MINUTES OF M772/07-2016
NIAGARA ESCARPMENT COMMISSION
GEORGETOWN, ONTARIO
July 21, 2016


**Regrets:** J. Downey, M. Miller.


**Also Present:** R. Pineo, Niagara Escarpment Program Team Leader, Natural Heritage Section, MNRF; R. Patrick, President, C.O.N.E.

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

Chair Don Scott presided.

**Introductions:**

Not required.

**APPROVAL OF MINUTES – M770/06-2016 and M771/06-2016**

**M772R1/07-2016**

*Moved By:* McQueen

*Seconded By:* Horner

“That the Commission accept the Commission Minutes of June 15 and 16, 2016, as written.”

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

The Director advised a meeting has been requested with the new Minister of Natural Resources and Forestry and the Chair and Director in the near future. The topic of Commission appointments will be on the meeting agenda.

The Commission discussed a minor change to the wording in the June 16th Commission Minutes regarding proposed additions to the Niagara Escarpment Plan Area (P2).

The Director advised the Commissioners to reserve the third Thursday in December (December 15th) as an additional Commission meeting may be required.

Staff will forward the Commissioners a current list of Commissioner Members contact information.

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

None declared.

**MOTION FOR SPEAKERS**

**M772R2/07-2016**

Moved By: Borodczak

Seconded By: Little

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

Motion Carried

**A2**

**DEVELOPMENT PERMIT APPLICATION H/R/2015-2016/215**

Pieter Knispel

Part Lot 5, Concession 2, NS

City of Burlington Region of Halton

**PROPOSAL:**

To construct a 2 storey, ± 204.38 sq m (± 2200 sq ft) single dwelling with an attached garage, having a maximum height of ± 6.09 m (± 20 ft), construct a ± 9.29 sq m (± 100 sq ft) rear deck, a swimming pool with a surface area of ± 65.03 sq m (± 700 sq ft), driveway and on-site sewage treatment system, on a proposed 0.36 ha (0.9 ac) lot. **Note:** The parent lot contains a residence and has an area of 0.72 ha (1.8 ac).
RECOMMENDATION:

The proposal be refused.

Note: Michael Baran, NEC Planner, reviewed the staff report. Pieter Knispel, Applicant, presented and answered questions.

M772R3/07-2016

Moved By: Little
Seconded By: Borodczak

“That the Commission accept the staff recommendation with the following reasons for refusal.”

Pieter Knispel

REASONS FOR REFUSAL H/R/2015-2016/215

1. The proposed development conflicts with the applicable New Lots policies of the Escarpment Protection Area.

2. The proposed development conflicts with the Development Criteria in Parts 2.4.2, 2.4.4, 2.4.5, 2.4.6 a) and 2.4.8 of the Niagara Escarpment Plan.

3. The proposed development conflicts with Sections 1.1.4.2 and 2.3.4.3 of the Provincial Policy Statement.

4. The proposed development is not supported by the City of Burlington or the Region of Halton.

Motion Carried

A4

DEVELOPMENT PERMIT APPLICATION D/S/2013-2014/081
Wallace Barr and Karin Klouman
Part Lot 29, Concession 2 EHS
Town of Mono       County of Dufferin

PROPOSAL:

To recognize the installation of a ground-mounted photovoltaic array (solar panel), on an existing 24.1 ha (59.56 ac) lot.

RECOMMENDATION:

That the proposal be approved.
Note: Sean Stewart, NEC Planner, reviewed the staff report and answered questions.

Moved By: Louis
Seconded By: Horner

“That the Commission accept the staff recommendation with the following conditions of approval.”

CONDITIONS OF APPROVAL

1. Non-fulfilment or breach of any one of the conditions shall render the Development Permit void.

2. A site inspection(s) to the property may be undertaken by the Niagara Escarpment Commission to ensure that the development complies with the conditions of the Development Permit. Persons may accompany the Commission representative on the site inspection(s) who possess expert or special knowledge related to the conditions of the Development Permit.

3. No municipal building permit or other licence, certificate, permit or other similar permission relating to development shall be issued or be considered to be in force unless a Development Permit is in effect.

4. The location of the solar array (panel) shall be consistent with the Site Plan provided. A Development Permit will be required for any future relocation of the existing solar array, if proposed.

Motion Carried

A1

DEVELOPMENT PERMIT APPLICATION G/L/2015-2016/9207
Steven McNichol
Part Lot 19, Concession 2
Municipality of Grey Highlands (Euphrasia) County of Grey

PROPOSAL:

To install a 1.2 m x 2.4 m (4 ft x 8 ft) ramp on the shore, and a 2.4 m x 2.4 m (8 ft x 8 ft) seasonal floating dock on a portion of the Beaver River, and store these on the lands and outside of the floodplain, on an 8.9 ha (22 ac) existing vacant lot.

