MINUTES OF M780/10-2017
NIAGARA ESCARPMENT COMMISSION
GEORGETOWN, ONTARIO
Wednesday, October 18, 2017


Regrets: None.

Guests: R. Pineo, Niagara Escarpment Team Lead, S. Cooper, Natural Heritage Land Use Planning Section, E. Kerr, Counsel, Legal Services Branch, MNRF; R. Patrick, President, C.O.N.E; and G. Flint, Member, Gravel Watch.

Meeting called to order: 2:30 p.m.

Chair Russ Powers presided.

Introductions:

The Chair asked Commissioners Brian Baty, Beth Gilhespy, Duncan McKinlay, Johanna Downey, Burkhard Mausberg, Arlene VanderBeek, Shawn Davidson, Patricia Greig, Linda Pim, Paul McQueen and Janet Horner to introduce themselves to one another and staff as this was the first meeting for four of the Commissioners. The Chair then asked staff to introduce themselves. The two guests, Bob Patrick and Graham Flint were also introduced to the Commission.

The Chair, Russ Powers, welcomed Commissioners Gilhespy, Mausberg, McKinlay, and Pim and introduced himself to the Commission and staff. Chair Powers is looking forward to working with the Commission.
APPROVAL OF MINUTES – M779/06-2017

Moved By: McQueen
Seconded By: Horner

“That the Commission accept the Commission Minutes of June 15, 2017 as written.”

Motion Carried

Business Arising from the Previous Minutes

Commissioner Baty noted that he had spoken strongly at the June 15th Commission meeting regarding the Fonthill Kame matter and wanted to clarify that his comments were not a reflection on the quality of staff’s work.

CONFLICTS OF INTEREST – Declaration of Conflicts of Interest

None declared.

MOTION FOR SPEAKERS

Moved By: Davidson
Seconded By: Baty

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

Motion Carried

C1 SUB # 9607

Proposed Niagara Escarpment Commission 2018 Meeting Schedule

RECOMMENDATION:

That the Commission accept the proposed 2018 Niagara Escarpment Commission (NEC) Meeting Schedule.

Note:  David Ayotte, Director, reviewed the letter regarding remuneration, the Code of Conduct form and the meeting schedule.
Moved By: Pim
Seconded By: Davidson

“That the Commission defer the 2018 Meeting Schedule to the November 2nd meeting so that Commissioners can review their schedules with regards to the March meeting date of March 15th or March 22nd.”

Motion Carried

C3 SUB # 9608

STAFF REPORT
Niagara Escarpment Commission Policies, Guidelines and Protocols
Status Update and Recommendations

BACKGROUND:

In 2009, the Commission endorsed a “Protocol for Niagara Escarpment Plan (NEP) Policy Interpretations” that established a consistent process for the NEC to provide additional guidance material to support implementation of the NEP. For example, the Protocol allowed for stakeholder consultation (at the discretion of the Commission), for delegations to speak to draft policy interpretations at Commission meetings, and that policy interpretations must be endorsed by the Commission. This Protocol was followed when the NEC’s animal kennel guidelines were developed in 2010, but has not been consistently used since then.

In 2012, the NEC compiled an inventory of the various policy interpretations, guidelines and protocols (“guidance material”) used by the NEC in preparation for the Co-ordinated Review. In response, the Commission provided direction that some of this guidance material should be addressed during the Co-ordinated Review by integrating it into the revised NEP to improve clarity and transparency. For example, in the final recommendations to the Minister, the NEC supported inclusion of a definition for “small scale” that clarified its meaning as 465 square metres or less. The NEC had, in practice, always used this as a size limit for small-scale uses, but it was never made explicit in the NEP.

