quarry applications.

Although many agencies, including the NEC, maintain their own data bases to supplement the information on Ontario.ca, it would be helpful to have more detailed information about licensed sites in one central location, available to all levels of government, agencies and the public. In that way, access to land use planning approvals, licences, environmental compliance approvals would be much simpler, accurate and up to date.

b) Provincial information regarding natural heritage and agricultural areas is at a very coarse level. In addition to data about licence and land use approvals for licensed sites, it would also be helpful to have more detailed mapping data to inform decision-making regarding proposed pits and quarries or expansions of existing ones with respect to natural heritage and prime agricultural areas. Developing provincial constraint mapping at a more detailed level, so that the aggregate industry could direct their interest to aggregate resources in the areas subject to the fewest constraints, would also be helpful to the land use planning process. Commitments to data sharing amongst provincial ministries, municipalities and agencies could achieve this objective.

3. Adequate resources:

Fees: The process for reviewing Niagara Escarpment Plan Amendment and Development Permit applications related to new mineral resource extraction sites is necessarily thorough to ensure that the Purpose and Objectives of the NEP are met and an appropriate balance between land use compatibility, protection of key natural heritage and hydrologic features and the need for aggregate are appropriately balanced. As such, considerable staff resources are invested in the review of these applications and the support of peer review consultants is sometimes necessary to assist in the review of specialized technical studies that are outside the area of expertise of NEC staff.

The NEPDA does not permit the NEC to charge application fees. It would be beneficial to change the legislation to permit this so that the NEC would be able to offset the cost of the land use planning review process which includes newspaper notices and public meetings as well as staff time, as is done by municipalities under the Planning Act.
Training: While the NEC has had the benefit over many years of having staff who are experienced in aggregate policy and have participated in the review of policy reviews and Plan Amendment applications related to mineral resource extraction, routine succession planning would suggest that ongoing training of new staff is necessary to maintain the staff expertise in this policy area.

There is only one university planning course that NEC staff is aware of that is related to aggregates and one training course offered occasionally by the Ontario Professional Planners Institute. The Ontario Stone Sand and Gravel Association also offers occasional programs to inform planners about aspects of this field. Although the NEC hosted a training session with MNRF staff and invited municipal and conservation authority staff, it was some years ago and there is a need for training with respect to the ARA on a regular basis for staff who do not have this specific expertise as part of their land use planning education. This would facilitate a more informed review of applications involving new mineral resource extraction sites or revisions to site plans or licence conditions and could expedite the application review process. It should be noted that regulatory approvals for new pits and quarries takes place over a long period of time, further emphasizing the need for ongoing training of staff as new employees become involved in an ongoing application or when a file is re-assigned.

RECOMMENDATION:

That the Niagara Escarpment Commission (NEC) endorse the report and direct NEC staff to enter into discussions with staff of the Ministry of Natural Resources and Forestry (MNRF) regarding possible legislative, regulation and procedural changes with respect to the land use approval process for mineral resource extraction operations within the Niagara Escarpment Plan Area.

Note:

- Nancy Mott, Senior Strategic Advisor, presented and answered questions.
- Anissa McAlpine, Senior Planner, was available to answer questions.

M796R3/06-2019

\[
\begin{array}{ll}
\text{Moved By:} & \text{Greig} \\
\text{Seconded By:} & \text{Downey}
\end{array}
\]

“That paragraph 3 on page 6 of the report be amended to include ‘charging fees for aggregate applications’ and that NEC staff bring forward a separate staff report to the fall Policy meeting regarding charging fees for other NEC applications.”

Motion Carried
Moved By: McKinlay  
Seconded By: Haswell

“That the Commission endorse the staff report as amended, and direct staff to enter into discussions with the Ministry of Natural Resources and Forestry.”

Motion Carried

DISCUSSION:

The Commission requested further information on how aggregate data is shared; staff noted data is gathered on a case by case basis and there is central repository. Commissioner Robertson suggested that a data sharing agreement could be part of the JART process. Commissioner McKinlay asked if all agencies are required to participate in the JART process, and if not, was concerned about fairness to applicants.

The Commission discussed if charging fees for aggregate applications was permitted.

Commissioner Mausberg asked how the Commission will respond if the government’s Open for Business reforms are detrimental to the Niagara Escarpment Plan; the Chair advised that the Commission responds directly to the Minister of Natural Resources and Forestry.

B1

COMPLIANCE STAFF REPORT
Order to Restore #2019.002  
Joanne Vandenberg-Gallo, Daniel W. Gallo  
Concession 5 East, East Part Lot 31  
Township of Mulmur, County of Dufferin

BACKGROUND

On February 5, 2019 NEC staff received a public complaint alleging a large area of what was believed to be an ENA, was being significantly altered possibly without NEC approval.

On February 7, 2019 a site inspection was undertaken by NEC compliance staff. Work was immediately stopped by both the landowner and contractor and full cooperation was provided to NEC compliance staff.

On February 8, 2019 a joint agency site inspection was arranged by NEC compliance staff with the Ministry of Conservation and Parks (MECP) and the Nottawasaga Valley Conservation Authority (NVCA) which also included the landowner and contractor.
On February 14, 2019 a Provincial Officers Order was issued to the landowners by compliance staff from MECP to address the immediate concerns of sediment being released into the natural environment (a tributary of Mud Creek) in contravention of the Ontario Water Resources Act. Full compliance with the Provincial Officers Order has been maintained to date and continues to be overseen by MECP compliance staff. The matter remains under investigation.

