MINUTES OF M781/10-2017

NIAGARA ESCARPMENT COMMISSION

GEORGETOWN, ONTARIO

October 19, 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., E. Kerr, Legal Services Branch, Ministry of Natural Resources and Forestry.

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

Chair Russ Powers presided.

Introductions:

Chair Powers welcomed the new Commissioners to the Commission, and thanked the Ministry of Natural Resources and Forestry for assistance with the new appointments.

Condolences were expressed to Robert Patrick on the passing of his wife.

Business Arising from the Previous Minutes

No business arising.

CONFLICTS OF INTEREST – Declaration of Conflicts of Interest

Commissioner Baty noted a conflict with agenda item A4, development permit application N/P/2016-2017/482, Niagara Peninsula Conservation Authority.
MOTION FOR SPEAKERS

M781R1/10-2017
Moved By: McQueen
Seconded By: VanderBeek

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

Motion Carried

A4

DEVELOPMENT PERMIT APPLICATION N/L/2016-2017/482
Niagara Peninsula Conservation Authority (NPCA)
Part of Lot 19, Concession 2 & 3
Town of Grimsby, Region of Niagara

PROPOSAL:
To recognize the unauthorized demolition of two (2) lookout platforms located at the brow of the Escarpment, and to construct two (2) two-storey replacement ± 55 m² (± 600 ft²) look-out platforms with a maximum height to peak of ±4.7 m (15.5 ft) on a 52.1 ha (128.7 ac) property known as Beamer Memorial Conservation Area.

RECOMMENDATION:
The proposal be approved subject to conditions.

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

M781R2/10-2017
Moved By: McKinley
Seconded By: Pim

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

CONDITIONS OF APPROVAL N/L/2016-2017/482

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 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 including all structures, work zone, and access route to the Niagara Escarpment Commission for approval. 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.

   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 viewing platforms, including exterior elevations, 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. 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:

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 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.

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.

Motion Carried

A8

DEVELOPMENT PERMIT APPLICATION H/R/2016-2017/338
Community Living North Halton (CLNH)
Part Lot 29, Concession 10
Town of Halton Hills, Region of Halton

PROPOSAL:

To establish a group home use in an existing ± 882.6 sq m (± 9500 sq ft) single dwelling to accommodate 5 individuals on an existing ± 10.4 ha (± 25.8 ac) lot.

NOTE: The accommodation of not more than 2 individuals in the second single dwelling (± 232.3 sq m / ± 2500 sq ft) is not a change in use and therefore does not require a Development Permit.

RECOMMENDATION:

The proposal be approved subject to conditions.

M781R3/10-2017

Moved By: Davidson
Seconded By: Downey

“That the Commission accept the staff recommendation with the following conditions.”
1. Development shall occur in accordance with the Site Plan, Floor 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. All exterior site lighting shall be designed to be minimal, subdued, of low height and downward facing.

4. There shall only be one group home residence on the subject property as shown on the site plan and as defined by the NEP (2017).

   The second single dwelling on the subject property shall not be used as a group home as per the definition above, nor for commercial or industrial purpose.

5. Any office or administrative space associated with the group home use shall be contained within the larger dwelling that has approval for group home use.

6. **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, a final floor plan outlining how each of the rooms will be used, including number of bedrooms to be occupied and office space.

7. This conditional approval expires one (1) year from the date of confirmation of the decision to approve the Development Permit application. Condition #5 of this conditional approval shall be fulfilled before the expiry date.

**Notes/Advisories:**

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

**Note:** Amaraine Laven, Planner, reviewed the staff report and answered questions. Tom Arnold, Counsel for the Applicant, presented and answered questions.
“That the Commission accept the staff recommendation.”

Motion Carried

DISCUSSION

Commissioner Pim asked for clarification as to whether the two dwellings were pre-existing. Commissioner McKinley noted that the concern from the Region is unfounded.