RECOMMENDATION:

The application should be approved.
Note: Bev Nicolson, NEC Planner, reviewed the staff report and answered questions.

M772R5/07-2016

Moved By: Elgar
Seconded By: McQueen

“That the Commission accept the staff recommendation with the following conditions of approval.”

Steven McNichol
G/L/2015-2016/9207

CONDITIONS of APPROVAL

1. Non-fulfillment or breach of any one of the conditions shall render the Development Permit void.

2. A site inspection(s) to the property may be undertaken by the Niagara Escarpment Commission to ensure that the development complies with the conditions of the Development Permit. Persons may accompany the Commission representatives on the site inspection(s) who possess expert or special knowledge related to the conditions of the Development Permit.

3. No municipal Building Permit or other license, certificate, permit or similar permission relating to development shall be issued or be considered to be in force unless the Development Permit is in effect.

4. The Development Permit shall expire three years from its date of issuance unless a valid municipal Building Permit is issued within the three years and the development has been completed.

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

6. No grading of the existing contours of the development area is permitted.

7. No trees other than dead or diseased trees shall be cut or removed from the development area with the exception of those absolutely necessary for the installation and removal of the dock/ramp, and tree removal shall be kept to a minimum to retain the visual character of the property and the ecological values of the treed area(s).

8. Screening, landscaping and rehabilitation shall commence by the end of the growing season after the development is completed. All trees, shrubs and nursery stock shall be native to Ontario.
9. **Prior to the commencement of development**, the applicant shall obtain a Permit under Ontario Regulation 151/06 from the Grey Sauble Conservation Authority in accordance with the *Conservation Authorities Act*. (Note: A copy of the Permit shall be filed with the Niagara Escarpment Commission).

10. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission**, the applicant shall stake for Niagara Escarpment Commission and Grey Sauble Conservation Authority approval:

   a) the location of the dock/ramp installation (showing setback from southern property line);
   b) the footpath and access trail to the dock;
   c) the seasonal storage location (showing setback from southern property line);
   d) the property entrance and parking area;
   e) the estimated timing for installation and removal of the dock; and,
   f) details of the shoreline/bank stabilization measures to be implemented after the preliminary installation.

   All trees to be removed within and outside of these staked areas (e.g., trees adjacent to the shoreline, etc.) shall also be flagged.

   The approved staked location shall be shown on the **Final Site Plan**, will be stamped “NEC Approved” and will form part of the Development Permit Application referred to in Condition #5. Development shall occur in accordance with the approved Final Site Plan.

11. This conditional approval shall be void if a Development Permit is not issued within one (1) year of the date of the confirmation of the Development Permit Application decision.

**NOTES:**

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

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).

*Motion Carried*
DEVELOPMENT PERMIT APPLICATION: S/A/2014-2015/9110
Megbrook Holdings Inc.
Part Lot 22
Township of Clearview  County of Simcoe

PROPOSAL:

To establish a small-scale commercial use, accessory to the principal residential / agricultural use, in order to provide additional income for the sustainability of a 607 ha (1500 ac) series of land holdings that support Deerlake Farms. The commercial use is described as follows:

- provide access for a rental fee to the private lake, terraced gardens and manicured grounds, approximately 7.7 ha (19 ac) in size, for the purpose of special events such as wedding ceremonies, family reunions, photography shoots and garden tours;
- parking is proposed in an open mowed field near to the house.

RECOMMENDATIONS:

1. That the portion of the Development Permit Application proposing commercial special events to be hosted on the property be refused for the following reasons:
   
a) The proposal is not a permitted use in the Escarpment Rural Area designation of the Niagara Escarpment Plan.

b) The proposal does not meet the definition of a Home Business in the Niagara Escarpment Plan.

2. That the portion of the Development Permit Application proposing to allow garden tours and photo shoots on the property as a passive recreational use be approved.

Note: Judy Rhodes-Munk, NEC Planner, reviewed the staff report and answered questions.
Tammy Moreland, Agent, presented and answered questions.

Moved By: Davidson
Seconded By: McQueen

“That the Commission accept staff recommendation 2 but reject staff recommendation 1 and recommend approval with conditions. The Commission recognizes that this is a unique situation for the following reasons:
• The 607 ha (1500 ac) surrounding the proposed change in use is owned by the applicant;
• the proposal is a temporary, seasonal use;
• the proposal will result in little to no environmental impact;
• the proposal will take place in the Escarpment Rural Area designation which is the least restrictive NEP designation on the property and where other more intensive land uses are permitted e.g. campgrounds, golf courses and associated golf course country clubs.