Part 1 of the NEP establishes land-use designations and the permitted uses for development. The current land use designation affected by the unauthorized development is ENA. Section 1.3.3(8) of the ENA identifies Accessory Uses, (other than ponds) as being permitted. Section 2.6 Development Criteria of the NEP further protects Water Resources by ensuring that development not be permitted in areas where Key Hydrologic features are present.

Due to the levels of exposed sediment, risk of additional sediment spill(s), proximity to a watercourse and the inability of the applicant to seek an As-Built Development Permit to bring the unauthorized development into compliance with the NEPDA and the policies of the NEP, further action by NEC compliance staff is required to address the situation. Compliance staff have received support from both NVCA and MECP throughout the course of evaluating this issue. Oversight of all restoration will be undertaken by all three agencies in the appropriate capacities pursuant to their respective legislative authorities.

Preparation of this Order and its associated conditions meets the long-term objectives of the ENA designation by restoring the site to as close to pre-disturbance conditions as possible, restoring ecological function and ensuring the protection of the public of Ontario. This will be achieved by implementing a four-step approach to compliance which includes;

1. Immediate sediment stabilization
2. Site evaluation
3. Restoration and planting
4. Long-term monitoring

Based on the reasons outlined above, and pursuant to section 24(6) of the NEPDA NEC compliance staff are seeking the Commission’s endorsement of Order to Restore # 2019.002.

RECOMMENDATION:

The Order to Restore be approved subject to the following conditions:

1) Qualified professional(s) - Retain by July 5, 2019 a qualified person to complete all reports/studies required below, and, to oversee all aspects of the restoration required by this Order to the satisfaction of the Niagara Escarpment Commission.
2) No later than October 30, 2019 complete and file with the Niagara Escarpment Commission an Environmental Impact Study (EIS) prepared by the qualified person described in #1. The EIS is to address the affected area identified on map 1, including an assessment of the reference conditions of remnant wetlands and watercourses. The EIS shall include a concept plan, a final site plan and a report that addresses, at minimum, the following items:
   a) Installation of emergency / adequate erosion and sediment controls shall be conducted to limit the on-going impact to the environment, which also addresses the following stages of restoration:
      • Phase 1 (before) - Establish interim native aquatic vegetation on the site as part of a larger sediment control program (to limit sediment discharges to the Mud Creek Tributary), prior to the implementation of a wetland and watercourse restoration. The vegetation chosen shall attempt to replicate (by species and variety) pre-disturbance conditions.
      • Phase 2 (during) - Establish an effective sediment control program during the implementation of items #1(g) noted below.
      • Phase 3 (after) - Establish an effective sediment control program for the period from the completion of all restoration work to full re-establishment of all impacted vegetation\wetland\watercourses.
   b) Natural channel design for restoration of watercourse.
   c) Planting strategy to replicate pre-disturbance conditions.
   d) Restoration plan to regrade to original site conditions. Removal of any imported material, where applicable.
   e) Retroactive impact assessment of disturbed areas.
   f) Wetland feature re-creation plan to pre-disturbance conditions with a goal of the replication of ecological functions.
   g) Replacement of the watercourse(s) and wetland to pre-disturbance conditions with a goal of the replication of ecological functions.
   h) Final Grading and drainage plan
   i) Final erosion and sediment control plan (including all 3 phases noted above) and tree protection measures if required.

3) No later than August 30, 2019 complete Phase 1 of the approved sediment control plan.

4) No later than December 31, 2019 make reasonable efforts to seek to obtain a restoration permit from the Nottawasaga Valley Conservation Authority by making an application in good faith for a restoration permit from that agency.

5) No later than DEC 1 of each of years 2019, 2020, 2021, submit an annual compliance report by the qualified person described in #1 to the NEC detailing the restoration activities that took place during that year, including colour photographs.

6) No later than September 30, 2021 complete all restoration works required by this Order.
7) No later than October 30, 2021 submit a letter of confirmation from the qualified person described in #1 demonstrating whether all work required by this Order was completed in accordance with the Order.

8) Survival monitoring shall be conducted by the qualified person described in #1 over 3 years, twice annually in each of years 2021, 2022 and 2023, confirming whether all required restoration work’s and plantings have been successfully completed as per this Order and monitoring their success. A survival monitoring report prepared by the qualified person who conducted the survival monitoring shall be filed with the Niagara Escarpment Commission each of the 3 years.

9) Replacement of plantings shall be conducted as necessary to achieve a minimum 70% survival rate, using native aquatic plant species as recommended by the qualified person who conducted the survival monitoring.

Note:

- O. J. MacDonald, Compliance and Enforcement Officer, reviewed the order and answered questions.

M796R5/06-2019

Moved By: Haswell
Seconded By: McKinlay

“That Commission accept the staff recommendation.”

Motion Carried

DISCUSSION:

Staff noted that the land owners have been extremely cooperative with all of the agencies involved.

The Commission discussed how firm the rehabilitation dates are, cost of rehabilitation to the landowners, and if this could be used as a tool to reduce similar compliance issues. The Chair noted that staff have done and will continue to do outreach sessions that cover compliance in the NEP.

The Commission discussed professional levels of responsibility with compliance, e.g. landowner, contractor, machine operator. Staff noted that there is a level of professional responsibility that is considered in investigations.
BACKGROUND:

In December 2017, NEC staff received public and municipal complaints regarding the unauthorized removal or rock from an exposed rock face at the corner of Highway 26 and Concession 5 North in the Municipality of Meaford, and the construction of an on-grade laneway with the removed rock rubble on the subject property. A site inspection of the area was completed by NEC staff in December 2017. The landowner and worker were cooperative, agreed to voluntarily stop work and proceeded with seeking NEC permission to keep and complete what was started without approval.

