MINUTES OF M784/01-2018
NIAGARA ESCARPMENT COMMISSION
GEORGETOWN, ONTARIO
January 18, 2018


Regrets:


Also Present: R. Pineo, Niagara Escarpment Program Team Leader, S. Cooper, Partnership Liaison and Advisor, Natural Heritage Section, J. Thompson, Counsel, Natural Resources and Forestry; R. Patrick, President, C.O.N.E.

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

Chair Russ Powers presided.

Introductions:

The Chair welcomed Deb Haswell to the Commission. Commissioner Haswell formerly served as a Commissioner 10 years ago.

It was also noted that a new Minster was announced on January 16, 2018 for the ministry. The scheduled Chair’s meeting with the previous minister will be rescheduled.

The Chair also noted that going forward, motions with several parts will be separated into individual motions.

CONFLICTS OF INTEREST – Declaration of Conflicts of Interest

Commissioner Horner declared a conflict with Agenda Item A2, D/R/2016-2017/490.
APPROVAL OF MINUTES – M782/11-2017

Moved By: McQueen
Seconded By: Horner

“That the Commission accept the Commission Minutes of November 2, 2017 as written.”

Motion Carried

APPROVAL OF MINUTES – M783/11-2017

Moved By: Mausberg
Seconded By: Baty

“That the Commission accept the Commission Minutes of November 16, 2017 with the addition of Commissioner McKinlay in the For the Motion column on page 17 and a clarification of Commissioner McKinlay’s comments on page 10.”

Motion Carried

NOTES:

The Director advised the Commission that he spoke with the Chair and Commissioner Downey regarding the 3 part motion regarding P/R/2016-2017/442 that was carried at the November 16, 2017 meeting. The requested staff analysis regarding farm labour housing and agricultural lands will concentrate on provincial-scale policies at this time. Commission objectives need to be clarified to define the scope. Staff will provide plan amendment process and justification information.

Commissioner Baty noted that the Niagara Region Planning Department would like to make a presentation to the Commission during their second quarter.

MOTION FOR SPEAKERS

Moved By: McQueen
Seconded By: Horner

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

Motion Carried
DEVELOPMENT PERMIT APPLICATION N/C/2017-2018/168
Henry of Pelham Vineyards c/o Paul Speck
Part Lots 5 and 6, Concession 8
City of St. Catharines, Niagara Region

PROPOSAL:

To construct a ±2,416 m² (±26,000 ft²) structure with a maximum height to peak of ±7.62 m (±25.0 ft.) to be utilized as part of the existing winery for production and bottling, as well as an additional parking area and retaining wall to the north of the proposed structure on a 20.8 ha (51.4 ac.) parcel that supports a vineyard, winery and winery incidental uses serviced by a private well and septic system.

RECOMMENDATION:

The proposal be approved subject to conditions.

Note: John Stuart, Planner, presented and answered questions.
Paul Speck, Applicant, was present and made a brief presentation.

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.

“That the Commission accept the staff recommendation with the following conditions.”
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 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, driveway and parking area within the development envelope showing setbacks from the property lines, watercourse, top/bottom of slope, wooded areas, etc.;
   d) A 15.0 m setback from the structure and associated development components to any portion of the banks of the open channel of the existing watercourse (Richardson Creek);
   e) A maximum achievable setback from the proposed parking area and retaining wall to the bank of the existing irrigation pond;
   f) Approximate setbacks from the structure to the piped section of the watercourse;
   g) Extent of all disturbed areas;
   h) 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;
   i) Erosion and sediment control measures;
   j) 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 applicant shall submit for the approval of the Niagara Escarpment Commission, **final construction details** for the agriculture-related storage and processing facility, including exterior elevations, materials utilized, floor area, height above existing 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. All materials and equipment used for the purpose of site preparation and project completion should be operated and stored in a manner that prevents any deleterious substance (e.g. petroleum products, silt, debris, etc.) from entering the natural heritage features.

10. Any equipment maintenance and refueling operations shall be set back sufficiently to prevent spills from entering the natural heritage features.

11. Any stockpiled materials should be stored and stabilized away from the natural heritage features.

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

**Notes/Advisories:**

A. 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 and Detritus Consulting 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 and Detritus Consulting.

B. 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.

C. 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).
DISCUSSION:

Commissioner Horner asked the Applicant to verify the number of people employed by the winery and if and where the seasonal workers are housed. The Applicant advised that there are 65 to 70 employees, including part-time and seasonal workers and that seasonal workers are housed offsite on another winery properties.

Commissioner McKinlay commended the Applicant for adding value to agriculture. Asked if the proposed building’s flat profile was because of possible visual impact. The Applicant advised that the low profile is in keeping with the other buildings on the property. Commissioner McKinlay inquired if the proposed underground pipe would go underneath the new building. The Applicant advised that the pipe will not be underneath the new building.

Commissioner Pim commended the Applicant for being a leader in the wine industry. She inquired what the use of the current building will be after the current use is moved. The Applicant advised the Commission that the building will be used fully for wine production.

NOTE:

The Applicant provided background on the winery’s history and advised that the intent of the proposed building is to help the winery become more competitive in the global wine market. He also noted that working with John Stuart was a very smooth process and that John Stuart has been a great addition to the development permit application process.