A14

DEVELOPMENT PERMIT APPLICATION P/R/2016-2017/465

Carlo Rizzo  
Part Lot 8, Concession 1 WHS  
Town of Caledon, Region of Peel

PROPOSAL:

To construct a 1.5 storey, ± 315.86 sq. m. (± 3400 sq. ft.) single dwelling with a maximum height of ± 9.14 m (± 30 ft.) on an existing 1.2 ha (2.97 ac) lot. The proposed construction will include the construction of a driveway and on-site sewage disposal system. The existing single dwelling will remain on the property.

RECOMMENDATION:

That the proposal be refused.

Note: Sean Stewart, Planner, reviewed the staff report and answered questions. Clare Riepma, Agent, presented and answered questions. Carlo Rizzo, Applicant, presented and answered questions.

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

REASONS FOR REFUSAL

1. Proposed development is not consistent with Part 2.2.7 of the NEP.

2. Proposed development is not consistent with Part 2.2.11 of the NEP.
3. Proposed development is not supported by the Town of Caledon or the Region of Peel.

Motion Carried

DISCUSSION:

Commissioner Vanderbeek noted that the Town and the Region are not supportive of the application because it does not meet municipal zoning policies. Commissioner Gilhespy noted that a Plan Amendment is required to make the second separate dwelling a permitted use, and that there is no current authority for the Commission to approve any development in conflict with the Niagara Escarpment Plan. Commissioner Horner noted that the Applicant has the option of constructing a secondary dwelling unit if current proposal is refused. Commissioner Davidson expressed concern that if the Commission approved a second single dwelling on one property, it will set a precedent that is in conflict with the Niagara Escarpment Plan, and in conflict with the Niagara Escarpment Commission’s mandate. Commissioner Davidson also cautioned that the Commission has to be mindful of the long-term implications on the Escarpment of the demands for severances. Commissioner McKinley noted that there is no policy rationale for the Commission to approve the application.

A3

DEVELOPMENT PERMIT APPLICATION N/R/2016-2017/222
Ronald Brouwer
Part of Lot 7, Concession 1
Town of Pelham, Region of Niagara

PROPOSAL:

To construct a 1.5 storey, ± 435.70 sq m (± 4690 sq ft) single dwelling with covered porches and a height to peak of ± 10.06 m (± 33 ft), a 1 storey ± 340 sq m (± 3660 sq ft) detached garage with a height to peak of ± 9.14 m (± 30 ft), install an on-site septic system, driveway with culvert, on a 4.04 ha (10.0 ac.) existing lot.

RECOMMENDATION:

The proposal be approved subject to conditions.

Note: John Stuart, Planner, presented and answered questions. Ronald Brouwer, Applicant, presented and answered questions.
M781R6/10-2017

Moved By: Baty
Seconded By: VanderBeek

“That the Commission accept the staff recommendation with 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 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 and provide final lot grading/drainage, an accurate delineation of the approved development envelope with temporary fencing, and the final location of site servicing components (well & septic). 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.
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 dwelling and the accessory building, including exterior elevations, 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. 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).

**Motion Carried**

**DISCUSSION:**

Staff noted that the application required a Commission decision due to a filed objection letter; no public objections were received at the meeting. The Commission inquired about the suitability of the land for agricultural purposes. Staff noted that the land has not been farmed recently and is not a large enough parcel for viable farming. The Applicant confirmed that 6 acres of the parcel would be reserved for agricultural use. The Commission noted that the objector should be informed that some development is permitted. The Commission requested that ‘cash crops’ be referred to as ‘field crops’ going forward.

John Stuart was thanked by the Applicant for his professionalism through the application process.
DEVELOPMENT PERMIT APPLICATION P/R/2016-2017/442
Pam Jackson and Josh Phillips
Part Lot 14, Concession 3, EHS
Town of Caledon, Region of Peel

PROPOSAL:

To construct a 2 storey, ± 288 sq m (± 3100 sq ft) secondary dwelling (off-grid, eco construction), with roof-mounted solar panels, with a height to peak of ± 8.5 m (± 28 ft), a 1 storey ± 64 sq m (± 689 sq ft) detached garage, deck and driveway, on an existing 40 ha (100 ac) parcel which currently support a 232 sq m (2500 sq ft) single dwelling (farm house), barns, and drive sheds. To also construct a new access way on a ± 3 ac portion to be added to the subject parcel from the adjacent lot.