In March 2018, NEC staff received Development Permit Application G/F/2017-2018/9262 to recognize the work that was started prior to the issuance of a DPA by the NEC and further seeking permission to complete the work as applied for in the DPA.

From August to December 2018 NEC staff received on-going concern from the public that work was continuing without NEC approval. Multiple roadside site inspections were completed in response to these concerns. No violations of the NEPDA were observed until December 2018.

In December 2018, NEC staff received a public complaint and confirmed that development was continuing without the necessary approvals, on lands not owned by the landowner or agent, and in conflict with the permitted uses of the NEP. As such, on December 21, 2018 Part 1 Provincial Offences Act tickets were issued to each of the landowner and worker for undertaking development without a permit. Order to Stop Work #2018.002 was also issued to both parties providing direction to immediately cease all work.

In January 2019, Development Permit Application G/R/2017-2018/9262 was refused by the NEC, as the application was deemed to not be a permitted use under the NEP, and it was primarily on property not owned by the applicant. The NEC decision was appealed by the applicant and was forwarded to NEHO.

In February 2019, a trial was requested by both parties to challenge the Part 1 tickets. The charge against the landowner was withdrawn by the Crown, as the worker agreed to plead guilty and a conviction was rendered.

In April 2019, the applicant withdrew their appeal of the NEC refusal of the Development Permit Application and the NEC decision was confirmed by the NEHO.
SUMMARY

As the matter remains unresolved, an Order to Restore is required to remove an ongoing safety hazard and to sufficiently restore the site.

Preparation of this Order and its associated conditions meets the long-term objectives of the Escarpment Protection Area designation by restoring the site to as close to pre-disturbance conditions as possible. This will be achieved by;

1. Removing the rock/aggregate debris from the road allowance removing the public safety risk.
2. Restoring soil and vegetation conditions in areas identified as “LOCATION B” where there is exposed rock face and/or remnants of the on-grade laneway that has not fully regenerated to date.

Based on the reasons outlined above, and pursuant to section 24(6) of the *NEPDA*, staff are seeking the Commission’s endorsement of Order to Restore # 2019.001. The ‘Order to Restore’ is focused on ensuring the site is sufficiently returned to its original state prior the unauthorized development.

RECOMMENDATION:

That the Order to Restore be approved subject to the following conditions:

CONDITIONS OF ORDER #2019.001

1) Remove all stockpiled rock/aggregate along the subject property boundary with the southerly road allowance of Highway 26 and the corner of 5th Concession North in the location “A” as shown on attached Map 2C.

2) Place all stockpiled rock/aggregate taken from location “A” to another location on the subject property that shall be no closer than 30 metres from either Highway 26 or 5th Concession North. Exportation of this material off-property shall not be permitted.

3) Place spread and seed topsoil on the exposed rock that was altered without NEC approval at the two locations “B” as shown on Map 2C.

4) By no later than September 1, 2019 conditions 1) through 3) above shall be completed in accordance with this Order.

Note:

O. J. MacDonald, Compliance and Enforcement Officer, reviewed the order and answered questions.
“That Commission accept the staff recommendation.”

Motion Carried

A1

DEVELOPMENT PERMIT APPLICATION H/R/2018-2019/140
1980971 Ontario Ltd. (Owner)
Ayub Shikh (Applicant)
Part Lots 6 and 7
Town of Milton, Region of Halton

PROPOSAL:

To construct the following for private use only, on a 15.2 ha (37.5 ac) lot:

- Single Dwelling: ± 2,980 sq m (± 32,080 sq ft), ± 14.6 m (± 48 ft) high
- Septic System/Bed: (Size to be determined)
- Accessory Office Building: ± 102.2 sq m (± 1,100 sq ft), ± 7.9 m (± 26 ft) high
- Indoor Swimming Pool: ± 325 sq m (± 3,500 sq ft), ± 10 m (± 35 ft) high
- Sports Building: ± 504 sq m (± 5,430 sq ft), ± 11.8 m (± 39 ft) high
- Tennis Court: ± 36 m x ± 18 m (± 120 ft x ± 60 ft)
- Equipment Shed: ± 232 sq m (± 2,500 sq ft), ± 9 m (± 33 ft) high
- Solar Panel Array: ± 372 sq m (± 4,000 sq ft)
- Power Transformer Structure: ± 100 sq m (± 1,074 sq ft)
- Retaining Walls: ± 457 m (± 1,500 ft)
- Extended Asphalt Drive: ± 330 m (± 1,083 ft) long by ± 7.6 m (± 25 ft) wide

Note: An estimated 17,000 cubic metres of fill is required to construct the dwelling as designed. Additional fill will be required to construct the septic bed, accessory structures, driveway and to grade for proper drainage.

RECOMMENDATION:

The proposal be refused for the following reasons:

Reasons for Refusal H/R/2018-2019/140

1. The proposed development conflicts with the Purpose and Objectives of the Niagara Escarpment Plan.
2. The proposed development is not consistent with the Provincial Policy Statement, specifically Section 1.1.5.4 (compatibility with the rural landscape).

3. The proposed development fails to meet Development Criteria 2.2.1 (cumulative impacts), 2.2.10 b and d (home occupations), 2.5.2 (slope setback), 2.5.4 (slope stability), and 2.13.5 (landform conservation).

4. It is not known if the proposed development can meet the policies in Parts 2.2.2 (hazardous sites), 2.5.4 (slope stability), 2.6.12 (source water protection), 2.9.12 (new development adjacent to extractive operations) and 2.13.1 (scenic resources).