**M772R7/07-2016**

Moved By: Borodczak  
Seconded By: Horner

“That the Commission accept these modified Conditions of Approval which were amended following further Commission discussion.”

**CONDITIONS of APPROVAL**

1. Non-fulfillment or breach of any one of the conditions shall render the Development Permit void.

2. A site inspection(s) to the property may be undertaken by the Niagara Escarpment Commission to ensure that the development complies with the conditions of the Development Permit. Persons may accompany the Commission representatives on the site inspection(s) who possess expert or special knowledge related to the conditions of the Development Permit.

3. No municipal Building Permit or other license, certificate, permit or similar permission relating to development shall be issued or be considered to be in force unless the Development Permit is in effect.

4. The Development Permit shall expire three years from its date of issuance unless a valid municipal Site Plan Approval or license is issued within the three years and the change in use has been established.

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

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

7. All portable washroom facilities, if utilized, shall be located as shown on the final approved site plan and removed from the property at the end of the season (i.e., Nov 1st).
8. Associated roadway signage shall be limited to one (1) unlit sign to a maximum size of 0.9 sq m (9.7 sq ft). The sign shall be located as indicated on the final approved site plan.

9. **Prior to the commencement of the special events**, the applicant shall obtain Site Plan Approval and/or a special events license from the Township of Clearview, if required. The Site Plan Approval shall be consistent with the site plan referred to in Condition #5, and to the satisfaction of the NEC. Once approved this site plan shall form part of the site plan referenced in Condition #5.

10. All activities related to the special events shall take place within the Escarpment Rural Area designation.

11. No permanent structures to accommodate the special events shall be permitted.

12. There shall be no more than 15 events held per year.

13. Special events shall be limited to daytime activities such as wedding ceremonies, family reunions, garden tours and photography shoots.

14. This approval is not transferrable and subsequent property owners will be required to apply for a new Development Permit should they propose to continue a similar use on the property.

15. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission**, an accurate and detailed Final Site Plan shall be submitted for the approval of the Niagara Escarpment Commission. The approved Final Site Plan shall show the location of the roadside sign, portable washroom facilities, and dimension of the area devoted to parking. It shall form the Site Plan referred to in Condition #5 and development shall proceed in accordance with the details of the approved Final Site Plan.

16. This conditional approval shall be void if a Development Permit is not issued within one (1) year of the date of the confirmation of the Development Permit Application decision.

**NOTE:**

1. This Development Permit does not limit the need for or the requirements of any other approval, license or certificate under any statute (e.g. Township of Clearview).  

   *Motion Carried*

**NOTE:** Commissioner Little was opposed.
Broke for Lunch: 11:55 a.m.
Reconvened: 12:45 p.m.

C1

RE: INFORMATION REPORT
Decision of the Joint Board Regarding Acton Quarry Expansion
NEPA PH 180, Development Permit H/E/2008-2009/326
Town of Halton Hills  Halton Region

BACKGROUND:

On March 19, 2015, the Niagara Escarpment Commission (NEC) endorsed the staff recommendation in the Summary Report with respect to the proposed expansion of the CRH Canada Group Inc. (Dufferin Aggregates) quarry in Acton. Staff had recommended approval of the proposed Niagara Escarpment Plan and Development Permit subject to site specific policies and Development Permit conditions.

DECISION:

A Joint Board hearing was held on June 21 and 22, 2016. Parties represented at the hearing were the NEC, the Region of Halton, the Town of Halton Hills and Dufferin Aggregates. Two area residents and the citizen’s group P.O.W.E.R (Protect Our Water and Environmental Resources) also presented to the Joint Board.

The hearing concluded on June 22 and the Chair gave an oral decision to approve all the applications including the Plan Amendment, Development Permit, Regional Official Plan Amendment, Local Official Plan Amendment, Zoning By-law and Licence under the Aggregate Resources Act. The Order of the Joint Board (i.e. the written decision) will be issued within 90 days once the Ministry of the Environment and Climate Change has made a decision with respect to the Permit to Take Water and Environmental Compliance Approval.

NEXT STEPS:

Dufferin Aggregates will be applying to the Ministry of Natural Resources and Forestry for a site plan amendment for the existing Acton quarry in order to integrate the operation, rehabilitation and water management system for the quarry expansion. NEC staff will review and provide comments on the revised site plan to ensure that it is not in conflict with the Plan Amendment and the Development Permit.