RECOMMENDATION:

That the proposal for a second single dwelling be refused for the following reasons.

REASONS FOR REFUSAL

1. The proposal does not comply with the NEP Development Criteria in Parts 2.2 and 2.8 of the Niagara Escarpment Plan.

2. The proposal does not conform to the Provincial Policy Statement (PPS, 2014) with respect to meeting the definition of an agricultural use, no supporting information has been provided to verify that the size and nature of the farm operation requires additional employment of full-time farm labour to reside on the subject property.

Note: Lisa Grbinicek, Senior Strategic Advisor, presented and answered questions. Pam Jackson, Applicant, presented and answered questions. David Jackson, Landowner, was present and answered questions.

M781R7/10-2017
Moved By: Downey
Seconded By: Mausberg

“That the Commission amend the staff recommendation to approve the proposal whereas the proposed development is compatible with the spirit of the Niagara Escarpment Plan based on the following points:

1) Optimal use of agricultural land and improved farm practice
2) Directs development away from class 1-4 lands
3) Implements low impact dwelling

Therefore be it resolved that the Application be approved with negotiated conditions provided by staff at later (November) meeting.”
“That the Commission move in-camera.”

Motion Carried

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

Motion Carried

At the request of Commissioner Pim, the vote was recorded

For the Motion  Against the motion

Baty  Davidson
Downey  Pim
Gilhespy  
Greig   
Horner  
Mausberg  
McKinlay  
McQueen  
VanderBeek  

Motion Carried

DISCUSSION:

Commissioner Mausberg inquired if there is inconsistency in review of development in prime agricultural land. It was noted that development assessments are based on the merits of each individual property. Staff confirmed this, and advised that development must still conform to the NEP policies. Commissioner Gilhespy inquired, if the Commission made an exception in this case and approved the application, could there be a density transfer to help preserve prime agricultural land, given that the property across the road is owned by the same person. Staff noted that the Niagara Escarpment Plan does not include a provision regarding density transfer. Commissioner Gilhespy also inquired why the applicant asserted that the adjacent lot across the road is not developable. Commissioner Davidson noted that there appears to have already been a severance on the lot. Commissioner McKinley inquired if the NEP allows for a severance for any purpose. Commissioner McQueen asked the applicants if they understood that the existing NEP policy does not allow two dwellings on the same lot.
The Commission also questioned if a second dwelling can be accommodated in the farm cluster. The landowner noted that an addition to the current dwelling is limited by the location of the septic system and watercourses, and there are other site factors that make location in the farm cluster not desirable. The applicant also asserted that the existing farm house is quite old, and the lifespan of that dwelling is limited.

Adjourned for Lunch: 12:50 p.m.
Reconvened: 1:20 p.m.

A13

STAFF REPORT
Proposed Zoning By-Law Amendment ZAC-14-003
195 Wellington Street South
City of Hamilton
Medallion Developments Inc.
Proposed 17 Storey Apartment Building

Note: Linda Laflamme, Landscape Architect, presented and answered questions.

M781R11/10-2017
Moved By: McQueen
Seconded By: Horner

“That the item be deferred at the request of the Applicant.”

Motion Carried

NOTE: The Applicant noted that the proposal will be resubmitted to the City of Hamilton next month, and a revised proposal will be submitted to the Commission for comment by the City.

A9

DEVELOPMENT PERMIT APPLICATION H/R/2016-2017/474
APPLICANTS: Terry Pauli
Part Lot 15, Concession 1
Town of Milton, Region of Halton

PROPOSAL:

To recognize the unauthorized construction of a driveway extension and asphalt parking area, and to construct a one-storey ± 31.1 sq m (± 335 sq ft) building addition (car port)
above the parking area, with a height to peak of ± 2.7 m (± 9 ft), to an existing ± 124.7 sq m (± 1341.8 sq ft) accessory building (detached garage) with a height to peak of 4.6 m (± 15 ft), on an existing 1.2 ha (2.9 ac) lot.

RECOMMENDATION:

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

**Note:** Amaraine Laven, Planner, presented and answered questions.

Terry Pauli, Applicant, presented and answered questions.