Note:

- Kim Peters, Senior Strategic Advisor, reviewed the staff report and answered questions.
- Hassan Yousry, Agent, presented and answered questions.

**M796R7/06-2019**

*Moved By: Mausberg
Seconded By: Mackenzie*

*“That Commission accept the staff recommendation.”*

*Motion Carried*

**DISCUSSION:**

The Commission discussed the merits of deferring the application to allow the applicant time to complete required studies, or approving the application due to the historical use as a golf course. Staff noted that the applicant has requested to defer completing any studies until a Commission decision is rendered. Commissioner McKinlay noted that if the Commission approved the application, it would difficult to defend if appealed. Commissioner Robertson noted that the large amount of fill being applied for could have a significant negative impact on the Town of Milton’s Wellhead Protection Area Zone B.
CONSENT AGENDA: E PACKAGE (Staff Reports)

E1

DEVELOPMENT PERMIT APPLICATION: W/R/2018-2019/287
Rosa Beraldo
256 Lime Kiln Road
Part Lot 47, Concession 2
City of Hamilton (former Town of Ancaster)

Background:

Development Permit Application W/R/2018-2019/287 was received by the Niagara Escarpment Commission (NEC) in October of 2018. A revised proposal was subsequently received in January of 2019, to demolish a 944.5 sq. m (10,163 sq. ft.) dwelling having a height of 11.4 m (37.4 ft.) and small accessory building, and construct a new 2.5 storey, ±1,234 sq. m (±13,279 sq. ft.) single dwelling having a height of ±15.0 m (±49.2 ft.), a one storey, ±85 sq. m (±914.6 sq. ft.) accessory building having a height of ±7.3 m (24.0 ft.), re-locate an existing swimming pool, re-align the existing driveway and connect the new dwelling to municipal sewer services on a 2.7 ha (6.7 ac.) lot.

Note: The existing dwelling is serviced by a private septic.

May 16th, 2019: NEC staff presented the application to the Commission, recommending refusal as the proposed connection to the municipal sewer service is not permitted under the Niagara Escarpment Plan (NEP). Specifically, the proposal conflicts with Part 2.12.7 of the NEP which states in part that municipal water and wastewater systems shall not be located in, or extended into the Escarpment Natural Area, unless such servicing is required to address failed individual on-site servicing, or to ensure the protection of public health. As the development proposal entailed the extension of services from the NEP Urban Area into the Escarpment Natural Area, the proposed development conflicts with Part 2.12.7 and more broadly, Part 2.2.1 of the NEP.

The Commission supported a motion to endorse approval of the above-mentioned Development Permit Application, and directed Staff to present recommended conditions of approval at the next meeting of the Commission on June 20th, 2019.

Background:

Development Permit Application W/R/2018-2019/287 was received by the Niagara Escarpment Commission (NEC) in October of 2018. A revised proposal was subsequently received in January of 2019, to demolish a 944.5 sq. m (10,163 sq. ft.) dwelling having a height of 11.4 m (37.4 ft.) and small accessory building, and construct a new 2.5 storey, ±1,234 sq. m (±13,279 sq. ft.) single dwelling having a height of ±15.0 m (±49.2 ft.), a one storey, ±85 sq. m (±914.6 sq. ft.) accessory building having a height of ±7.3 m (24.0 ft.), re-locate an existing swimming pool, re-align the existing driveway and connect the new dwelling to municipal sewer services on a 2.7 ha (6.7 ac.) lot.

Note: The existing dwelling is serviced by a private septic.
At the May 16, 2019 Commission meeting, staff presented the application to the Commission, recommending refusal as the proposed connection to the municipal sewer service is not permitted under the Niagara Escarpment Plan (NEP). Specifically, the proposal conflicts with Part 2.12.7 of the NEP which states in part that municipal water and wastewater systems shall not be located in, or extended into the Escarpment Natural Area, unless such servicing is required to address failed individual on-site servicing, or to ensure the protection of public health. As the development proposal entailed the extension of services from the NEP Urban Area into the Escarpment Natural Area, the proposed development conflicts with Part 2.12.7 and more broadly, Part 2.2.1 of the NEP.

The Commission supported a motion to endorse approval of the above-mentioned Development Permit Application, and directed Staff to present recommended conditions of approval at the next meeting of the Commission on June 20th, 2019.

While adherence to the recommended Conditions of Approval would not bring the proposed development into conformity with Parts 2.12.7 and 2.2.1 of the NEP, NEC staff are satisfied that it would allow the proposed development to proceed in a manner that did not conflict with other relevant NEP Development Criteria.

Note:
- Jim Avram, Senior Planner, reviewed the staff report and answered questions.

Moved By: McKinlay  
Seconded By: Gilhespy

“That Commission approve the draft Conditions of Approval.”

Motion Carried

DISCUSSION:
Commissioner McKinlay requested confirmation that the municipality had no concerns with the draft Conditions of Approval.

Broke for lunch: 12:00 p.m.
Reconvened: 1:00 p.m.
A2

DEVELOPMENT PERMIT APPLICATION N/C/2018-2019/274
Elderlife Care Home Ltd. c/o Dr. Samuel Akinbolue
Part Lot 23, Concession 2
Town of Grimsby, Region of Niagara

REVISED PROPOSAL:

To replace a motel use with a private retirement residence complex on a 0.93 ha (2.31 ac) lot with municipal servicing, including:

   a) Removal of all five (5) existing structures, including a 2-unit residential building, 3 motel buildings, and an accessory storage building, which total ± 1,363 m² (± 14,672 ft²);

   b) a 2-storey ± 2,775 m² (± 29,869 ft²) private retirement residence with a maximum height to peak of ±7.9 m (±25.9 ft.) containing 44 units, with associated site alteration, landscaping, driveway and parking

RECOMMENDATION:

That the Application be approved subject to the following conditions:

CONDITIONS OF APPROVAL  N/C/2018-2019/274

1. Development shall occur in accordance with the Site Plan, Development Permit Application and Conditions as approved.

2. The Development Permit shall expire three years from its date of issuance unless the development has been completed in accordance with the Development Permit.