Motion Carried

A2

DEVELOPMENT PERMIT APPLICATION D/R/2016-2017/490
Chris Horner and Jan McCutcheon
Part of Lot 5 N, Concession 1 E
Township of Mulmur, Dufferin County

PROPOSAL:

To sever an existing 40.4 ha (99.89 ac) lot into a 36.58 ha (90.39 ac) lot and a new 3.84 ha (9.5 ac) proposed lot, and to construct a 1 storey, ± 195.10 sq. m (± 2100 sq. ft.) single dwelling (with attached garage) with a maximum height to peak of ± 6.1 m (± 20 ft.), a new driveway entrance, septic system, and well, on the proposed 3.84 ha (9.5 ac) lot.
RECOMMENDATION:

That the Application be **refused** for the following reasons:

**REASONS FOR REFUSAL**

1. The proposed development does not meet the lot creation policies contained in Part 1.4.4.1 of the NEP.
2. The proposed development is not consistent with the Purpose of the Niagara Escarpment Plan.
3. The proposed development is not consistent with Objective 4 of the Niagara Escarpment Plan and the objectives of the Escarpment Protection Area designation.
4. The proposed development is not consistent with lot creation policies contained in Part 6.4.6.4 of the Township of Mulmur *Official Plan*, which conform to the NEP policies.

**Note:** Sean Stewart, Planner, presented and answered questions.

DISCUSSION:

Commissioner McKinlay inquired if the original lot had met the severance maximum. The Planner noted that the other severances took place before the Niagara Escarpment Plan came into effect.

Commissioner Downey noted that severance applications are not specific to this application. The Planner agreed, noting that he receives at least two severance inquiries per week for the town of Caledon.

**M784R5/01-2018**

*Moved By:* Pim  
*Seconded By:* Haswell

“That the Commission accept the staff recommendation.”

*Motion Carried*

PRESENTATION

**Niagara Escarpment Commission Outreach Sessions**

Danielle D’Silva, Communications Coordinator, provided a brief overview of the upcoming February and March outreach sessions. Commissioners were invited to attend the sessions, advise the Communications Coordinator of their attendance, and to
forward her any municipal invitee contact information. Commissioner McKinlay requested that Bruce County Federation field services staff be invited.

Commissioner McKinlay asked if landowners are being invited to the sessions. The Communications Coordinator noted that these sessions are targeted to municipalities, conservation authorities, membership organizations, and industry/sector organizations. Sessions with landowners will be property-specific and are more suited to the development permit process. Staff will note what municipalities are being asked and develop communications materials to address; there will be brochures with key messages about the updated Plan available at each of the outreach sessions.

Commissioner Mausberg suggested celebrating the beauty of the Escarpment instead of discussing the update Plan. He inquired if the Greenbelt would be discussed; the Director advised that the Greenbelt would be discussed and that Greenbelt staff may attend the sessions. It was noted that the Greenbelt was proposed for expansion as a result of the Coordinated Review and the Niagara Escarpment Plan Area was not; the Chair will remind the Ministry of this.

Commissioner Gilhespy asked if sessions on how to implement the new plan will take place. Staff will discuss and bring back.

Commissioner Haswell noted that the outreach sessions show great initiative that will result in good media coverage after the events.

**M784R6/01-2018**

Moved By: VanderBeek
Seconded By: McQueen

“That the Commission receive the presentation.”

*Motion Carried*

**C1**

**STAFF REPORT**

Comments from Gravel Watch Regarding Cornerstone Standards Council Responsible Aggregate Standard and Certification System

**BACKGROUND:**

The Cornerstone Standards Council (CSC) is a collaboration of certain community, environmental and aggregate industry stakeholders. CSC created a voluntary Responsible Aggregate Standard and Certification System for Ontario pits and quarries in January 2015. NEC staff provided an Information Report to the Niagara Escarpment Commission (NEC) in March 2014 which expressed some concerns about the challenges presented by the certification program. In discussions on the staff report, the
NEC had additional concerns including negotiable licence extensions, lack of reference to adaptive management plans, the application of net gain principals in the standards, use of compensation and possible confusion between the Standard and provincial policy. The staff report and NEC minutes were sent to CSC.

From January 2015 to January 2017 CSC undertook a pilot program during which aggregate operations could be certified under the Standard. The purpose of the pilot was to test the Standard based on pilot audits of aggregate operations and feedback from industry stakeholders, measure benefits associated with certification, encourage procurement of CSC certified products and refine the auditing process for certifying an aggregate operation. Since the Standard was developed, four pits and quarries have become CSC certified, including the Dufferin Aggregates quarry in Acton.

In November 2017, the NEC received correspondence regarding the CSC Standard from Gravel Watch Ontario, a coalition of citizen groups and individuals which monitors matters relating to aggregate resources (see Appendix 1). The notice was also sent to municipalities. The purpose of this staff report is to provide the NEC with a copy of the notice received from Gravel Watch and provide information regarding the CSC aggregate certification program.

Gravel Watch expresses serious concerns with respect to the Responsible Aggregate Standard relating to the lack of specific targets against which to measure the achievements of the certified sites in meeting or exceeding regulatory compliance and best practices. They also expressed concern that the CSC’s auditing process is too limited to measure and assess whether an aggregate site is addressing adverse environmental impacts or adhering to site plan requirements.

NEC staff reviews Plan amendments and Development Permit applications for existing and proposed aggregate operations and provide comments to the Ministry of Natural Resources and Forestry (MNRF) on licence applications and to municipalities on Planning Act applications in and adjacent to the Plan Area. NEC staff is of the opinion that the appropriate means for ensuring that aggregate sites within the Niagara Escarpment Plan Area are operating in accordance with Niagara Escarpment Plan (NEP) policy and licence conditions is through the implementation of the NEP and Development Permit conditions, working with MNRF partners on the review and comment on licences and site plans and through our compliance program, where necessary and appropriate.

NEC staff is not aware that CSC has had an opportunity to respond to the concerns raised by Gravel Watch and therefore it would not be appropriate to respond to any of the specific concerns that they raise.

**RECOMMENDATION:**

That the Niagara Escarpment Commission receive the comments from Gravel Watch Ontario regarding the Cornerstone Standards Council Responsible Aggregate Standard and Certification System.
Note: Nancy Mott, Senior Strategic Advisor, presented and answered questions. Graham Flint, Gravel Watch, presented and answered questions.