**M781R12/10-2017**

Moved By: Davidson

Seconded By: VanderBeek

“That the Commission accept the staff recommendation with 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 car port only and shall not be used 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 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, and be dated;
   b) An accurate delineation of the existing and approved development including the driveway expansion and parking area;
   c) Tree protection fencing placed a minimum of 1 metre from the dripline of the trees, consisting of posts and t-bars with paige wire fencing and filter cloth;

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.

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 addition, including exterior elevations, floor area, and height above existing and proposed grades. Upon approval, these plans will be stamped “NEC Approved” and shall form part of the Development Permit referred to in Condition #1.

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

**Notes:**

a) This Conditional Approval does not limit the need for or the requirements of any other 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).

*Motion Carried*
DEVELOPMENT PERMIT APPLICATION B/R/2016-2017/9229
T&P Hayes Investments Ltd
Part Lot 26, Concession 5 EBR (Civic address not assigned)
Municipality of Northern Bruce Peninsula (Eastnor), County of Bruce

PROPOSAL:

To provide a nitrate loading area of ±1.23 ha (± 3 ac) to support the sewage disposal system that will service the proposed four unit Townhouse complex and existing six unit Townhouse complex in the Lion’s Head Urban Area, outside of the area of Development Control. Note: The proposed four unit Townhouse and the proposed septic tanks and leaching beds will be located outside of the area of Development Control within the Urban Area.

RECOMMENDATION:

The proposal be approved subject to conditions.

Note: Rick Watt, Senior Planning Coordinator, presented and answered questions.

Moved By: Greig
Seconded By: McQueen

“That the Commission accept the staff recommendation with 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.
5. **Prior to development,** the landowner shall obtain consent under Section 53(2) of the *Planning Act* to establish an *easement* to allow the use of a ±1.23 ha (±3.0 ac) portion of Part Lot 26, Concession 5EBR, Municipality of Northern Bruce Peninsula to function as a nitrate attenuation area and to ensure the lands remain in a state whereby they would satisfy the attenuation function proposed, and shall complete the registration on title in accordance with the Development Permit.

**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.

*Motion Carried*

**A15**

**DEVELOPMENT PERMIT APPLICATION P/R/2014-2015/227**

**APPLICANTS:** Carol Freeman & Akeno Tucker  
Part Lot 8, Concession 2 EHS  
Town of Caledon, Region of Peel

**PROPOSAL:**

To construct a 1 storey (plus walkout), ± 558 sq m single dwelling with attached garage and breezeway, with a maximum height of ±11 m, septic system and driveway, on an existing 1.68 ha lot.

**Notes:**

- The total floor area includes the walkout basement level.
- This application has been resubmitted in relation to Development Permit Application P/R/2011-2012/046. The conditional approval of application P/R/2011-2012/046 expired awaiting further studies, reports, and information. The applicants have provided most of these studies, reports and information with this current application, and they are available upon request.

**RECOMMENDATION:**

The proposal be **approved** subject to conditions.
Note: Nancy Mott, Senior Strategic Advisor, presented and answered questions. Mary Bull, Agent for Neighbour, presented and answered questions. Merle Harstone, Neighbour, presented and answered questions. Carol Freeman and Akeno Tucker, Applicants, presented and answered questions.

M781R14/10-2017

Moved By: McKinley
Seconded By: Pim

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

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 representative on the site inspection(s) who possess expert or special knowledge related to the conditions of the Development Permit.

3. No 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 Development Permit shall expire three years from its date of issuance unless the development has been completed.

5. Development shall take place only in accordance with the site plan dated October 2014, as revised pursuant to these conditions, and development permit application submitted (except where special conditions are to apply as noted below).

6. No grading of the existing contours of the lot in the area of the development is permitted, with the exception of that which is required for the construction of the single dwelling (including attached garage with breezeway linkage), septic system, driveway and existing swale modifications (except where conditions are to apply as noted below).

7. No trees other than dead or diseased trees shall be cut or removed from the lot in the area of the development except those absolutely necessary for the construction of the single dwelling (including attached garage with breezeway linkage), septic system, driveway and existing swale modifications.