3. The landowner shall advise the Niagara Escarpment Commission in writing of the start and the completion date of the development. This notice shall be provided to the NEC 48 hours prior to the commencement of development, and within 14 days upon completion.

4. No site alteration of the existing contours of the property including the placement or stockpiling of fill on the property is permitted with the exception of that identified within the development envelope in accordance with the approved Site Plan.

5. No vegetation shall be cut or removed from the development envelope except for that identified within the development envelope in accordance with the approved Site Plan.
6. All disturbed areas shall be re-vegetated and stabilized, in accordance with the approved Site Plan, by the end of the first growing season following the completion of site grading and building construction. All trees, shrubs and nursery stock shall be native to Ontario except those where approved under the Development Permit. Native plant material should be sourced from local plant nurseries when available; bush dug plant material is not acceptable.

7. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission**, the applicant/owner shall submit for the approval of the Town of Grimsby, the Regional Municipality of Niagara Public Works Department, the Niagara Peninsula Conservation Authority, and the Niagara Escarpment Commission a **Final Site, Grading and Drainage Plan** prepared by a qualified professional. Once approved, this Plan shall form part of the Development Permit.

8. **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 retirement facility, including exterior elevations, exterior materials, floor area, exterior height above existing, exterior lighting, and proposed grades and the number of stories. Upon approval, these plans will be stamped “NEC Approved” and shall form part of the Development Permit referred to in Condition # 1.

9. **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 by the Region of Niagara, the Town of Grimsby, and Niagara Escarpment Commission that addresses tree/vegetation plantings and required screening planting. Stipulations:

   a) All new tree and shrub species shall be native to Ontario. Only in extenuating circumstances will non-native species be considered. 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 first growing season following the completion of site grading, servicing and building construction to the satisfaction of the Niagara Escarpment Commission.

   c) All plant material shall be guaranteed for 24 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.

   d) 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 Niagara Escarpment Commission by a qualified person.

The approved **Final Landscape Plan** shall form part of the Site Plan referred to in Condition # 1 and development shall proceed in accordance with the details of the Final Landscape Plan.
10. **Prior to the issuance of a Building Permit by the Town of Grimsby**, the applicant/owner shall enter into a Site Plan Agreement with the Town. Any revisions made to the proposed site plan or construction details shall conform with the details approved through Conditions 7, 8, & 9 and shall conform to the findings of submitted visual impact assessment (VIA) materials submitted by Ian Maclaren Architect Inc dated April 26, 2019.

11. All waste materials generated from the demolition shall be completely removed from the property (e.g., taken to an approved landfill site, salvage/reclamation facility, re-used/recycled elsewhere) and not otherwise stored or buried on-site. All disturbed areas shall be immediately stabilized / rehabilitated as per the approved Site Plan (Condition # 1).

12. This conditional approval shall be void if a Development Permit is not issued within two (2) years from the date the decision is confirmed.

**ADVISORY NOTES:**

A. This Development Permit does not limit the need for or the requirements of any other applicable approval licence or certificate under any statute (e.g., Ontario Building Code, Conservation Authorities Act, Endangered Species Act, etc). The Niagara Escarpment Commission Development Permit is required prior to the issuance of any other applicable approval, licence or certificate.

B. 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.

C. Should deeply buried archaeological remains/resources be found on the property during construction activities, the Heritage Operations Unit of the Ontario Ministry of Tourism, Culture and Sport shall be notified immediately. In the event that human remains are encountered during construction, the owner shall immediately notify the police or coroner, the Registrar of Cemeteries of the Ministry of Small Business and Consumer Services, and the Ministry of Tourism, Culture and Sport.

**Note:**

- John Stuart, Senior Strategic Advisor, reviewed the staff report and answered questions.
"That Commission accept the staff recommendation."

Motion Carried

DISCUSSION:

The Commission inquired if the design presented is final, and if there will be outdoor space for the residents. The applicant’s agent advised that the building design final, and the outdoor design draft is in progress.

The Motion was passed unanimously.

A3

DEVELOPMENT PERMIT APPLICATION N/E/2018-2019/392
Walker Aggregates Inc.
Part of lots 2, 3 and 4, Concession 6
Town of Lincoln, Region of Niagara

PROPOSAL:

To construct a, ±98.5 m (±1,056 ft²) concrete slab to support a 67 m² (±720 ft²) asphalt cement tank with a maximum height to peak of ±3.6 m (±11.83 ft), and to construct a 4-bin aggregate feeder and ground conveyor, on a 101.4 ha (250.7 ac) licensed asphalt/quarry plant.

RECOMMENDATION:

That the Application be approved subject to the following conditions:

CONDITIONS OF APPROVAL N/E/2018-2019/392

1. Development shall occur in accordance with the Site Plan, Development Permit Application and Conditions as approved.

2. The Development Permit shall expire three years from its date of issuance unless the development has been completed in accordance with the Development Permit.
3. The landowner shall advise the Niagara Escarpment Commission in writing of the start and the completion date of the development. This notice shall be provided to the NEC 48 hours prior to the commencement of development, and within 14 days upon completion.