DISCUSSION:

Commission Haswell noted that there is need for a Commissioner with aggregate knowledge on the Commission. She will bring the issue back at a future meeting.

Graham Flint from Gravel Watch presented to the Commission. He noted Gravel Watch’s concern that the original intent of the Cornerstone Standard Council’s Certification system is not being met, and that the current Standard is not a reflection of this original intent.

Commissioner Mausberg noted that the initiative is a complex process.

M784R7/01-2018

Moved By: Haswell
Seconded By: Baty

“That the Commission receive the Gravel Watch Ontario comments regarding the Cornerstone Standards Council Responsible Aggregate Standard and Certification System, and include the Ontario Gravel Watch letter as part of the motion.”

Motion Carried

A4 and B2

DEVELOPMENT PERMIT APPLICATION G/A/2015-2016/9153

Michael Jacob Pearson
Part Lot 38, Concession 25
Township of Georgian Bluffs (Keppel), Grey County

PROPOSAL:

To construct a 2 storey ±312.5 sq m (±3,360 sq ft) agricultural building (storage/barn/run-in), with a maximum height to peak of ±12 m (±40 ft), a ±97 sq m (±1,080 sq ft) accessory building (storage shed), with a maximum height to peak of ±9.1 m (±30 ft), and, to construct fencing to define the former barnyard and new pasture to the north and east of the accessory structures for livestock, on an existing 17 ha (42.7 ac) lot.

RECOMMENDATION:

That the application:

a) For a 2 storey, ±312 sq m (±3,360 sq ft) agricultural building be Refused for the following reasons:

Only existing agricultural uses are permitted within the Escarpment Natural Area.
b) For a 1 storey, ±97 sq m (±1,080 sq ft) accessory building, with a maximum height to peak of ±9.1 m (±30 ft) 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. The accessory building shall be used for the purposes of a storage/drive shed only and shall not be used for human habitation (i.e., living space), as a dwelling or apartment unit, or for commercial, institutional, home business, or industrial purposes.

8. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission**, an accurate and detailed Final Site Plan shall be submitted Niagara Escarpment Commission approval, showing the location of all structures, construction access routes and details of the erosion/sedimentation/limit-to-work control measures. 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.
9. 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, including exterior elevations, floor area, and height above existing and proposed grades. 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.

10. This conditional approval expires one (1) year from the date of confirmation of the decision to approve the Development Permit application. Conditions #8 & 9 of this conditional approval shall be fulfilled before the expiry date.

Note:

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.

DISCUSSION:

The Planner provided a summary of the application. The original proposal was a permitted use to some extent prior to the updated 2017 NEP. A portion of subject land was re-designated as a result of the updated 2017 NEP and the Applicant revised the proposal to stay in conformity with the new NEP. In addition, an environmental impact study (EIS) was required to address agency concerns, which also delayed staff analysis and recommendation.

Commissioner Pim asked if the proposal would have been approved under the previous plan. The Planner confirmed the proposal was a permitted use at the time.

Commissioner Baty inquired if “grandfathering” an active application is permitted under the new NEP. The Manager noted that grandfathering is no longer permitted. She noted that staff identified and processed many active applications that would be impacted by the new NEP and this application was unfortunately missed.

Commissioner McKinlay asked if the proposed agricultural use would be permitted if based on religion, i.e. storage for a horse buggy would be permitted, but not a barn for the horse. He expressed desire to bring fairness to the Commission’s decision. The Manager noted that this is an unusual circumstance.
Commissioner Pim asked if the use would be permitted if the designation had not changed; yes, it would be permitted. The Commissioner also inquired if the only way to approve this application would be through a Plan Amendment. The Chair noted that the Commission has the ability to approve the application today.

Commissioner Baty asked if the current proposed location is the most appropriate or if there would be a location with the least amount of impact. The Planner noted that the EIS indicated that the area of least impact.

Commissioner Pim suggested that the new ban, if approved, be built within the building envelope of the previous barn’s foundation.

The Applicant presented to the Commission his concerns regarding the length of time it took to reach a recommendation, and that the use is not new, it is being re-established.

M784R8/01-2018

Moved By: Baty
Seconded By: McKinlay

“That the Commission recommends approval of Development Permit application G/A/2015-2016/9153 for the following reasons:

a) The area of the proposed barn construction will be within an existing clearing, and in the same location as the remnant foundation of a barn that was previously located on this site.

b) Construction of the barn and related fencing will provide protection to the more natural and sensitive portions of the Escarpment Natural Area by containing the livestock, which will allow the area to better regenerate and meet the objectives of the Escarpment Natural Area subject to the following revised 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. Minimum Distance Separation calculations were undertaken based upon the information provided, should the property owner wish to increase the number of livestock a new MDS calculation and Development Permit Application should be undertaken.

8. The accessory building shall be used for the purposes of a storage/drive shed and the agricultural building shall be used for the purposes of storage/barn only and shall not be used for human habitation (i.e., living space), as a dwelling or apartment unit, or for commercial, institutional, home business, or industrial purposes.

9. **Prior to the commencement of any development**, appropriate erosion/sediment control/limit-to-work measures/fence shall be implemented between the barn and barnyard, 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. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission**, an accurate and detailed **Final Site Plan** shall be submitted Niagara Escarpment Commission approval, showing the location of all structures, construction access routes, location of fencing, setback from lot lines and details of the erosion/sedimentation control measures. 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.
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/agricultural buildings, including exterior elevations, floor area, and height above existing and proposed grades. 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. This conditional approval expires one (1) year from the date of confirmation of the decision to approve the Development Permit application. Conditions 10 & 11 of this conditional approval shall be fulfilled before the expiry date.

Note:
  i) 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.

  ii) 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.