8. Screening, landscaping and rehabilitation shall commence by the end of the growing season after the development is completed.
Note: Such landscaping allows for the individual taste of the owner. The Commission recommends that for major trees, species native to the area shall be used rather than exotic species.

9. All exposed areas resulting from construction shall be stabilized with suitable ground cover (e.g. mulch, seed) immediately upon completion of the construction.

10. Appropriate erosion and sediment controls and tree protection measures shall be installed prior to commencing any construction activities and maintained until the development is completed and the site has been stabilized.

11. Any requirements regarding installation of the septic system shall be fulfilled to the satisfaction of the Town of Caledon prior to the issuance of a Building Permit subject to Conditions 14, 15 and 23.

12. The applicant shall obtain an Entrance Permit to the satisfaction of the Town of Caledon Public Works Department.

13. Prior to the commencement of any construction, the stormwater drainage works described by the Town of Caledon in its correspondence dated July 28, 2011, subject to Condition 23, shall be completed to the satisfaction of Credit Valley Conservation.

14. The owner/applicant shall take every precaution to ensure that no disturbance or fill placement, especially related to the installation of the septic system, occurs within the dripline of the sugar maples situated along the road allowance, subject to Condition 23.

15. Prior to the issuance of a Development Permit, the proposed single dwelling, garage, septic system and driveway shall be staked/demarked on-site for the approval of the Niagara Escarpment Commission.

16. Prior to the issuance of a Development Permit, final floor plans and elevations of the single dwelling (incl. attached garage with breezeway linkage) shall be submitted to the Niagara Escarpment Commission for approval, subject to Condition 21.

17. The single dwelling (incl. attached garage with breezeway linkage) shall not contain an apartment unit, second residential unit, or an accessory dwelling unit (e.g., an "in-law suite" or "granny flat").

18. The owner/applicant shall obtain a permit from Credit Valley Conservation pursuant to Ontario Regulation 106/06 under the Conservation Authorities Act, prior to commencing any construction or issuance of a Building Permit.

19. This conditional approval shall be void if a Development Permit is not issued within two (2) years of the date of confirmation of the decision.
20. **Prior to the issuance of a Development Permit**, the Applicant shall undertake and provide to the Director of Development Approval and Planning Policy for the Town of Caledon for its approval, an archaeological assessment prepared by a licenced archaeologist with experience in Euro-Canadian industrial sites relating to the proposed development site.

21. **Prior to the issuance of a Development Permit**, the Applicant shall undertake and provide to the satisfaction of the Town of Caledon elevations and a list of materials to be used for exterior cladding and roofing for the proposed structure/dwelling on the subject lands for approval by the Director of Development Approval and Planning Policy or her designate with a view to protecting the cultural heritage value of the surrounding area.

22. **Prior to the issuance of a Development Permit**, the Applicant shall undertake and provide to the satisfaction of the Director of Development Approval and Planning Policy of the Town of Caledon a certified arborist's report addressing the roadside sugar maples and interior trees in the area of the proposed building envelope (including the dwelling, septic bed and driveway) and to provide a compensatory planting plan for any tree removal (the roadside sugar maples in particular and trees in the building envelope identified by the arborist's report).

23. **Prior to the issuance of a Development Permit**, the Applicant shall undertake and provide to the satisfaction of the Niagara Escarpment Commission and the Town of Caledon:

   a) A drainage and grading plan, prepared by a qualified engineer, for approval by the Town of Caledon Engineering Department in conjunction with a review of the Building Permit application by the Town of Caledon Building Department, to include the quantity and location of fill to be placed on the Property for the additional consideration of the Niagara Escarpment Commission;

   b) A study and report, by a qualified engineer or hydrogeologist, to confirm that the proposed septic system can be installed and operated at the proposed location on the Property to meet the approval of the Town of Caledon Building Department in conjunction with the review of the Building Permit application, and that it will have minimum individual and cumulative effect on water quality and on the Escarpment environment.

   c) A study and report in the nature of an Environmental Impact Study, prepared by an ecologist certified in Ontario wetland evaluation to determine the appropriate building envelope and environmental set-backs; and

   d) A revised site plan with all the required information, including the information referred to in this condition, certified by a qualified engineer.
NOTES:

A. The Niagara Escarpment Commission advises the owner/applicant that further consultation with the Ministry of Natural Resources is required as a permit under the *Endangered Species Act* may be required.

