MINUTES OF M778/04-2017
NIAGARA ESCARPMENT COMMISSION
GEORGETOWN, ONTARIO
April 20, 2017

Members Present: B. Baty, C. T. Cambray, S. Davidson (left at 2:30 pm), J. Downey, A. Elgar, P. Greig, J. Horner, P. McQueen (arrived at 10:15 am), D. Scott, A. VanderBeek.

Regrets: None.


Also Present: A. MacDonald, Manager, Greater Golden Horseshoe Greenbelt Section, C. O’Hara, Director, Ontario Growth Secretariat, Growth Policy, Planning and Analysis Branch, Ministry of Municipal Affairs, A. Boyd, Manager, R. Pineo, Niagara Escarpment Program Team Leader, S. Cooper, Partnership Liaison & Advisor, Natural Heritage Section, J. Thompson, Counsel, Ministry of Natural Resources and Forestry; R. Patrick, President, C.O.N.E.

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

Chair Don Scott presided.

Introductions:

The Chair thanked Commissioner Elgar for chairing the March 16th Commission meeting on his behalf.

APPROVAL OF MINUTES – M777/03-2017

M778R1/04-2017

Moved By: Baty
Seconded By: Davidson

“That the Commission accept the Commission Minutes of March 16, 2017 as written.”

Motion Carried
Business Arising from the Previous Minutes

A Commissioner requested that the item on the Outstanding Items List regarding the Fonthill Kame Area be brought forward to the May Commission meeting.

CONFLICTS OF INTEREST – Declaration of Conflicts of Interest

None declared.

MOTION FOR SPEAKERS

M778R2/04-2017  
Moved By: Horner  
Seconded By: Greig

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

Motion Carried

PRESENTATION

The Ministry of Municipal Affairs and Natural Resources and Forestry presented a high level overview of the changes to the Greenbelt Plan, Oak Ridges Moraine Conservation Plan, Niagara Escarpment Plan and the Growth Plan which were reviewed during the Co-ordinated Review.

M778R3/04-2017  
Moved By: VanderBeek  
Seconded By: Elgar

“That the Commission move in camera.”  

Motion Carried

M778R4/04-2017  
Moved By: Elgar  
Seconded By: VanderBeek

“That Commission move out-of-camera.”  

Motion Carried
ADDENDUM STAFF REPORT
DEVELOPMENT PERMIT APPLICATION D/R/2016-2017/179
Cheryl Lynn Arthurs
Part Lots 11 & 12, Concession 6 EHS
Town of Mono, County of Dufferin

PROPOSAL:

To construct a 1 storey, ± 250 sq m (2,700 sq ft) single dwelling with a height to peak of 12 m (39 ft), install a sewage disposal system and a driveway on a lot to be enlarged from 13.4 ha (44 ac) to 28.8 ha (71 ac) through a lot addition.

RECOMMENDATION:

The application be refused for the following reason:

1. The proposed lot addition creates an additional building lot in Township Lot 12, Concession 6 which is not permitted under the New Lots policies of the Escarpment Protection Area designation (Part 1.4) of the Niagara Escarpment Plan.

Note: Debbie Ramsay, Manager, reviewed the staff report and answered questions. Adrian Maes, Van Harten Surveying Inc., Agent, presented and answered questions.

Moved By: Cambray
Seconded By: Elgar

“That the Commission accept staff’s recommendation to refuse.”

Motion Carried

INFORMATION REPORTS – G Package

DISCUSSION:

There were several items in the Director’s Report (G3) that the Commission had questions regarding and staff responded. Items discussed were the possibility of the Niagara Escarpment Biosphere Reserve (NEBR) being featured in a future production of a documentary series on Canadian Biosphere Reserves. Staff updated the
Commission on the Winston Churchill Boulevard road improvements. The Director provided details on the NEBR March 20th meeting with Plenty Canada to discuss engaging the indigenous communities in the Niagara Escarpment Area. Also discussed was the work of the Gap Screening Committee. Staff clarified that the Gap in the escarpment face in Milton (north of Hwy 401) will remain and that the screening will be plantings.

