MINUTES OF M779/06-2017
NIAGARA ESCARPMENT COMMISSION
ST. CATHARINES, ONTARIO
June 15, 2017


Regrets: None.


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

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

Chair Don Scott presided.

Introductions:

No introductions.

APPROVAL OF MINUTES – M778/04-2017

M779R1/06-2017 Moved By: McQueen
Seconded By: Horner

“That the Commission accept the Commission Minutes of April 20, 2017, once reference to Commissioner Cambray has been removed from page 9 of the Minutes as he was thanked in general but was not involved in the development of the Brock District Plan.”

Motion Carried
Business Arising from the Previous Minutes

No business arising.

CONFLICTS OF INTEREST – Declaration of Conflicts of Interest

None declared.

MOTION FOR SPEAKERS

M779R2/06-2017

Moved By: Baty
Seconded By: Horner

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

Motion Carried

PRESENTATION

Niagara Escarpment Commission (NEC) Operational Strategy

The Director, David Ayotte, reviewed and provided context for the Commission on the new operational strategy for the NEC that was rolled out to NEC staff and implemented the previous month.

The Director provided the Commission with some background on the reasons for the new Operational Strategy. It was noted that the focus of the NEC over the past five years had been directed towards the Co-ordinated Review which took many staff members away from their day to day work. The low interest rates, a growing economy, and a growth in population in the GTA have resulted in a 68% increase in development permit applications since 2013-14. Processing an application has become more complicated with the addition of the Endangered Species Act and the Greenbelt Plan to name a few of the additional policies to be considered. The number of full time staff at the NEC is capped, the budget has been flat lined for many years and there is a need to modernize the tools available to staff. These factors contribute to a criticism of the NEC which was the length of time it takes to process a Development Permit Application. The Operational Strategy was developed to help address this and to modernize the NEC.

The Director explained the four cornerstones to the modernization of the Niagara Escarpment Commission which are the Modernized Legislation, Streamlined Regulations, Operational Effectiveness, and Programs and Outreach. The first two items are long-term goals and therefore the current focus will be on what can be changed without amendments to the legislation.
The streamlining of regulations will include items such as e-mapping of the DC boundary; right-sizing of development control by pursuing removal of DC for Urban, Minor Urban, Recreation and areas outside of the NEP Area; streamlining of reports; and modernizing the approvals process. The NEC will continue to work with the Ministry of Natural Resources and Forestry (MNRF) to promote the need for amendments to the Niagara Escarpment Planning and Development Act (NEPDA), which may include the potential to charge fees for development permit applications and amendments, as well as for the review of technical studies, and the possibility of providing online permitting for straightforward applications and ‘short form’ applications.

The third cornerstone is business and organizational effectiveness which has been the current priority and involves investing in staff through training and team building; recalibrating resources by implementing the “integrated team” approach, establishing a GIS/IM/IT Unit, as well as reviewing and enhancing business processes and, providing better tools and a renewal of the database to automate processes and facilitate tracking and reporting.

There are three integrated teams based on the geographical areas so there is a South team (Niagara Region and City of Hamilton), a Central team (Halton Region, Peel Region and Town of Mono) and a North Team (Part of Dufferin County, Simcoe County, Grey County and Bruce County). Each Integrated Team consists of a Senior Strategic Advisor (SSA), Senior Planners, Planner(s), and an Administrative Assistant. Supporting the Integrated Teams are the IM & IT Unit, Landscape Architect, Compliance Specialist, Marketing and Communications Unit, and the Commission Administrative support. The SSAs and Senior Planners co-lead the teams.

The fourth cornerstone is to promote the NEC. This will be done by educating our partners and clients on the new Niagara Escarpment Plan; promotion of the NEC and NEP as key to the Biosphere Reserve designation; enhancing indigenous engagement through the Biosphere Reserve network; and an improved website.

**M779R3/06-2017**

**Moved By:** Downey  
**Seconded By:** McQueen

“Whereas the NEC work plan outlines strategies for timely and efficient processing of applications;  
And whereas we recognize and value the working relationship between Conservation Authorities and Municipal Governments as active partners in stewardship and protection of the Escarpment;  
And whereas we recognize the expertise, professionalism and rigorous processes of these partners with respect to development applications;  
Therefore be it resolved that NEC staff be directed to review the development permit process and provide recommendations for application streamlining and greater municipal collaboration to facilitate more timely comments on NEC development permit applications; and further be it resolved that the recommendations be examined through a sector based model.”