Chair Powers appointed Commissioner VanderBeek to act as the Chair before advising the Commission that the application cannot be exempted though it could be approved with appropriate Conditions of Approval. He also commended the Planner for exemplary effort to keep the Proposal compliance with the new NEP. Chair duties were then resumed by the Chair.

Note: Bev Nicolson, Planner, presented and answered questions.
       Michael Pearson, Applicant, presented and answered questions.

The Commission agreed to review the draft Conditions of Approval after the lunch break.

Broke for lunch: 12:15 p.m.

Reconvened: 1:00 p.m.
A4 and B2 - Continued

DEVELOPMENT PERMIT APPLICATION G/A/2015-2016/9153
Michael Jacob Pearson
Part Lot 38, Concession 25
Township of Georgian Bluffs (Keppel), Grey County

Staff presented draft revised Conditions of Approval.

At the request of Commissioner Baty, the vote was recorded.

For the Motion:
Baty
Downey
Gilhespy
Greig
Horner
Mausberg
McKinlay
McQueen
Pim
VanderBeek

Against the Motion:
Haswell

Motion Carried

PRESENTATION

Ron Chyczij, President of Poltawa Country Club, made a presentation and answered questions.

M784R9/01-2018

Moved By: McQueen
Seconded By: Haswell

“That the Commission receive the presentation.”

Motion Carried
PROPOSAL

To construct a 2 storey (with walk-out), ± 656.80 sq m (± 7070 sq ft) single dwelling with a maximum height to peak of ± 13.2 m (± 43.33 ft), a ± 122.25 sq m (± 1316 sq ft) attached garage, a 1 storey, ± 45.52 sq m (± 490 sq ft) pool cabana with a maximum height to peak of ± 4.27 m (± 14 ft), to construct ± 189.79 sq m (± 2043 sq ft) of deck space, a ± 187 sq m (± 2012.75 sq ft) patio walkway, a swimming pool, a septic treatment system, and driveway expansion, on a 1.5 ha (3.7 ac) lot.

RECOMMENDATION:

That the application be **refused** for the following reason:

The subject parcel was not created in conformity with the *Planning Act R.S.O 1990 C. P.13.* and thus is not recognized as a developable lot under the provisions of the *Niagara Escarpment Planning and Development Act (NEPDA)* or the *Niagara Escarpment Plan (NEP).*

**Note:** John Stuart, Planner, presented and answered questions.

DISCUSSION:

The Applicant presented to the Commission, stating that in his legal opinion, the court-ordered lot severance is valid, and the court process is also used to correct title errors. He noted that the town of Pelham issued individual deeds for each of the lots, and that he had successfully used this process to create developable lots on the city of Thorold. In the Applicant’s opinion, the court order trumps the Niagara Escarpment Planning and Development Act. He also questioned the prime agricultural land designation, citing the low level of the land and the onsite gulley and mature forest.

Commission Mausberg inquired why the Town and Region did not support the Application. The Applicant stated that the Town had mistakenly considered the lot severances were a testamentary devise. The court case was initiated due to a land dispute between the owners.
“That the Commission move in-camera to receive legal advice.”

Motion Carried

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

Motion Carried

“That the Commission accept the staff recommendation.”

Motion Carried

SECOND ADDENDUM STAFF REPORT
DEVELOPMENT PERMIT APPLICATION P/R/2016-2017/442
Pam Jackson and Josh Phillips
Part Lot 14, Concession 3, EHS
Town of Caledon, Peel Region

PROPOSAL:

To construct a 2 storey ± 288 sq. m (± 3100 sq. ft.) detached second single dwelling on an existing 40 ha (100 acre) parcel which currently supports a 232 sq. m (2500 sq. ft.) single dwelling (farm house), and associated accessory barns, and drive sheds in the Escarpment Rural Area designation; construct a separate access way on a ± 3 ac portion to be added to the subject parcel from the adjacent lot.

BACKGROUND /CHRONOLOGY:

The Development Permit Application was received in March 2017.

At the October 19, 2017 meeting, the Commission passed a motion to approve the above noted Development Permit Application against the staff recommendation of refusal, subject to conditions of approval to be drafted by staff and presented to the Commission at a later date.
The staff recommendation presented to the Commission in the October 19, 2017 was refusal of the application on the basis that the proposal for a second single dwelling on an existing lot of record which already supports a single dwelling, does not comply with the Niagara Escarpment Plan (NEP) Permitted Uses or applicable Development Criteria of Part 2. Staff also concluded that the proposal does not conform to the Provincial Policy Statement (PPS, 2014), or the Town of Caledon Official Plan.

At the November 2, 2017 meeting, the Commission gave notice of intent for a motion to be made to reconsider its motion in relation to Development Permit Application P/R/2016-2017/442 (Jackson & Phillips), at its November 16, 2017 meeting.

At the November 16, 2017 meeting, a letter was received by the Commission from the Coalition on the Niagara Escarpment (CONE). The CONE correspondence indicated that should the Commission approve the application with conditions, it is CONE’s intent to appeal on the basis that, in CONE’s opinion, the decision is contrary to the Niagara Escarpment Planning and Development Act (NEPDA) and the NEP.

The Commission passed a motion for Development Permit Application P/R/2016-2017/442 to be reopened and discussed further.

Staff provided an Addendum Report to the Commission which outlined options available to the Applicant, as supplemental information to the Commission should they decide to refuse the Development Permit application on the basis that it is in conflict with the NEP.

Ultimately, the Commission supported a motion that Development Permit application P/R2016-2017/442 (Jackson and Phillips), be approved with appropriate conditions to be presented to the Commission at the January 2018 meeting for consideration.

As noted above, staff has been directed to return to the Commission with conditions of approval for consideration by the Commission.