4. No site alteration of the existing contours of the property including the placement or stockpiling of fill on the property is permitted with the exception of that identified within the development envelope in accordance with the approved Site Plan.

5. No vegetation shall be cut or removed from the development envelope except for that identified within the development envelope in accordance with the approved Site Plan.

6. All disturbed areas shall be re-vegetated and stabilized, in accordance with the approved Site Plan, by the end of the first growing season following the completion of site grading and building construction. All trees, shrubs and nursery stock shall be native to Ontario except those where approved under the Development Permit. Native plant material should be sourced from local plant nurseries when available; bush dug plant material is not acceptable.

7. Prior to the issuance of a Development Permit by the Niagara Escarpment Commission, an accurate and detailed Final Site Plan shall be submitted to the Niagara Escarpment Commission for approval. The approved Final Site Plan shall form the Site Plan referred to in Condition # 1 and will be stamped “NEC Approved”. Development shall proceed in accordance with the approved Final Site Plan.

8. 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 expansion, including exterior elevations, exterior materials, floor area, exterior height above existing, and exterior lighting. Upon approval, these plans will be stamped “NEC Approved” and shall form part of the Development Permit referred to in Condition # 1.

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

Notes/Advisories:

A) This Development Permit does not limit the need for or the requirements of any other applicable approval licence or certificate under any statute (e.g., Ontario Building Code, Conservation Authorities Act, Endangered Species Act, etc). The Niagara Escarpment Commission Development Permit is required prior to the issuance of any other applicable approval, licence or certificate.
B) The Niagara Escarpment Commission supports the protection of the night sky from excessive 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.

C) Should deeply buried archaeological remains/resources be found on the property during construction activities, the Heritage Operations Unit of the Ontario Ministry of Tourism, Culture and Sport shall be notified immediately. In the event that human remains are encountered during construction, the owner shall immediately notify the police or coroner, the Registrar of Cemeteries of the Ministry of Small Business and Consumer Services, and the Ministry of Tourism, Culture and Sport.

Note:
- John Stuart, Senior Strategic Advisor, reviewed the staff report and answered questions.

M796R10/06-2019

Moved By: Downey
Seconded By: Haswell

“That Commission accept the staff recommendation.”

Motion Carried

PRESENTATION

OHNIA:KARA PROPOSED GEOPARK

BACKGROUND:

A member of the Ohnia:kara Steering Committee gave a presentation on the Ohnia:Kara Aspiring Global UNESCO Geopark Project and requested Commission endorsement of the project.

A Geopark is defined by UNESCO as a “single unified geographical area where sites and landscapes of international geological significance are managed with a holistic concept of protection, education and sustainable development”. Ohnia:kara is a Mohawk word for “neck between two bodies of water”.

Geospatial Niagara is a non-profit organization working towards submitting an application to get Niagara Region designated as a UNESCO Global Geopark. They are seeking the support of stakeholders including the Niagara Escarpment Commission in supporting the proposed Geopark. There is potential for opportunities for collaboration with the Canadian Biosphere Reserve Association, particularly with respect to Indigenous engagement.

RECOMMENDATION:

That the Niagara Escarpment Commission receive the presentatiom from Geospatial Niagara and provide a letter of support toward its efforts to obtain a Global Geopark designation for Ohnia:kara in the Region of Niagara.

Note:

- Nancy Mott, Senior Strategic Advisor, to introduce speakers.
- Darren Platakis presented and answered questions.

M796R11/06-2019

Moved By: Downey
Seconded By: Mausberg

“That the Niagara Escarpment Commission receive the presentation from Geospatial Niagara and provide a letter of support toward its efforts to obtain a Global Geopark designation for Ohnia:kara in the Region of Niagara.”

Motion Carried

DISCUSSION:

The Commission thanked the Ohnia:kara Steering Committee for the presentation and congratulated them on the work completed to date.

The Commission requested further information on why the geopark was Niagara-specific, the level of municipal involvement, and suggested contacting the Canadian Biosphere Reserve Association.

CONSENT AGENDA: G PACKAGE PACKAGE (Information items)

M796R12/06-2019

Moved By: Mausberg
Seconded By: Gilhespy

“That the Commission move Consent Agenda Items G1 to G8.”

Motion Carried
A5

DEVELOPMENT PERMIT APPLICATION G/R/2018-2019/9172
Trent Bell
Lots 2 - 14 (Lot 13), Concession 11, Plan 16,
Municipality of Meaford (Sydenham), County of Grey

PROPOSAL:

To construct a two-storey, $431.82$ m² (4,649 ft²) single dwelling, an attached garage and covered porch with a maximum height to peak of $8.5$ m (28 ft), to install a private sewage disposal system and driveway, on a $2$ ha (5 ac) existing lot.

RECOMMENDATION:

That the application be approved subject to the following Conditions.

CONDITIONS of APPROVAL

1. Development shall occur in accordance with the Site Plan, Development Permit Application and Conditions as approved.

2. The Development Permit shall expire three years from its date of issuance unless the development has been completed in accordance with the Development Permit.

3. The landowner shall advise the Niagara Escarpment Commission in writing of the start and the completion date of the development. This notice shall be provided to the NEC 48 hours prior to the commencement of development, and within 14 days upon completion.

4. No site alteration of the existing contours of the property including the placement or stockpiling of fill on the property is permitted with the exception of that identified within the development envelope in accordance with the approved Site Plan.

5. No vegetation shall be cut or removed from the development envelope except for that identified within the development envelope in accordance with the approved Site Plan.