**Motion Carried**
M779R4/06-2017

Moved By: Downey
Seconded By: Baty

“Whereas the NEC strives to be leaders in environmental stewardship; Whereas the greater public sector has widely embraced the use of electronic agendas as a green sustainable and functional practice; Therefore be it resolved that the NEC assess the feasibility and cost effectiveness of implementing e-agendas.”

Motion Carried

M779R5/06-2017

Moved By: Greig
Seconded By: VanderBeek

“That the Commission receive the presentation for information.”

Motion Carried

A3 SUB #9605

STAFF REPORT
Proposed Credit Valley Trail – Draft Route
Niagara Escarpment Plan Area (Town of Caledon)

BACKGROUND:

The Niagara Escarpment Commission (NEC) received a presentation regarding the proposed Credit Valley Trail in February 2016. Staff of the NEC participated in the Steering Committee for the Trail and were asked to provide comments to Credit Valley Conservation (CVC) regarding the draft trail route in May. NEC staff sent interim comments to meet the CVC deadline but are bringing this report forward at this time so that the staff comments can be considered.

RECOMMENDATION:

That the NEC endorse the staff comments dated May 10, 2017 regarding the draft route for the proposed Credit Valley Trail within the Niagara Escarpment Plan Area and support ongoing consultation with Credit Valley Conservation with respect to the development of the future Credit Valley Trail.

Note: Nancy Mott, Senior Strategic Advisor, reviewed the staff report and answered questions.
“That the Commission accept the staff recommendation.”

Motion Carried

A2 SUB # 9604

INTERPRETATION REPORT
Niagara Escarpment Plan, Part 3.4, Land Disposal
Queenston Quarry NEPOSS Park
Town of Niagara-on-the-Lake Niagara Region

ISSUE:
Can the Niagara Parks Commission dispose of a parcel of land greater than 2 hectares in size in a park in the Niagara Escarpment Parks and Open Space System without a Plan Amendment?

RECOMMENDATION:
That the Niagara Escarpment Commission advise the Niagara Parks Commission that it:

a) supports the proposed disposal of land by the Niagara Parks Commission to the abutting land owner, the Queenston Quarry Reclamation Company, as it is not in conflict with the intent of Part 3.4 of the Niagara Escarpment Plan;

b) endorses the interim NEC staff comments in the letter of May 11, 2017, and;

c) agrees that the lands to be disposed of do not need to be included in a heritage conservation easement.

Note: Nancy Mott, Senior Strategic Advisor, reviewed the staff report and answered questions.
Ellen Savoia, Senior Planner, Niagara Parks Commission, presented and answered questions.

“That the Commission accept the staff recommendation.”

Motion Carried
Adjourned for Lunch: 12:00 p.m.
Reconvened: 12:45 p.m.

A1

DEVELOPMENT PERMIT APPLICATION H/F/2015-2016/409
Zbigniew Koziol
Part Lot 15, Concession 7
Town of Milton Halton Region

PROPOSAL:
To recognize the unauthorized installation of a geothermal system (horizontal, closed-loop), including associated grading/fill importation (approximately 40 loads imported and mixed with approximately the same quantity of fill originating from the previously approved development on the property), on a 3.18 ha (7.85 ac) lot.

Note: Final site grading in the area of the geothermal system will utilize fill material from an unauthorized berm, which will be removed.

RECOMMENDATION:
The proposal be **approved** subject to conditions.

M779R8/06-2017

Moved By: Davidson
Seconded By: Horner

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

Zbigniew Koziol

CONDITIONS OF APPROVAL H/F/2015-2016/409

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 (NEC) in writing of the start and the completion date of the development. This notice shall be provided to the NEC forty-eight (48) hours prior to the commencement of development, and within fourteen (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 on the approved Site Plan.

5. No vegetation shall be cut or removed from the development envelope except for that identified on 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 the site grading and access road construction. All trees, shrubs, herbs 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. Appropriate erosion/sediment control and tree protection measures (e.g. silt fencing/tree hoarding) shall be installed around all parts of the development site prior to commencing demolition/development. Photographs verifying the installation of the fencing/hoarding shall be submitted to the Niagara Escarpment Commission prior to commencing construction. The controls shall be maintained until the works are completed and the site is stabilized.