Now that the 2015 Co-ordinated Review is complete and the new NEP is in effect, it is appropriate to review the Commission’s existing guidance materials to determine whether they should be retained because they are still relevant, should be rescinded because they are no longer relevant, or whether they should be reviewed and updated to reflect new policies and/or best practices. Most notably, the Protocol on NEP Policy Interpretations should be prioritized since it has not been reviewed since 2009, and it should be reconsidered in light of the new policy on guidance material in the Introduction to the NEP.
RECOMMENDATIONS:

1. That staff review the “Protocol for NEP Policy Interpretations (2009),” in consultation with MNRF, and make recommendations on how the Protocol can be updated and improved to meet requirements under the 2017 NEP;

2. That once approved, NEC staff follow the Protocol in undertaking a systematic review of the existing policy interpretations, guidelines, and other protocols listed in Appendix 2; and

3. That staff monitor any issues related to the policy gaps identified in this report for a period of one year (or less if necessary), and report back to the Commission on the need for policy interpretations or guidelines to support implementation of the new NEP.

Note: Nancy Mott and Kim Peters, Senior Strategic Advisors, reviewed the staff report and answered questions.

M780R4/10-2017
Moved By: Baty
Seconded By: VanderBeek

“That the Commission approve staff’s recommendations.”

Motion Carried

NOTE: The Commission was provided with an amended Appendix 1.

C4 SUB # 9609

STAFF REPORT
Comments on Implementation Procedures for the Agricultural System in Ontario’s Greater Golden Horseshoe

BACKGROUND:

On July 6, 2017, the Ontario Ministry of Agricultural, Food, and Rural Affairs (OMAFRA) released draft guidelines to support implementation of the “Agricultural System” in the Greater Golden Horseshoe (GGH). The Agricultural System concept is intended to address comments received through the Co-ordinated Land Use Planning Review that more needs to be done to support a vibrant agri-food sector in the GGH. Specifically, the advisory panel led by The Honourable David Crombie recommended that the government should “…work with municipalities, the agriculture sector and other stakeholders to provide policy direction and guidance towards the consistent identification, mapping and protection of an integrated Agricultural System across the GGH” (Recommendation #28).
The Agricultural System consists of the agricultural land base, which includes prime agricultural areas and other lands that support agriculture, and the agri-food network, which includes the infrastructure, services, markets, distributors, and primary processing facilities that contribute to the viability of agricultural operations.

The materials released for consultation include draft procedures to guide implementation of the Agricultural System in municipalities and a web-based Agricultural System portal with mapping of the components of the Agricultural System, including both the agricultural land base and the agri-food network.

RECOMMENDATION:

That the Commission endorse NEC staff’s comments and forward confirmation to OMAFRA.

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

M780R5/10-2017

Moved By: McKinlay
Seconded By: Horner

“That the Commission endorse staff’s comments and forward confirmation to OMAFRA and continue engagement and consultations with OMAFRA.”

Motion Carried

NOTE: Commissioner Pim noted some concerns with the staff report. The Commissioner commented that this is an integrated way to look at a seamless system across the landscape and that further discussions need to occur between OMAFRA and the NEC.

C2 SUB # 9611

INFORMATION REPORT
Proposed Draft Regional Natural Heritage System for the Growth Plan for the Greater Golden Horseshoe

BACKGROUND:

As part of the Co-ordinated Land Use Plan Review, the Government announced that the Province of Ontario would lead the development and mapping of a Natural Heritage System (NHS) for the Growth Plan for the Greater Golden Horseshoe (GGH), beyond the Greenbelt Plan by July 1, 2017. The Ministry of Natural Resources and Forestry (MNRF) was identified as the lead to draft criteria, methodology and develop mapping for the NHS with technical input provided by staff at several key ministries including the Ministry of Municipal Affairs, Ministry of the Environment and Climate Change and the Ministry of Agriculture, Food and Rural Affairs.
Section 4.2.2 of the Growth Plan, 2017 states that the Province will map a Natural Heritage System for the GGH in order to support a comprehensive, integrated, and long-term approach to planning for the protection of the Region’s natural heritage and biodiversity.