Staff has not changed its professional planning advice to the Commission that the proposal, as submitted, does not meet the NEP Part 1 Permitted Uses and Part 2 Development Criteria. As staff has previously stated, given the identified conflict with the NEP, there are no Conditions of Approval that could be recommended by staff that would bring the application, as proposed by the Applicant, into conformity with the NEP.

Staff continues to recommend to the Commission that, given the proposal clearly does not meet the policies of the NEP, the proper process for the Commission to consider the Applicant’s proposal is through an NEP amendment application. Staff makes no predetermination on the outcome of an amendment application. It is noted here simply to re-iterate to the Commission that under Section 25(4) of the NEPDA, the Commission may only approve development that is in accordance with the NEP. Therefore, any development proposal that is not in accordance with the NEP must be considered through the amendment process.

However, as per the Commission’s direction at the November 16, 2017 meeting, staff has drafted the attached Conditions of Approval as a technical exercise, providing best
planning advice under the circumstances, should the proposed development be approved. It is within this context staff recommends that a number of conditions be completed “prior to the issuance of a Development Permit by the NEC”. These conditions are aimed at mitigating the extent to which this development proposal, if approved by the Commission through a Development Permit, would be in conflict with the Purpose, Objectives and policies of the NEP.

Further, these conditions are to ensure that the development as proposed is carried out in a manner that, over time, would bring the development closer into conformity with the NEP (specifically the NEP Permitted Uses respecting one single dwelling per lot of record and policies respecting dwelling units accessory to agricultural uses). Such conditions (Conditions # 6 & #7), recommend that an Agreement on Title be entered into which identifies that either the existing or new single dwelling be removed from the property at a specific point in time in the future. However, it is important to note that notwithstanding the fulfillment of these conditions being proposed as mitigation measures, this development would still not be in full compliance with the provisions of the NEP.

RECOMMENDATION:

That the Commission approve the following draft Conditions of Approval.

Note: Lisa Grbinicke, Senior Strategic Advisor, presented and answered questions. Pam Jackson and Josh Philips, Applicants, were present and answered questions.

DISCUSSION:

Staff noted that in the normal development application process, many of the pre-permit conditions would have been addressed, e.g. justification for temporary farm help. As the staff recommendation was refusal, no studies were undertaken. Any other development or other changes will be dealt with under a new application, and ultimately, only one dwelling will remain.

Commissioner Haswell expressed shock that the draft conditions were being discussed when the proposal does not comply with Part 1 of the Niagara Escarpment Planning Act. She questioned how applying Part 2 of the Plan was possible if Part 1 requirements were not met first.

Commissioner McKinlay asked the Applicants if they would appeal the Conditions of Approval if they were approved. The Applicants advised that they will not appeal the Conditions.

Commissioner Haswell noted that if the Application is approved, the Coalition for the Niagara Escarpment will appeal the Application if approved.
Chair Powers appointed Commissioner Horner to act as the Chair before commending staff for their work on this application. He noted that all of the Conditions under review are absolutely necessary. In normal cases, this work would have been done already. The Chair was returned to Mr. Powers.

Commissioner McKinlay advised the Commission and staff that the treatment of this Application is not meant to be defiant to the Plan, it is in hope of developing an interpretation for farm help that is viable for future agriculture, which is an important and vital resource.

Commissioner Pim noted that that while in some cases, there is room for latitude, there is no room for latitude with this Application. The option of filing a Plan Amendment is still available, and it is very concerning if the Commission dismisses this option and does not rule in accordance with the Plan. The Plan will have no value if policies are ignored by the Commission. She reminded the Commission that she worked with the Ministry of Agriculture and Rural Affairs for 10 years protecting farmers and farm land.

Commissioner McQueen noted that with the changes to farming (e.g. corporate farms) and the increased cost of buying farm land in Ontario, there is a need to look at agricultural policies in a new way, including succession planning. The family farm going to the wayside. The Commission votes on this Application show that the issue needs to be explored.

M784R13/01-2018

Moved By: Downey
Seconded By: McKinlay

“That the Commission approve the following amended Conditions of Approval.”

Pam Jackson and Josh Phillips

CONDITIONS of APPROVAL

1. Development shall occur in accordance with the Development Permit Application as modified by this approval, the approved Site Plan and these Conditions.

2. 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.

3. 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.
4. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission**, the edge of the significant woodland and associated valley feature shall be staked in the field by Credit Valley Conservation staff with a licenced surveyor with Niagara Escarpment Commission staff present, surveyed and plotted on a geodetic survey as the “Top of Slope” by a licensed Ontario Lands Surveyor and put on the Site Plan which shall then form part of the Site Plan referenced in Condition #1.

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. If and when the occupancy of the existing farm house on the property (owned by David and Jane Jackson), as their residence is discontinued or interrupted for more than 1 year, one of the two single dwellings shall cease to be occupied (including by any subsequent owner), and shall be removed or otherwise decommissioned as a dwelling unit in a manner acceptable to the NEC and the site rehabilitated and only one single dwelling shall remain on the lot. Any change to this restriction or the use of the property shall require a further Development Permit.

7. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission**, the Landowner shall enter into an agreement under Section 24(2.1) of the *Niagara Escarpment Planning and Development Act*, in a form acceptable to the Niagara Escarpment Commission to ensure compliance with Condition #6. The agreement may include but is not limited to, provisions as to which dwelling is to be removed or decommissioned, that removal or decommissioning must occur within a certain timeframe and/or in any event prior to any transfer of title, and that any subsequent owner would be required at his or her own expense to remove one of the dwellings from the site and rehabilitate the site in accordance with the Development Permit. The agreement shall be registered on title of 18178 Horseshoe Hill Road, Part Lot 14, Concession 3, EHS in the Town of Caledon, Region of Peel, at the owner's expense and registration shall be confirmed in a manner acceptable to the Commission.