M778R6/04-2017

Moved By: Davidson
Seconded By: Downey

“That the Commission receive the “G” package.”

Motion Carried

Adjournerd for Lunch: 11:55 a.m.

Reconvened: 12:45 p.m.

G3

Note: Kim Peters, Senior Strategic Advisor, reviewed the legal opinion and answered questions.

M778R7/04-2017

Moved By: Elgar
Seconded By: Davidson

“That the Commission move in camera to discuss the legal opinion on the definition of a structure.”

Motion Carried

M778R8/04-2017

Moved By: VanderBeek
Seconded By: Cambray

“That Commission move out-of-camera.”

Motion Carried
ADDITIONAL
Landowner Request to Revise Agreement on Title
Darrell Bolton
Part 2, 16R9872, Part Lot 18, Concession 2
Township of Georgian Bluffs (Sarawak)  Grey County

PROPOSAL:

To revise the Agreement on Title of Part 2, 16R9872, Part Lot 18, Concession 2, Township of Georgian Bluffs (Sarawak), County of Grey to allow construction of a dwelling, sewage disposal system and driveway on the 0.62 ha (1.5 ac) [15.1 m (49.5 ft) wide by 411.5 m (1,350 ft) long] portion of the subject property located outside of the Niagara Escarpment Plan. The total property is 12.1 ha (30 ac) in size. [Note: Under the Agreement on Title, the 12.1 ha (30 ac) property is not recognized as an “existing lot of record” under the Niagara Escarpment Plan.]

COMMENT:

The original report and recommendations (A1) were presented to the Commission at the February 16, 2017 meeting for consideration. The Commission deferred a decision requesting advice regarding the unrecognized status of the subject lot as an existing lot of record under the Niagara Escarpment Plan, and, on the similarity between lots created under the Beds of Navigable Waters Act and by Testamentary Devise.

Note: Debbie Ramsay, Manager, reviewed the staff report and answered questions. Jane Thompson, Counsel, presented and answered questions.

M778R9/04-2017

Moved By: Cambray
Seconded By: McQueen

“That Commission move in camera to discuss the legal advice.”

Motion Carried

M778R10/04-2017

Moved By: McQueen
Seconded By: Horner

“That Commission move out-of-camera.”

Motion Carried
M778R11/04-2017

Moved By: Davidson
Seconded By: VanderBeek

“That Commission receive the information report.”

Motion Carried

M778R12/04-2017

Moved By: Davidson
Seconded By: VanderBeek

“That the Commission instruct NEC staff to inform the Owner that it will not amend the Agreement on title pursuant to the existing Development Permit but the Owner may submit a new Development Permit Application to consider amending the current approval.”

Motion Carried

NEW BUSINESS

Commissioner Davidson spoke of the pressures on northern municipalities to open road allowances for all terrain vehicles. The current Niagara Escarpment Plan does not permit motorized vehicles in the Escarpment Natural Area.

M778R13/04-2017

Moved By: Davidson
Seconded By: VanderBeek

“That the Commission request staff prepare a report within the next two months on the use of road allowances by motorized vehicles in the Niagara Escarpment Plan Area.”

Motion Carried

A3

DEVELOPMENT PERMIT APPLICATION S/F/2016-2017/9210
Nature Conservancy of Canada
Part Lots 8 - 10, Concession 7
Township of Clearview County of Simcoe

PROPOSAL:

To decommission the existing concrete outflow structure within the former online Mingay pond; reinstate the existing spillway; and cap the contaminated sediments within the pond bed with 150 mm of native granular material within the Creemore Nature Preserve, on the 82 ha (203 ac) existing lot.
RECOMMENDATION:

The application should be approved subject to Conditions.