CONCLUSION:

The proposed NHS for the Growth Plan for the GGH is to be applied outside of the existing NHS of the Greenbelt Plan (and outside the NEP Area); therefore there is no direct impact of the proposal on the NEP. The intent of identifying a regional scale NHS is positive overall and once refined based on the feedback received, will support landscape connectivity and a systems approach with the existing NHS of the Greenbelt Plans, and allow opportunities for enhanced protection of biodiversity, ecological health and ecosystem resiliency at the landscape level.

RECOMMENDATION:

That the Commission accept the report for information purposes.

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

M780R6/10-2017

Moved By: Mausberg
Seconded By: Pim

“That the Commission receive the information report.”

Motion Carried

PRESENTATION

INFORMATION ON OUTREACH SESSIONS

The Communications Coordinator, Danielle D’Silva, spoke to the Commission about the outreach sessions that staff are planning to educate our partners on the Niagara Escarpment Plan that came into effect on June 1, 2017, the new NEC integrated team structure and the UNESCO Biosphere Designation. The NEC is looking to continue to foster partnerships and maintain transparency with the public. The key audience groups are NEC staff and the Commission, Municipalities, MP’s and MPP’s, non-governmental organizations, Indigenous communities, conservation authorities and interested landowners.

Information sessions have been held for both staff and Commissioners. The next outreach will be focused on key stakeholders and partners. Following the current team structure, there will be three outreach sessions taking place in the south, central and north section of the Niagara Escarpment Plan Area. These sessions will allow participants to learn about the NEC, meet their regional integrated team members, be
briefed on the new NEP and have their questions answered. These are two day 
sessions. Day 1 will introduce the integrated team staff and will include high level 
presentations on the NEC Compliance program, NEP policy topics and a question and 
answer session for municipalities and conservation authorities. Day 2 will be for 
organizations such as real estate boards, landscape architects, architects, planning 
consultants and engineers and will again introduce the integrated team staff and will 
include an overview of the NEC and the NEP, the Development Permit process, the 
compliance program and an opportunity to ask staff questions about the NEC program 
in the afternoon.

NEC staff will approach the education of all stakeholders and partners through the use 
of various methods. The outreach sessions are only one of the ways that staff will 
reach our various audience groups. The new NEC website www.escarpment.org was 
launched in the Spring of 2017 to make it easier to navigate with enhanced visual 
appeal and streamlined content. New features include an interactive map and online 
Development Permit Application form. Commissioners will have the ability to review 
and download staff reports online and will have wifi access at the meetings.

Staff will be attending events, conferences and speaking engagements to raise 
awareness of the Niagara Escarpment and the NEC program. The NEC will be 
presenting and hosting exhibit displays at conferences such as the OPPI conference 
and the Latomell Symposium in November 2017. Staff encourages Commissioners to 
promote the NEC program in their communities and their affiliated organizations. Staff 
will continue to build and foster partnerships with membership organizations and will 
collaborate with municipalities to streamline the development permit process.

The Niagara Escarpment Commission is the central conveyor of the Niagara 
Escarpet Biosphere Reserve (NEBR). Lisa Grbinicek is the NEBR representative at 
the NEC. The NEC and the NEP are the key foundation of the Niagara Escarpment’s 
UNESCO Biosphere Reserve designation. NEC is continuing to work with the NEBR 
practitioners to develop an NEBR Network and associated governance structure in 
order to create greater shared participation and responsibility of the biosphere reserve. 
Recently, the NEBR held two Indigenous outreach workshops in the North and South to 
listen and learn from Indigenous peoples and brainstorm about how more Indigenous 
knowledge and participation can be applied to initiatives and programs related to the 
NEBR.

DISCUSSION

Commissioner Mausberg commented that there are too many audiences being targeted 
as it is difficult to please everyone. He was not sure which is being promoted the NEC 
or the NEBR as he felt the focus should be on promoting the landscape.