8. Prior to the issuance of a Development Permit by the Niagara Escarpment Commission, an accurate and detailed Final Site Grading and Drainage Plan shall be submitted for Niagara Escarpment Commission approval. The Plan shall address the as-built location of the geothermal system, removal of the berm and final site grades, a minimum 3.0 metre setback from the dripline of the woodland for all grading activity/fill placement, and the location of erosion/sediment controls and tree protection measures identified in Condition 7. The approved 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 Grading and Drainage Plan.

9. All exterior site lighting shall be designed to be minimal, subdued, of low height and downward facing.

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.

Notes/Advisories:

1. 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., Conservation Authorities Act, Endangered Species Act, Migratory Birds Convention Act, Ontario Building Code/municipal Site Alteration Permit, etc. The Niagara Escarpment Development Permit is required prior to the issuance of any other applicable approval, licence or certificate.
2. The Niagara Escarpment Commission supports the protection of the night sky from excessive residential lighting and recommends, in conjunction with Condition 9, that the applicant obtains information on shielding the night sky through the use and operation of appropriate lighting fixtures. This information is available at www.darksky.org.

Motion Carried

C2

STAFF REPORT
Ministry of Environment and Climate Change’s Proposed Excess Soil Regulatory Amendments
NEC File LG 04 24

BACKGROUND:

In response to an application for review under the Environmental Bill of Rights, the Ministry of Environment and Climate Change (MOECC) completed a review of the need for additional policy to manage the disposal of excess soil. As a result, the MOECC proposed an Excess Soil Management Policy Framework in December 2015, which contained 21 actions including the development of a new excess soil reuse regulation, and amendments to several existing regulations. The NEC also provided comments on this framework, and was generally supportive of the approach proposed by MOECC.

The MOECC has now released the details of this framework. The deadline for comments was June 23, 2017.

RECOMMENDATIONS:

Staff recommended the following:

1. That the NEC request that the new regulation specifically state that an approval under the Niagara Escarpment Planning and Development Act is a recognized site-specific instrument, and that the MOECC work with the NEC, municipalities, and other local approval authorities to clarify enforcement roles when there is no site-specific approval in place. It is also recommended that the NEC request that inert fill not be exempt from the waste management requirements in Part V of the Environmental Protection Act.

2. That the NEC state its support for both the Excess Soil Management Plan and Environmental Site Registry requirements.

3. That the Commission endorse staff’s interpretation that temporary excess soil storage sites are not permitted in the NEP Area, either as stand-alone uses or as on-farm diversified uses.
4. That the NEC state its support for the proposed amendment to the Ontario Building Code.

5. That the Commission endorse the proposed policies relating to the re-use of excess soil in Escarpment Natural and Protection Areas.

6. That the Commission endorse the proposed policies relating to the placement of excess soil on agricultural lands.

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

**M779R9/06-2017**  
Moved By: Cambray  
Seconded By: VanderBeek

“That the Commission adopt the staff recommendations.”

Motion Carried

**C1 SUB # 9603**

**INFORMATION REPORT**

Protection of the Fonthill Kame Delta Provincially Significant Earth Science ANSI

**BACKGROUND:**

At the February 2017 Niagara Escarpment Commission (NEC) meeting, Commissioners requested that staff report back on options for providing additional protection to the Fonthill Kame Delta Provincially Significant Earth Science Area of Natural and Scientific Interest (ANSI). Portions of the ANSI had been evaluated by NEC staff for addition to the Niagara Escarpment Plan (NEP) Area through the Co-ordinated Land Use Planning Review. However, staff found that not all areas of the ANSI met the evaluation criteria for going forward as a proposed addition under the Co-ordinated Review process.

On May 18, 2017, the government released the new NEP and mapping, with an effective date of June 1, 2017. The government did not add any lands to the NEP Area.

**NEXT STEPS:**

Although the Fonthill Kame Delta ANSI did not receive additional protection as an outcome of the Co-ordinated Review, it is still possible that a Niagara Escarpment Plan (NEP) Amendment could be pursued to add the lands to the NEP Area. However, it should be noted that only the Escarpment Natural and Protection Area designations of the NEP provide strong protection of the lands from aggregate extraction. The planning justification included with an application to amend the NEP would need to demonstrate how the lands meet the NEP designation criteria for the proposed land use designation.
RECOMMENDATION:
That the Commission receive this report for information.