RECOMMENDATION:

That the NEC receive this report for information.
Note: Nancy Mott, Senior Strategic Advisor, reviewed the information report and answered questions.

Moved By: Beattie
Seconded By: Cambray

“That the Commission receive the information report.

Motion Carried

C2 SUB # 9595

RE: INFORMATION REPORT
The Ontario Aggregate Resources Corporation 2015 Annual Report

BACKGROUND:

The Ontario Aggregate Resources Corporation (TOARC) manages the Abandoned Pits and Quarries Rehabilitation Fund, undertakes rehabilitation of abandoned pits and quarries and conducts research into the rehabilitation of former aggregate sites.

2015 ANNUAL REPORT:

The Niagara Escarpment Commission (NEC) has received the 2015 annual report of TOARC. The report indicates that annual production from licensed sources in 2014 was 142 million tonnes, up from 132 million tonnes in the previous year. The production was lower than the levels in 2001-2011.

RECOMMENDATION:

That the NEC receive the selected sections of the TOARC report and this staff report for information.

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

Moved By: Borodczak
Seconded By: Beattie

“That the Commission receive the information report.

Motion Carried
Kim Peters, Nancy Mott and Lisa Grbinicek provided a presentation on the most significant policy changes to the NEP, and the effects of the proposed changes. This presentation was a continuation of the presentation provided at the June 16, 2016 Commission meeting. The accompanying Information Report provided an overview of the proposed policy changes, including a comparison of what currently exists in the NEP, the changes proposed by the NEC, and the changes proposed by the government. Discussion Paper topics 1 through 19 were addressed at the June 16, 2016 Commission meeting.

RECOMMENDATION:

That the Commission receive the information report.

DISCUSSION:

Topic 20: Species at Risk

An error with the table on page 35 was noted and staff will amend accordingly.

Topic 21: Cultural Heritage

Staff noted that the government proposals are consistent with the recommendations made by the Commission.

Topic 22: Climate Change

The proposed NEP now acknowledges that the Purpose and Objectives of the NEP are important to mitigating and adapting to climate change.

Other Areas of Note:

The conflicts and contradictions of using “should” versus “shall” should be resolved based on which of the terms is appropriate in each case.

There was a question as to why reference to the need to consider cumulative impact is proposed to be removed from the NEP. Staff advised that there were no explanations provided as to why and staff will have further discussions with the MNRF.

It was noted that this is a draft version and not the final version of the NEP.
Staff was thanked by a Commissioner for their work on preparing this staff report for the Commission.

**Note:** Kim Peters, Nancy Mott and Lisa Grbinicek continued to present the most significant policy changes to the NEP on the remaining topics and answered questions.

M772R10/07-2016

Moved By: Beattie
Seconded By: Louis

“That the Commission receive the information report.

Motion Carried

**PR2**

**INFORMATION REPORT**

RE: Proposed Changes to the Greenbelt Plan

**BACKGROUND:**

The Greenbelt Plan came into force in 2005. The objective of the Greenbelt Plan is to permanently establish a broad band of land to protect against the loss and fragmentation of the agricultural base; to permanently protect the natural heritage and water resource systems that sustain ecological and human health; and, to provide for a diverse range of economic and social activities associated with rural communities. In the proposed changes, an additional objective for the Greenbelt Plan has been added: to build resilience to and mitigate climate change.

**RECOMMENDATION:**

That the Niagara Escarpment Commission receive the report for information.

**DISCUSSION:**

It was noted that the NEP does not contain a lot on watershed planning and perhaps there needs to be more on this to align with the Greenbelt Plan as the Greenbelt Plan notes the importance of the NEP Area to the Great Lakes watershed. Also to be considered are “key hydrological areas,” for which policies are proposed in the Greenbelt Plan but not in the NEP.

Also discussed were the differences in policies on development in the habitat of endangered species and wetlands.
The concept of net zero communities was discussed. There is a definition for this in the proposed changes to the Greenbelt Plan but not in the proposed changes to the NEP.

Staff advised that this is a review of the proposed changes and that further reports will come before the Commission after the consultation phase has ended and the comments have been reviewed by staff. Staff may still bring forward changes to the NEP that could be considered based on changes adopted in the Greenbelt Plan.

**Note:** Kim Peters, Senior Strategic Advisor, reviewed the information report and answered questions.

**M772R11/07-2016**  
Moved By: VanderBeek  
Seconded By: Borodczak

“That the Commission receive the information report.”