B. Please note that the proposal is in an area identified as habitat for species at risk in Ontario and may be subject to provisions under the *Endangered Species Act* (2007). It is the responsibility of the applicant to contact the Species at Risk Biologist, Ministry of Natural Resources (Aurora) with the draft proposal for screening under the *Endangered Species Act* and provide written correspondence to this office.

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.darkysky.org.

At the request or Commissioner Mausberg, the vote was recorded

<table>
<thead>
<tr>
<th>For the Motion</th>
<th>Against the motion</th>
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<tbody>
<tr>
<td>Baty</td>
<td>Mausberg</td>
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<td>Davidson</td>
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<td>Downey</td>
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<td>Gilhespy</td>
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<td>Horner</td>
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<td>McKinlay</td>
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<td>McQueen</td>
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<td>Pim</td>
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<td>VanderBeek</td>
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*Motion Carried*

DISCUSSION:

The Commission confirmed with staff that all concerns raised at the meeting were addressed in the Conditions of Approval. The Commission also noted that, in response to one of the objector’s concerns, the level of detail on the exact location of the driveway would not normally be known at this stage in the application process, but that it is subject to the conditions.
DEVELOPMENT PERMIT APPLICATION G/R/2017-2018/9067
Darryl Bolton
Part Lot 18, Concession 2 (Part 2, 16R9872)
Township of Georgian Bluffs (Sarawak), County of Grey

PROPOSAL:

To revise the current Agreement on Title that the subject property is not considered as an “existing lot of record” under the Niagara Escarpment Plan (NEP), to allow construction of a dwelling on the portion of the property located outside of the NEP and Development Control (DC).

RECOMMENDATION:

1. The application should be approved subject to Conditions;
2. That the Agreement on Title for Part 2, 16R9872, Part Lot 18, Concession 2, Township of Georgian Bluffs (Sarawak), County of Grey be revised as follows:
   a) That only one dwelling shall be permitted within the west-half of Township Lot 18, Concession 2 (i.e., within Part 1, 16R9872, as constructed under Development Permit G/R/2014-2015/9008).
   b) That the area of Part 2, 16R9872 within the NEP is not considered as an existing lot of record under the NEP.
   c) That any development of Part 2, 16R9872 shall occur exclusively outside of the NEP, and, no new development including any exemptions under Ontario Regulation 828/90, as amended (i.e., construction, site alterations, change in use, etc.) shall be permitted in the area of Part 2, 16R9872 located within the NEP.

Note: Rick Watt, Senior Planning Consultant, presented and answered questions.

CONDITIONS of APPROVAL

1. The Development Permit applies to that portion of Part 2, 16R9872, Part Lot 18, Concession 2, Township of Georgian Bluffs (Sarawak), County of Grey located within the Niagara Escarpment Plan.
2. No development, including but not limited to site alterations, construction, change in land use, shall be permitted on that portion of Part 2, 16R9872 located within the Niagara Escarpment Plan.

3. **Prior to the construction of a dwelling, or the commencement of any other development** on that area of Part 2, 16R9872 located outside the Niagara Escarpment Plan (NEP), a temporary limit-to-work fence shall be installed along the boundary of the NEP for the approval of the Niagara Escarpment Commission. The fence shall extend from the southerly property boundary a minimum of 30 m (100 ft) north of the rear of the dwelling to be constructed outside of the NEP. It is the responsibility of the landowner to implement, monitor and maintain fencing until all disturbed areas are stabilized. The landowner shall confirm the installation of the fencing through the submission of photographs to the Niagara Escarpment Commission.