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

M779R10/06-2017

Moved By: Baty
Seconded By: VanderBeek

“Commissioner Baty asked staff questions about the report and brought forward a motion to defer the report until such time that NEC staff could discuss options with staff at the Town of Pelham regarding increased protections for the Fonthill Kame Delta.”

Motion Carried

C3 SUB # 9606

INFORMATION REPORT
Canadian Commission for UNESCO 57th Annual General Meeting and Canadian Biosphere Reserves Association “Day on the Hill”

BACKGROUND:

The United Nations Educational Scientific and Cultural Organization (UNESCO), is responsible for coordinating international cooperation in the areas of education, science, culture and communication.

The Canadian Commission for UNESCO (CC UNESCO) serves as a bridge between Canadians and the work of UNESCO by promoting UNESCO values, priorities and programs in Canada through a network of networks. The CC UNESCO activities are guided by the United Nations’ 2030 Agenda for Sustainable Development and other UNESCO priorities. The Man and the Biosphere (MAB) Programme area is one of the networks that the CC UNESCO supports.

Biosphere reserves are a programme area mandated by UNESCO to act locally as model regions for the themes of biodiversity conservation, sustainable development and Reconciliation. The world network of UNESCO designated biosphere reserves covers 669 regions in 120 countries. There are currently 18 biosphere reserves in Canada, four of which are located in Ontario. The 18 biosphere reserves form and are members of the Canadian Biosphere Reserves Association (CBRA). The mission of CBRA is to support Canadian BRs in the achievement of their mandates and to demonstrate their collective value nationally and internationally.
CONCLUSION:

The 57th CC UNESCO AGM and Day on the Hill event were positive in elevating the role of Canadian biosphere reserves in actively implementing federal and provincial goals. The events also provided an opportunity for CC UNESCO and the CBRA to identify priority actions concerning these issues, with the goal to be facilitators of positive change.

The theme areas were very relevant to the Niagara Escarpment Biosphere Reserve’s priority areas as identified in the 2012 Periodic Review recommendations, including engagement of Indigenous peoples and advancing the sustainable development functions of the biosphere reserve.

The CBRA AGM will be held June 18-22 in the Manicouagan-Uapishka Biosphere Reserve, Quebec. Lisa Grbinicek will be attending as representative of the Niagara Escarpment Biosphere Reserve.

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

M779R11/06-2017 Moved By: Downey
Seconded By: Horner

“That the Commission receive the report.”

Motion Carried

INFORMATION REPORTS – G Package

DISCUSSION:

NEC staff answered several questions that arose from the Director’s Report.

The Commission asked about a specific hearing not listed on the Hearings Chart. NEC staff advised that the panel report has gone to the Minister for the final decision. Also, a Commissioner noted that Planner, John Stuart, has done a good job handling several hearings given the complexity of the files and his brief time in the position.

M779R12/06-2017 Moved By: Davidson
Seconded By: Horner

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

Motion Carried
NEW BUSINESS

The Director advised the Commission that the “formal” thank you to past Commission members whose terms have recently expired will be held during the October Policy/Commission meetings. New appointments are expected before the July Commission meeting.

The Director recognized Commissioner Corwin T. Cambray’s term expires in July having served 10 years (4 terms) on the Commission. Chair Don Scott’s term also expires in July having served for twenty years (7 terms) on the Commission. Both received a round of applause and thanks from staff and fellow Commissioners.

Commissioner Cambray appreciated the opportunity to serve as a Commissioner. He enjoyed working with staff and his fellow Commission members both past and present. He found the quality of the staff at the NEC to be excellent and that all staff have been willing to go the extra mile. He thanked the Commission secretary for answering his questions promptly and pleasantly.

Chair Scott also found staff to be knowledgeable, hardworking and progressive and thanked the Commission secretary for keeping him organized. He has always been a strong supporter of the Escarpment from the very beginning. He wished staff and Commissioners the best of luck.

The Commission requested a revised list of the site specific amendments indicating which had been approved, refused and deferred as well as a copy of the presentation on the new NEC operational strategy as presented by the Director. Staff will also include the Niagara Escarpment Plan land use designations statistics which compares the 2005 NEP (2015) with the 2017 NEP (June).

ADJOURNMENT

M779R13/06-2017

“That this meeting be adjourned.”

Motion Carried

Time of Adjournment: 2:00 p.m.

Original Signed by
Russ Powers for:

Don Scott
Chair