Commissioner Baty spoke in support of the upcoming promotion of the book “Heart of 
Turtle Island”. He noted that the author of the book would be a strong partner for the 
NEC. He requested that the updated mapping be available at all public offices such as 
libraries, schools and municipal offices as a means of educating the public about the 
NEP designations. Commissioner Baty spoke of the Ramsar designation which is being 
sought for the Niagara River. To be designated one of nine criteria must be met and the
Niagara River meets all 9 of the criteria. Back in the 1950s the Niagara River was the worst polluted river and since then there have been many improvements made to turn the situation around. The Niagara River is a different take on the wetland concept.

The Director spoke to the question about the Leading Edge Conference which is still being considered but not for 2018. Staff has placed outreach to municipalities as a priority following the Plan Review and launch of the new NEP.

Commissioner Horner applauded staff’s efforts for more awareness and encouraged staff to move to action with the municipality workshops. Work needs to be done to shorten the timelines for the processing of applications. The Director advised that this is in the works along with a multi-phased project to map the Development Control boundary for more accurate mapping. The Director explained the difference between areas in Development Control and those in the NEP Area. Other processes are being put in place as well to ensure the level of service provided is the same across the NEP Area.

Commissioner Pim thanked Danielle for her presentation and noted the transfer from former Commissioner Cecil Louis to Lisa Grbinicek, Senior Strategic Advisor, as representative of the NEBR. She lives in a Minor Urban Centre of the Plan Area and is acutely aware of the public's lack of awareness of the role of the Commission.

Commissioner McKinlay believes that what is proposed is essential and needs to be done as there are many people that still have negative thoughts since the Review and do not understand land use planning. We need to bridge the gap and reach out to the rural communities. The Chair advised that staff has done an admirable job of staying on top and not getting too far behind during the Plan Review and with the new Plan in place it is not only staff’s responsibility but that of the Commissioners as well to be present for the outreach.

Commissioner Davidson noted that this a very unique circumstance as the Commission is a regulatory authority, so the communication plan is different from what it would be if it were just the NEBR. He feels this could be overly ambitious and therefore staff need to determine the highest priorities and not put too much emphasis on one method and not enough in others while not overburdening staff.

Communications staff advised that one of the initiatives is an interactive piece where users could submit photos and tell their story/experience with the Escarpment. It was also noted that currently there are only 5 photos that can be used by NEC staff.

Commissioner McQueen commented that it was a good discussion and that the NEC is unique and that there needs to be outreach to explain what it is and how it works. He mentioned the Niagara Escarpment Achievement Awards program and asked if it will be promoted again now that the Plan Review is over. Staff advised that the awards were discussed and that the criteria need to be reviewed.
Commissioner VanderBeek agreed with Commissioners Davidson and McQueen and that the awards are a good tool to promote the Escarpment. She did caution staff about the use of online photos in relation to municipal by-laws and copyrights as this has come up recently in Hamilton.

Commissioner Mausberg congratulated staff on the new website. He noted that road signs are also a high profile way of promoting the Escarpment and that many of these are in need of replacement.

The Chair would like staff and the Commissioners to work together on future outreach projects.

Note: Danielle D'Silva, Communications Coordinator, presented and answered questions.

M780R7/10-2017 Moved By: VanderBeek
Seconded By: Downey

“That the Commission receive the presentation.”

Motion Carried

ADJOURNMENT

M780R8/10-2017 Moved By: VanderBeek

“That this meeting be adjourned.”

Motion Carried

Time of Adjournment: 5:05 p.m.