Note: Debbie Ramsay, Manager, reviewed the staff report and answered questions. Wayne Winters (on behalf of Susan Winters, Neighbour), presented and answered questions. Kristyn Ferguson, Program Director – Georgian Bay-Huronia, Nature Conservancy of Canada, was present and answered questions.

Moved By: Elgar
Seconded By: Davidson

“That the Commission accept the staff recommendation with the following conditions including an additional Condition (8) that prior to the issuance of a Development Permit by the Niagara Escarpment Commission, the applicant shall prepare and submit a plan regarding monitoring of sediment deposited downstream of the bypass structure for the approval of the Niagara Escarpment Commission.

CONDITIONS of APPROVAL

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

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

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

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

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

7. Prior to the commencement of any development, appropriate erosion/sediment control measures shall be implemented and maintained as shown on the approved Site Plan (Condition #1) until all disturbed areas are stabilized. The landowner shall confirm the installation of the erosion/sediment control measures through the submission of photographs to the Niagara Escarpment Commission. It is the responsibility of the landowner to implement, monitor and maintain all erosion/sedimentation control structures until vegetative cover has been successfully established. Any deficiencies shall be addressed immediately.

8. Prior to issuance of a Development Permit by the Niagara Escarpment Commission, the applicant shall prepare and submit a plan regarding monitoring of sediment deposited downstream of the bypass structure for the approval of the Niagara Escarpment Commission.

9. The type, quantity, quality and source location of any imported fill material, if required, 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.

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

Note:

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.

Motion Carried
"That the Commission direct staff to contact the Nottawasaga Valley Conservation Authority to request the Conservation Authority engage in finding a resolution to the sedimentation issue, including monitoring of the area and development of stewardship approaches to minimize sedimentation within the upstream catchment area."

Motion Carried

A4

RE: PRESENTATION BY NIAGARA REGION ON THE BROCK DISTRICT PLAN

Rino Mostacci, Commissioner, Planning and Development Services, Niagara Region, presented and answered questions.

Mr. Mostacci thanked Commissioner Brian Baty for his assistance and input with the development of the Brock District Plan.

The Brock District Plan is intended to address land use planning around Brock University and the Niagara Region government campus. The District is multi-jurisdictional as it is split between Cities of Thorold and St. Catharines, as well as the NEC. A significant portion of the lands are owned by the Region. Therefore, it can be challenging to co-ordinate development. The District Plan was designed to provide a unified approach and a long-term vision for the area in conjunction with Brock University.

The Plan started by looking at the best practices used by other university campuses such as Harvard and MIT to integrate the campus with the urban community. The Brock University campus and surrounding lands are isolated from the St. Catharines / Thorold communities. The District Plan will look at intensification, improved urban design and streetscaping, and mixed use development to provide more of a complete community in the area. Other factors included making the area more accessible for pedestrians and cyclists and improving the convenience and comfort of using public transit.

The Plan acknowledges that the District lies within a UNESCO World Biosphere Reserve, and that the key feature of the area is the Niagara Escarpment.

An advisory committee will be established to provide guidance on the implementation of the District Plan. A Regional Official Plan Amendment will be required to formalize the Plan.
Moved By: Baty
Seconded By: Downey

“That the Commission receive the presentation and request that NEC staff participate on the Brock District Technical Advisory Committee.”

Motion Carried

NEW BUSINESS

The Chair thanked Commissioner Allan Elgar for his 13 years of service as a Commissioner and for his valuable contribution to the Niagara Escarpment Commission and his strong support of the mandate. Commissioner Elgar thanked his fellow Commissioners and staff. He noted that the staff at the NEC consistently produce comprehensive and clear staff reports which made it easy to make an informed decision. He has enjoyed his years as a Commissioner.

ADJOURNMENT

Moved By: Elgar

“That this meeting be adjourned.”

Motion Carried

Time of Adjournment: 2:50 p.m.