6. All disturbed areas shall be re-vegetated and stabilized, in accordance with the approved Site Plan, by the end of the first growing season following the completion of site grading and building construction. All trees, shrubs and nursery stock shall be native to Ontario. Only in extenuating circumstances will non-native species be considered. Native plant material should be sourced from local plant nurseries when available; bush dug plant material is not acceptable.
7. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission**, an accurate and detailed Final Site Plan shall be submitted for Niagara Escarpment Commission approval. The Plan 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 and address of the proposal, be dated (revisions as well) and denote the relevant consultant;

b) An accurate delineation of the approved development envelope with temporary fencing;

c) The accurate location of all structures, sewage disposal system and driveway within the development envelope showing setbacks from the property lines, watercourse, top/bottom of slope, wooded areas, etc.;

d) Extent of all disturbed areas;

e) The location and type of native trees to be planted on the property;

f) Extent and amount of fill removal or placement. Grading and drainage design including the areas of excavation and temporary or permanent fill placement. The type, quantity, quality and source location of any imported fill material must be accurately identified. Any fill material approved for importation under this Permit shall conform to the definition of “inert fill” per Ontario Regulation 347 and Table 1 of the Soil, Groundwater and Sediment Standards for use per Part XV.1 of the Environmental Protection Act, dated March 9, 2004;

g) Erosion and sediment control measures;

h) Final building design to be consistent with the information and drawings provided with the application and any modifications required by the Niagara Escarpment Commission. This would include, but not be limited to height to the peak of roof, area/square meters, architectural treatment, lighting and fenestration.

The approved Final Site Plan shall form the Site Plan referred to in Condition #1 and development shall proceed in accordance with the details of the approved Final Site Plan.

8. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission**, the **Final Construction Details** for the dwelling and the accessory building, including exterior elevations, floor area, height above existing and proposed grades, and the number of stories shall be submitted for Niagara Escarpment Commission approval. The approved Details will be stamped “NEC Approved” and shall form part of the Development Permit referred to in Condition #1. Development shall proceed in accordance with the approved Final Construction Details.

9. The dwelling shall not contain more than one dwelling unit.
10. **Prior to the commencement of any development**, appropriate erosion/sediment control measures shall be implemented and maintained as shown on the approved Site Plan (Condition #1) until all disturbed areas are stabilized. The landowner shall confirm the installation of the erosion/sediment control measures through the submission of photographs to the Niagara Escarpment Commission. It is the responsibility of the landowner to implement, monitor and maintain all erosion/sedimentation control structures until vegetative cover has been successfully established. Any deficiencies shall be addressed immediately.

11. This conditional approval expires **one (1) year** from the date of confirmation of the decision to approve the Development Permit application. Conditions #7, and 8 of this conditional approval shall be fulfilled **before** the expiry date.

**Notes:**

a) This Conditional Approval does not limit the need for or the requirements of any other applicable approval, licence or certificate under any statute (e.g., Ontario Building Code, Conservation Authorities Act, Endangered Species Act, etc). The Niagara Escarpment Commission Development Permit is required prior to the issuance of any other applicable approval, licence or certificate.

b) 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).

**Note:**

- Brandon Henderson, Senior Planner, reviewed the staff report and answered questions.
- Trent Bell, Applicant, was present to answer questions.

**M796R13/06-2019**

*Moved By:* McKinlay  
*Seconded By:* Haswell

“That Commission accept the staff recommendation.”

*Motion Carried*

**DISCUSSION:**

The Commission requested clarification on the history of the site-specific cumulative impact condition.
PROPOSAL:

To construct a one storey, ± 222.9 m² (2,400 ft²) addition to an existing one storey, 267 m² (2,875 ft²) commercial building (equipment sales and service business) with a maximum height to peak of approximately 5.5 m (18 ft), on a 0.89 ha (2.2 ac) existing lot.

RECOMMENDATION:

That the application should be refused for the following reasons:

REASONS FOR REFUSAL

1. The proposed development does not conform to Parts 2.2.1, 2.3.3, 2.3.4, 2.6.3, or 2.7.6 of the Niagara Escarpment Plan.

2. The proposal is contrary to the Objectives of the Escarpment Rural Area designation.

3. The proposal is not consistent with Section 2.1.1 of the Provincial Policy Statement.

Note:

o Brandon Henderson, Senior Planner, reviewed the staff report and answered questions.

o Sarah O'Donnell, Applicant, presented and answered questions.

Moved By: McKinlay
Seconded By: Haswell

"Whereas the proposed structure for storage purposes is compatible with the surrounding landscape be it resolved that the Commission approve the application, with appropriate conditions crafted by staff."

Motion Carried
DISCUSSION:

The Commission discussed how the 25% expansion is calculated and requested clarification on the definition of original footprint.

Commissioner Downey commented that the Commission has discretion regarding industry modernization versus expansion of existing use. The manager advised the Commission that the staff recommendation also considered potential impacts to water resources and natural heritage features.

Commissioner McKinlay complimented the Senior Planner on the staff report and recommendation.

The Chair advised that staff had prepared draft Conditions of Approval for the Commission’s consideration. The Commission reviewed and approved the draft Conditions:

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<th>CONDITIONS of APPROVAL</th>
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1. Development shall occur in accordance with the Site Plan, Development Permit Application and Conditions as approved.

2. The Development Permit shall expire three years from its date of issuance unless the development has been completed in accordance with the Development Permit.

3. The landowner shall advise the Niagara Escarpment Commission in writing of the start and the completion date of the development. This notice shall be provided to the NEC 48 hours prior to the commencement of development, and within 14 days upon completion.