*Motion Carried*

**PR3**

**INFORMATION REPORT**  
**RE:** Proposed Changes to the Growth Plan for the Greater Golden Horseshoe, 2016

**BACKGROUND:**

The Growth Plan for the Greater Golden Horseshoe (Growth Plan) took effect June 16, 2006 and was amended in 2012 and 2013. It applies to municipalities in the Greater Golden Horseshoe and overlaps the area subject to the Niagara Escarpment Plan (NEP) with the exception of Grey and Bruce Counties.

The Growth Plan is subject to the Co-ordinated Provincial Plan Review and revised policies were released for public comment in May 2016. The purpose of the report was to describe how the Growth Plan applies in relation to the Niagara Escarpment Plan and to highlight some of the proposed changes to the Growth Plan.

**RECOMMENDATION:**

That the Niagara Escarpment Commission receive the report for information.

**DISCUSSION:**

The concept of complete communities was briefly discussed. Also discussed were the concerns for the environment and water needs.
Note: Nancy Mott, Senior Strategic Advisor, reviewed the information report and answered questions.

M772R12/07-2016

Moved By: Cambray
Seconded By: Horner

“That the Commission receive the information report.

Motion Carried

PR4

INFORMATION REPORT

RE: Co-ordinated Land Use Planning Review
Proposed Changes to the Oak Ridges Moraine Conservation Plan

The purpose of the Information Report was to provide an overview of the key government proposed changes to the ORMCP. The proposed amendments to the other provincial Plans will be further considered where relevant and appropriate in assessing and providing advice to the Minister on the amendments to the NEP.

BACKGROUND:

The Oak Ridges Moraine Conservation Plan (ORMCP) is an ecologically and hydrologically-based plan that provides land use and resource management direction for the 190,000 hectares of land and water within the Moraine.

Unlike the process followed by the other provincial plans, the ORMCP was approved as a Minister’s Regulation (Ontario Regulation 140/02), on April 22, 2002 under the Oak Ridges Moraine Conservation Act, 2001. Together with the area covered by the Niagara Escarpment Plan (NEP), the ORMCP area is part of the Greenbelt which identifies where urbanization should not occur in south-central Ontario, in order to provide protection to environmental and agricultural lands. The Act requires the ORMCP to be reviewed at the same time as the review of the Greenbelt Plan under the Greenbelt Act, 2005.

The primary goals of the ORMCP include protecting ecological and hydrological integrity and providing for land and resource use and development that is compatible with the Objectives of the Plan. The Plan divides the Moraine into four land use designations: Natural Core Areas, Natural linkage Areas, Countryside Areas and Settlement Areas. Similar to the Escarpment Natural and Protection Areas in the NEP, the ORMCP’s Natural Core Area and Natural Linkage Area designations are considered the natural heritage system for the Moraine. The ORMCP identifies and recognizes that this system links with the natural heritage systems of the Greenbelt Plan and the NEP. The ORMCP is implemented by local governments through the municipal planning process.
The area to which the Plan applies is identified on the Land Use Designation Map, which is incorporated by reference in the Plan.

RECOMMENDATION:

That the Niagara Escarpment Commission receive the report for information.

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

M772R13/07-2016

Moved By: Cambray
Seconded By: Horner

“That the Commission receive the information report.”

Motion Carried

INFORMATION REPORTS – G and H Packages and Deferred Items Chart

M772R14/07-2016

Moved By: Elgar
Seconded By: Beattie

“That the Commission receive the “G” and “H” package and Deferred Items Chart.”

Motion Carried

DISCUSSION

Staff provided an update on the widening of Waterdown Road. Staff also updated the Commission on the ongoing studies being done by the Blue Mountain Watershed Trust.

A Commissioner brought up the matter of charging for appeals as there seems to be an increase in appeals. Staff advised that this is another matter that will be brought before the new Minister. The Chair noted that the ERT should determine the fee if charging for an appeal is considered.

The Commission was advised that the workshop with the City of Burlington was well received and that staff will be working on arranging similar workshops for all the municipalities in the NEP area.

Staff advised the Commission that there was a meeting with the owner of the QQRC. The NEC and other parties at the meeting again reminded the QQRC that complete application(s) must be submitted along with a detailed site plan and technical studies related to traffic and servicing capacity prior to any further development taking place on the site.
NEW BUSINESS

A staff report will be prepared in response to the document book from Brock University.

The decision on the manager position is still pending.

The Director briefly reviewed the NEBR workshop with the Commission. It was a success and was well attended.

Commissioner McQueen thanked staff for attending the Owen Sound Co-ordinated Plan Review workshop.

ADJOURNMENT

M772R15/07-2016

Moved By: Davidson

“That this meeting be adjourned.”

Motion Carried

Time of Adjournment: 3:00 p.m.

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Don Scott
Chair