8. **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 and shall form part of the Site Plan referenced in Condition #1. 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 within the development envelope showing setbacks from the property lines, a 10 metre buffer from the Provincially Significant Wetland and watercourse, top/bottom of slope with a 50 metre buffer from the Top of Slope (as staked and surveyed) and a 30 metre setback from wooded areas.

d) Additional details on the proposed driveway including footprint, associated grading, drainage, location of above and below grade utilities, limits of disturbance, construction staging areas. This information shall be plotted on a geodetic survey by a licensed Ontario Lands Surveyor.

e) Extent of all disturbed areas;

f) Extent and amount of fill removal or placement. Detailed 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 completely enclosing the footprint of the proposed development; associated grading, drainage, utility trenches, and construction staging areas.

h) Planting layout in accordance with Condition #12. Areas of supplemental tree planting including quantities, species and size;

9. **Prior to issuance of a Development Permit by the Niagara Escarpment Commission** an “Agricultural Plan” shall be prepared by qualified person demonstrating and detailing the new agricultural uses being introduced on the site, including but not limited to grading, planting of crops and the introduction of livestock. Any changes or additions beyond that described in the Agricultural Plan will require a further Development Permit.

10. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission,** the landowner shall complete a Minimum Distance Separation (MDS 1) evaluation to ensure required separation distances between the proposed dwelling and neighbouring livestock facilities can be met.

11. **Prior to issuance of a Development Permit by the Niagara Escarpment Commission,** the landowner shall obtain ownership of the required land from the adjacent landowner for the lot addition, to facilitate the proposed driveway access and any screening identified as being required by the approved Visual Assessment Study (Condition #12), in accordance with this Development Permit and shall complete the transfer of title in accordance with the Development Permit.
12. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission**, a scoped Visual Assessment Study shall be undertaken by a qualified professional and consistent with the Niagara Escarpment Commission Visual Assessment Guidelines, to the satisfaction of the Niagara Escarpment Commission. The assessment shall evaluate any potential for impacts to the Escarpment open landscape character and scenic resources as a result of the development and identify mitigation measures. Stipulations:

   a) Prior to commencement of the visual impact assessment a terms of reference be prepared to the satisfaction of the NEC;
   
   b) Maximum height to the peak of roof be established from the investigation to ensure no skylining of the built form occurs;
   
   c) The final Site Plan referenced in Condition #1, vegetation protection plan and landscape plan are in accordance with the findings of the approved visual impact assessment.

13. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission**, a Final Landscape / Vegetation Plan shall be prepared by a qualified person, for Niagara Escarpment Commission and Credit Valley Conservation approval. The Plan shall address all planting, screening requirements associated with screening and mitigation in accordance with Condition #1, and Condition #8 respecting the creation of an enhanced buffer to the woodland/valley feature. Stipulations:

   a) Surveyed location and inventory of vegetation to be removed and preserved as well as all protection measures shall be identified.
   
   b) 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.
   
   c) 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.
   
   d) 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.
   
   e) 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.
14. **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 building design/construction details for the dwelling including but not limited to exterior elevations, floor area, height above existing and proposed grades, the number of stories and lighting. The dwelling shall not contain a secondary dwelling unit. Upon approval, these plans will be stamped “NEC Approved” and shall form part of the Development Permit referred to in Condition #1.

15. No severances of the single dwellings shall be permitted.

16. The existing watercourse crossing shall not be enlarged or expanded and vehicles and machinery shall not utilize the existing crossing.

17. This conditional approval expires **one (1) year** from the date of confirmation of the decision to approve the Development Permit application.

**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](http://www.darksky.org).

At the request of Commission Pim, the vote was recorded.

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<th>For the Motion</th>
<th>Against the Motion</th>
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<tr>
<td>Baty</td>
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<td>VanderBeek</td>
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*Motion Carried*
STAFF REPORT
NEPOSS Park Management Plan for Churchill Park
City of Hamilton

RECOMMENDATION

To endorse the City of Hamilton’s Churchill Park Management Plan.

BACKGROUND:

Part 3 of the Niagara Escarpment Plan (NEP) contains policies that support a provincially-coordinated Niagara Escarpment Parks and Open Spaces System (NEPOSS) that protects significant Escarpment features and scenic landscapes, and provides for public access and compatible recreation on the Niagara Escarpment. Public agencies and conservation organizations with lands in the NEP Area must comply with the policies in the NEP, and are strongly encouraged to develop management or master plans for lands within NEPOSS. The *NEPOSS Planning Manual* (2012) provides minimum standards and a consistent approach for the development of management/master plans.

On September 29, 2017, the City of Hamilton completed a Park Management Plan for Churchill Park, which is part of NEPOSS. The Management Plan was undertaken in manner consistent with the process set out in the NPOSS Planning Manual, and the Management Plan has been submitted to the Niagara Escarpment Commission (NEC) and the Ministry of Natural Resources and Forestry (MNRF) for endorsement and approval.

Note: Kim Peters, Senior Strategic Advisor, presented and answered questions. Lawrence Stasiuk, Supervisor, Park Redevelopment, City of Hamilton, presented and answered questions.

Moved By: VanderBeek
Seconded By: Gilhespy

“That the Commission endorse the NEPOSS Churchill Park Management Plan.”

Motion Carried

NOTE:

Commissioner Pim commended Mr. Stasiuk on the work done so far and thanked him for the presentation.
ADDENDUM REPORT
DEVELOPMENT PERMIT APPLICATION H/C/2016-2017/422
Scott Design Build Ltd. For 2435991 Ontario Inc. (Sovereign Fusion)
Part Lot 9, Concession 4
Town of Milton, Region of Halton

PROPOSAL:

To carry out the following development on an existing 6.4 ha (15.8 ac) lot:

1. To re-establish an industrial use (custom fabrication facilities) in conjunction with
an existing building formerly used for a welding shop with office; to modify the
building by adding a second storey addition to for the new office facilities; and to
increase the footprint of the building as a result of adding new exterior cladding.