4. No site alteration of the existing contours of the property including the placement or stockpiling of fill on the property is permitted with the exception of that identified within the development envelope in accordance with the approved Site Plan.

5. No vegetation shall be cut or removed from the development envelope except for that identified within the development envelope in accordance with the approved Site Plan.

6. All disturbed areas shall be re-vegetated and stabilized, in accordance with the approved Site Plan, by the end of the first growing season following the completion of site grading and building construction. All trees, shrubs and nursery stock shall be native to Ontario. Only in extenuating circumstances will non-native species be considered. Native plant material should be sourced from local plant nurseries when available; bush dug plant material is not acceptable.
7. Prior to the issuance of a Development Permit by the Niagara Escarpment Commission, an accurate and detailed Final Site Plan shall be submitted for Niagara Escarpment Commission approval. The Plan 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 and address of the proposal, be dated (revisions as well) and denote the relevant consultant;
   b) An accurate delineation of the approved development envelope with temporary fencing;
   c) The accurate location of all structures, sewage disposal system and driveway within the development envelope showing setbacks from the property lines, watercourse, top/bottom of slope, wooded areas, etc.;
   d) Extent of all disturbed areas;
   e) Extent and amount of fill removal or placement. Grading and drainage design including the areas of excavation and temporary or permanent fill placement. The type, quantity, quality and source location of any imported fill material must be accurately identified. Any fill material approved for importation under this Permit shall conform to the definition of “inert fill” per Ontario Regulation 347 and Table 1 of the Soil, Groundwater and Sediment Standards for use per Part XV.1 of the Environmental Protection Act, dated March 9, 2004;
   f) Erosion and sediment control measures and tree protection fencing;
   g) Setbacks to the surrounding significant woodlands and watercourse;

The approved Final Site Plan shall form the Site Plan referred to in Condition #1 and development shall proceed in accordance with the details of the approved Final Site Plan.

8. Prior to the issuance of a Development Permit by the Niagara Escarpment Commission, the Final Construction Details for the commercial building, including exterior elevations, floor area, height above existing and proposed grades, and the number of stories shall be submitted for Niagara Escarpment Commission approval. The approved Details will be stamped “NEC Approved” and shall form part of the Development Permit referred to in Condition #1. Development shall proceed in accordance with the approved Final Construction Details.

9. Prior to the commencement of any development, appropriate erosion/sediment control measures and tree protection fencing shall be implemented and maintained as shown on the approved Site Plan (Condition #1) until all disturbed areas are stabilized. The landowner shall confirm the installation of the erosion/sediment control measures through the submission of photographs to the Niagara Escarpment Commission. It is the responsibility of the landowner to implement, monitor and maintain all erosion/sedimentation control structures until vegetative cover has been successfully established. Any deficiencies shall be addressed immediately.
10. This conditional approval expires one (1) year from the date of confirmation of the decision to approve the Development Permit application. Conditions # 7 and 8 of this conditional approval shall be fulfilled before the expiry date.

Advisory Notes

a) This Conditional Approval does not limit the need for or the requirements of any other applicable approval, licence or certificate under any statute (e.g., Ontario Building Code, Conservation Authorities Act, Endangered Species Act, etc). The Niagara Escarpment Commission Development Permit is required prior to the issuance of any other applicable approval, licence or certificate.

A6

DEVELOPMENT PERMIT APPLICATION H/I/2018-2019/261
Andrew Fuller, Stefania Fuller
Part Lot 11, Concession 1
Town of Milton, Region of Halton

PROPOSAL:

To recognize the unauthorized establishment of a grass cutting and snow plow business (Pro Mow Maintenance Inc.) involving the use of two existing accessory structure and outdoor storage of machinery and vehicles.

RECOMMENDATION:

That the application should be refused for the following reasons:

REASONS FOR REFUSAL (Revised) H/I/2018-2019/261

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

2. The proposal does not conform to the Region of Halton Official Plan nor the Town of Milton official plan. The proposed is not supported by either of these consulted agencies.

3. The proposed is not supported by policies in section 2.3 for agriculture in the Provincial Policy Statement.
Note:

- Anissa McAlpine, Senior Planner, reviewed the staff report and answered questions.
- Mary Ann Poole, Neighbour, was present to answer questions.
- Andrew and Stephania Fuller, Applicants, presented and answered questions.

M796R15/06-2019

Moved By: Haswell
Seconded By: Gilhespy

“That the Commission defer the application to the September 2019 meeting to provide the Applicant more time to respond to staff concerns.”

Motion Carried

DISCUSSION:

Commissioner Downey inquired if a variance application would later the applicant’s options. Staff advised that if a use if not permitted, a Plan Amendment would be required. Commissioner Haswell noted that a deferral would provide the applicant more time to explore options and prepare for the next Commission meeting.

CHAIR’S ITEMS

The Chair recognized Landscape Architect Linda Laflamme, who is retiring in August. He thanked her for all of her work on the visual impact guidelines, and congratulated her on her recent Carl Borgstrom for Service to the Environment Award.

The Chair noted that Commissioner Greig’s appointment is expiring in August. He thanked her for her dedication and work with the Commission.

NEW BUSINESS

Commissioner Greig noted that a more fulsome discussion is required on the option to charge fees for NEC applications.
“That should the Commission choose to revisit the question of changing the legislation to permit charging application fees that the issue be discussed at a future policy meeting and should include a cost analysis and a proposal for consulting with stakeholders.”

Motion Carried

ADJOURNMENT

“That this meeting be adjourned.”

Motion Carried

Time of Adjournment: 3:50 p.m.

R.F. (Russ) Powers
Chair