R.F. (Russ) Powers
Chair
## Outstanding Action Items

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<thead>
<tr>
<th>Item Description</th>
<th>Commission Date</th>
<th>Action Required</th>
<th>Update</th>
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<tbody>
<tr>
<td><strong>Policy &amp; Plan Interpretation Items (to be brought forward once new NEP in place)</strong>&lt;sup&gt;1&lt;/sup&gt;</td>
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<tr>
<td>Policy Paper on energy development on NEP lands.</td>
<td>October 16, 2014</td>
<td>NEC staff to produce a Policy Paper</td>
<td>The proposed changes to the NEP contain policies regarding green energy. To be brought forward once new NEP in place.</td>
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<tr>
<td>Review of Policy on Intensification of Use.</td>
<td>August 20, 2015</td>
<td>Staff Report</td>
<td>Postponed until after the Co-ordinated Plan Review is complete.</td>
</tr>
<tr>
<td>Request for policy paper to consider the differences between a winery/cidery and a distillery in the NEP Area.</td>
<td>August 18, 2016</td>
<td>Staff to prepare a report on the differences</td>
<td>Postponed until after the Co-ordinated Plan Review is complete. Anticipating timing: Spring 2018 Policy Meeting</td>
</tr>
<tr>
<td>Request staff bring back the Interpretation Report on medical marijuana in the Escarpment Plan Area to the Commission for discussion at a future meeting.</td>
<td>October 20, 2016; February 16, 2017</td>
<td>Staff to provide an updated report on medical marijuana in the NEP Area (subject to the outcome of the Plan Review).</td>
<td>Federal framework to be announced April/17, followed by implementation approach by province. Bring forward after implementation by province becomes clear.</td>
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<tr>
<td>The Commission requested staff prepare a report within the next two months on the use of road allowances by motorized vehicles in the Niagara Escarpment Plan Area.</td>
<td>April, 2017</td>
<td>Staff to prepare report for Commission</td>
<td>Staff to return to future policy meeting 2018.</td>
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**Discussion / Decision Items**

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<tr>
<td>Analyze and prepare options re participation and approach for staff at hearings where Commission decision differs from staff recommendation.</td>
<td>2017 policy meeting</td>
<td>Staff to prepare report with options for dealing with appealed applications where the Commission refused staff recommendations.</td>
<td>April 2018</td>
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<sup>1</sup> Timing of Policy & Interpretation items to be determined once new NEP evaluated and highest priority items identified for review/discussion by Commission.
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<th><strong>Information Items</strong></th>
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<tr>
<td>Commission requested MNRF to provide more information on the supply of aggregate resources within and adjacent to the NEP area based on current data from aggregate licences.</td>
<td>November 18, 2015</td>
<td>Staff to follow up with MNRF</td>
<td>MNRF undertook supply and demand study of aggregates in the Greater Golden Horseshoe. Review and analysis of findings has been completed. <strong>Recommend presentation at the November 2nd or 16th Commission meeting.</strong></td>
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<td>The Commission would like to have the Ministry of Natural Resources and Forestry (MNRF) come to a Policy meeting to provide a review and discussion on the surrendering of aggregate licences and rehabilitation plans.</td>
<td>April 21, 2016</td>
<td>Staff to arrange for MNRF to come in and speak to the Commission at a future Policy meeting on this topic</td>
<td><strong>Recommend presentation at the November 2nd or 16th Commission meeting.</strong></td>
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<tr>
<td>Request for discussion on process for amending Commission Meeting Procedures, and a requirement for 2/3 majority vote.</td>
<td>July 21, 2016</td>
<td>The new manager will review the procedures.</td>
<td>To be brought forward in 2017, concurrent with review of Procedures.</td>
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<tr>
<td>History of Development Control in Minor Urban Centres.</td>
<td>October 15, 2015</td>
<td>Staff to bring item forward for discussion</td>
<td>Project underway Ontario Surveyor General to establish DC boundary electronically. DC in MUCs part of project. Timing to be determined through project terms of reference. Information to be brought forward in 2017.</td>
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<th><strong>Action items to be evaluated further regarding approach &amp; timing</strong></th>
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<td>Staff to follow up and report back to the Commission with options to protect the Fonthill Kame Area</td>
<td>February 16, 2017</td>
<td>Staff to evaluate proposal from municipality.</td>
<td>Process on further Growing the Greenbelt to be determined. <strong>Timing: November 2, 2017</strong></td>
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<td>June 15, 2017</td>
<td>Staff was asked to meet with Town of Pelham staff to discuss increased protections for the Kame area.</td>
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