2. To construct an industrial accessory building (industrial equipment storage).

3. To construct a parking area(s) and establish a large outdoor worksyard/outdoor
storage area.

RECOMMENDATION

That the proposal be refused for the following reasons:

REASONS FOR REFUSAL

1. The proposed development is not a permitted use in the Escarpment Rural Area or
Escarpment Natural Area.

2. The subject proposal is contrary to the purpose and applicable objectives of the
NEP.

3. The proposed development conflicts with Sections 1.1.3.1 and 1.1.5.2 of the
Provincial Policy statement.

4. The proposed development is not supported by the Town of Milton or the Region
and Halton.

5. The proposed development does not meet the following development criteria:
2.3.1, 2.3.3, 2.2.1, 2.2.5, 2.2.10, 2.7.4, 2.7.6, 2.8.6, and 2.13.4.

6. Additional information (reports and studies) are required in order to determine if the
proposal can meet the following development criteria: 2.3.4, 2.7.7, 2.7.8, 2.13.1,
and 2.13.2.
Note: Amaraine Laven, Planner, presented and answered questions.

**DISCUSSION**

The Planner, provided an overview of the application and indicated that given that the former use ceased in 2011, it is the proposed use is not considered an existing use based on the new definition of existing use in the NEP 2017, which has added that an existing use must have continued without interruption.

**M784R15/01-2018**

Moved By: Haswell  
Seconded By: Gilhespy

“That the Commission move in-camera.”

*Motion Carried*

**M784R16/01-2018**

Moved By: McKinlay  
Seconded By: McQueen

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

*Motion Carried*

**DISCUSSION**

The Commission noted that the property had been listed as commercial/industrial when it was for sale and inquired if it was taxed as a commercial property. The Applicant advised that he has been paying commercial taxes since he purchased the property and was using the industrial equipment that came with the property.

Commissioner Vanderbeek asked if the previous business was also a welding shop. The applicant advised that it was a welding, machinery, tool and die and engineering business and that the equipment was left in the building. The applicant advised that they would be establishing a welding business as well.

Commissioner Mausberg noted that the surrounding area has other industrial uses including Mohawk Racetrack. He suggested that the proposal could be scaled back, and that the use should be permitted on the parcel. The Planner advised that the businesses across the road are not in the NEP area.

Commissioner McQueen asked how much an existing use may expand. The Planner advised that the Development Criteria speaks to permitting a 25% expansion, though a larger expansion may be considered if compatible; the applicant would need to do additional studies as outlined in Appendix 6 to determine compatibility, however, based on assessment of other Development Criteria, it is unlikely such a large scale expansion, approximately a 380% increase to buildings, parking and outdoor storage, would be considered compatible.
Commissioner McQueen asked if the Applicant can apply to re-establish or recognize the use. The Director advised that it is not appropriate to move an application forward if it does not meet Part 1 of the NEP. In this case, staff did an analysis of Part 2 of the NEP at the Commission’s request and found that the proposal does not meet the necessary criteria for approval.

Commissioner McKinlay asked whether the applicant had provided any evidence of a continuing use. Staff advise that the applicant had presented information relating to the use at the last Commission meeting [on November 16, 2017] and staff have provided more information in writing contained in Appendix 3 of the Addendum Staff Report; the information provided does not show that the use has not continued without interruption since 2011. Commissioner McKinlay stated that welding would appear to be a good use there given the existing building. The new NEP is not clear on how to define ‘continued, without interruption’. Will support staff’s recommendation and if the application gets appealed, the Niagara Escarpment Hearing Office will decide.

M784R17/01-2018

Moved By: Pim
Seconded By: Haswell

“That the Commission accept the staff recommendation.”

At the request of Commission Pim, the vote was recorded:

For the Motion: Baty, Gilhespy, Greig, Haswell, McKinlay, Pim
Against the Motion: Downey, Horner, Mausberg, McQueen, VanderBeek

Motion Carried

C3

Niagara Escarpment Commission Designate for Greenbelt Council

BACKGROUND:

The Greenbelt includes lands within the Oak Ridges Moraine Conservation Plan, the Niagara Escarpment Plan and the Protected Countryside Areas in the Greenbelt Plan. Appointments to the Council are drawn for various sectors, as well as individuals who support the objectives of the Greenbelt. The members of the Greenbelt Council come from a variety of backgrounds and are all experienced, knowledgeable and dedicated to Greenbelt Protection.
Traditionally, there has been a member of the Niagara Escarpment Commission on the Greenbelt Council – Cecil Louis). Cecil Louis is no longer appointed to the Niagara Escarpment Commission. Hence, the Commission is being asked to put forward a member to sit on the Greenbelt Council.

The Greenbelt Council is a key part of the government's approach to Greenbelt protection, which includes the Greenbelt Act, 2005 and a Greenbelt Plan that permanently protects over 2 million acres of greenspace across the Golden Horseshoe. The Greenbelt Act, 2005 requires that the Minister of Municipal Affairs appoint a Greenbelt Council to provide the Minister with advice on the Greenbelt.

The Greenbelt Council provides advice to the Minister of Municipal Affairs on the Greenbelt, which includes:

- Land-use planning within the area defined as the Greenbelt by the Greenbelt Plan;
- Any matters pertaining to the Greenbelt Act, 2005 or the Plan, as set out in subsection 15(3) of the Greenbelt Act, 2005;
- Possible regulations to the Greenbelt Act, 2005;
- Recurring policy or legislative issues that impact the implementation of the Plan;
- The establishment of performance measures to track the effectiveness of the Plan in achieving its goals;
- Any proposed amendments to the Plan and on the 10-year review of the Plan (which recently concluded);
- General policy matters arising from the Greenbelt that are not:
  - Matters being considered by other bodies (e.g. tribunals, courts, etc.), or
  - Site-specific issues pertaining to the Greenbelt Act, 2005, or the Plan policies and mapping; and
- Any other such functions as may be specified by the Minister.