4. **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. The agreement shall be registered on title of Part 2, 16R9872, Part Lot 18, Concession 2, Township of Georgian Bluffs (Sarawak), County of Grey. The Agreement shall be at the Landowner’s expense and shall specify:

   a) That only one dwelling shall be permitted within the west-half of Township Lot 18, Concession 2 (i.e., within Part 1, 16R9872, as constructed under Development Permit G/R/2014-2015/9008).
   
   b) That the area of Part 2, 16R9872 within the Niagara Escarpment Plan (NEP) is not considered as an existing lot of record under the NEP.
   
   c) That any development of Part 2, 16R9872 shall occur exclusively outside of the NEP, and, no new development, including any exemptions under Ontario Regulation 828/90, as amended, (i.e., construction, site alterations, change in use, tree cutting, etc.) shall be permitted in the area of Part 2, 16R9872 located within the NEP.

   The Landowner shall provide proof satisfactory to the Niagara Escarpment Commission that the agreement has been registered against the lands [i.e., copy of the parcel registry extract and a letter from the Landowner’s solicitor that the registration is complete], and that the Landowner under this Development Permit is the Landowner of the lands at the time of registration.

5. This conditional approval expires one (1) year from the date of confirmation of the decision to approve the Development Permit application. Condition # 4 of this conditional approval shall be fulfilled before the expiry date.  

   *Motion Carried*
PROPOSAL:

To construct a two storey, ± 275.3 sq m (± 2,966 sq ft) dwelling unit (addition to an existing barn), having a maximum height to peak of ± 7.3 m (± 24 ft), on an existing 19.8 ha (49 ac) lot that supports an existing single dwelling (to be retained).

RECOMMENDATION:

That the proposal be refused for the following reasons.

REASONS FOR REFUSAL

1. The proposed development conflicts with the objectives of the NEP and the Escarpment Rural Area.

2. The proposed development conflicts with the Development Criteria in Parts 2.2.7, 2.2.11 c), 2.2.11 d), and 2.7.2 a) of the Niagara Escarpment Plan.

3. The proposed development conflicts with Section 1.1.4.2 of the Provincial Policy Statement.

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

Note: Amaraine Laven, Planner, presented and answered questions.

M781R16/10-2017

Moved By: McKinley
Seconded By: Baty

“That the Commission accept the staff recommendation to refuse the application.”

Motion Carried

DISCUSSION:

Commissioner Downey noted that the Niagara Escarpment Plan Area is not immune to growth, and that temporary housing for farm help is problematic for agricultural communities.
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.

M781R17/10-2017  Moved By: McQueen
Seconded By: Downey

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

Motion Carried

NEW BUSINESS

The Commission requested an updated contact list including current Commission vacancies.

Commissioner Davidson thanked the Commission and noted that his term is ending before the next Commission meeting.

ADJOURNMENT

M781R18/10-2017  Moved By: Davidson

“That this meeting be adjourned.”

Motion Carried

Time of Adjournment: 3:30 p.m.

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

<table>
<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>[1]</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>
</tr>
<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: fall 2017 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>
</tr>
<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 July Commission meeting</td>
<td>Staff to contact Commissioner and local municipalities to better understand the nature of the issues.</td>
</tr>
</tbody>
</table>

## Discussion / Decision Items

| Analyze and prepare options re participation and approach for staff at hearings where Commission decision differs from staff recommendation. | 2017 policy meeting | Staff to prepare report with options for dealing with appealed applications where the Commission refused staff recommendations. | July 2017 |

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[1] Timing of Policy & Interpretation items to be determined once new NEP evaluated and highest priority items identified for review/discussion by Commission.
### Information Items

<table>
<thead>
<tr>
<th>Description</th>
<th>Date</th>
<th>Action</th>
<th>Notes</th>
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<tbody>
<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 for fall 2017 Policy Meeting</strong></td>
</tr>
<tr>
<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 for fall 2017 Policy Meeting</strong></td>
</tr>
<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>
</tr>
<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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### Action items to be evaluated further regarding approach & timing

<table>
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<tr>
<th>Description</th>
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<tbody>
<tr>
<td>Staff to follow up and report back to the Commission with options to protect the Fonthill Kame Area</td>
<td>February 16, 2017, June 15, 2017</td>
<td>Staff to evaluate proposal from municipality. Staff was asked to meet with Town of Pelham staff to discuss increased protections for the Kame area.</td>
<td>Process on further Growing the Greenbelt to be determined. <strong>Timing: TBD</strong></td>
</tr>
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