Members of the Greenbelt Council serve on a voluntary basis, and do not receive remuneration. Members are reimbursed for expenses in accordance with the Province of Ontario’s Travel, Meal and Hospitality Expenses Directive.

RECOMMENDATION:

The Niagara Escarpment Commission is being asked to identify a member to sit on the Greenbelt Council.

DISCUSSION:

The Chair asked if any Commissioner wished to volunteer. Commissioners Downey and Pim put their names forward for consideration.
BACKGROUND

Provincial parks and Conservation reserves were established by the government with the objectives to permanently protect a wide diversity of natural and cultural heritage values, to provide opportunities for outdoor recreation, heritage appreciation, and sustainable recreation and to facilitate scientific research (Provincial Parks and Conservation Reserves Act 2006, c. 12, s. 2).

The Provincial Parks and Conservation Reserves Act (PPCRA) 2006, the legislation which governs these areas identifies that one of the objectives for provincial parks and conservation reserves is “to permanently protect representative ecosystems, biodiversity and provincially significant elements of Ontario’s natural and cultural heritage and to manage those areas to ensure that ecological integrity is maintained.” The PPCRA also states that the “maintenance of ecological integrity shall be the first priority and the restoration of ecological integrity shall be considered” in all aspects of the planning and management of Ontario’s system of provincial parks and conservation reserves. The government established Conservation Reserves under the Public Lands Act. Conservation reserves provide protection for natural heritage areas on public lands while permitting compatible land uses to continue.

The PPCRA (2006) defines ecological integrity as “a condition in which biotic and abiotic components of ecosystems and the composition and abundance of native species and biological communities are characteristic of their natural regions and rates of change and ecosystem processes are unimpeded” (PPCRA, 2006, c. 12, s. 5 (2)). A park is thus understood to exhibit integrity when it has the full suite of native species and processes intact. Threats to ecological integrity include: habitat fragmentation (e.g. roads, trails), the loss of species, pollutants and invasive species. Consistent with the stated objectives and priorities of the Act, the Ministry of Natural Resources and Forestry (MNRF) recognizes the need to develop a strategic framework to guide ecological integrity in Ontario’s Provincial parks and Conservation reserves. The MNRF has released a Discussion Paper entitled: “Ecological Integrity in Ontario’s Provincial Parks and Conservation Reserves” (Appendix 1 attached), as a first step in developing a strategic framework. The MNRF is undertaking consultation on this Discussion Paper, with the intent to stimulate ideas and collect feedback that will help inform the government on future actions that could be included within such a Framework and Action Plan for protecting ecological integrity in Ontario’s Provincial parks and Conservation reserves.
Staff provided this Report for informational purposes, in order to assist the Commission in better understanding the relationship between Provincial parks in the NEP Area and the NEC and NEP, and to consider and discuss how the NEC may contribute to achieving the goals related to the maintenance and enhancement of ecological integrity in Provincial parks.

The MNRF is planning to continue consultation on the development of a Framework and Action plan for addressing ecological integrity in Provincial parks through additional workshops with internal staff and external stakeholders in the coming months. Staff will continue to participate in this consultation process, as appropriate, and provide input on any potential for collaboration and partnership with the NEC (e.g. development and monitoring of indicators). Staff will continue to keep the Commission informed of the progress on this initiative and any implications to the NEP program.

RECOMMENDATION:

To receive this report as information and to submit the request to the MNRF indicating the NEC staff’s interest in continuing to participate in the initiative to develop a Strategic Framework and Action Plan to guide ecological integrity in Provincial parks.

DISCUSSION:

The Commission asked for information regarding the consultation process timelines. Staff will bring back more information.

Note: Lisa Grbinicek, Senior Strategic Advisory, presented and answered questions.

M784R18/01-2018
Moved By: Pim
Seconded By: Haswell

“That the Commission accept the staff recommendation.”

Motion Carried

INFORMATION REPORTS – G Package

DISCUSSION:

The Commission commended staff on the new format of the Director’s Approvals report. Commissioner Horner asked if the average number of days it takes to process an application could be added. The Manager advised that it can be added though many factors impact timelines. Staff is working on a business case for new software that will have a more accurate way to track the data, including any bottlenecks. The Director noted that it can take an average of 28 weeks to process a development permit application with the new team structures. Commissioner Greig requested that the data be drilled to the municipal level. Commissioner McKinlay noted that municipalities need to provide their comments in a more timely manner.
The package included a Staff Report on *Building Better Communities and Conserving Watersheds Act, 2017* and Bill 139. The Staff Report notes transition provisions that impact the Ontario Municipal Board and Environmental Tribunal.

The Director noted that item C7 regarding visual impact assessment has been tabled and will be reviewed at the April policy meeting.

**M784R19/01-2018**

*Moved By:* Greig  
*Seconded By:* Haswell

“That the Commission receive the G package.”

*Motion Carried*

**NEW BUSINESS**

The Chair noted that Planner Bev Nicolson will be retiring from the NEC shortly. He commented on the great municipal experience she brought to the Thornbury office, thanked her on behalf of the Commission and wished her well.

The Director advised that staff are working on a policy paper on the treatment of agricultural lands for review and the April Policy meeting. Commissioner Pim noted that information on ‘continued use without interruption’ would also be helpful.

**ADJOURNMENT**

**M784R20/01-2018**

*Moved By:* McKinlay

“That this meeting be adjourned.”

*Motion Carried*

**Time of Adjournment:** 5:30 p.m.

R.F. (Russ) Powers  
Chair