**Niagara Escarpment Commission**

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# MINUTES OF M807/03-2021

**NIAGARA ESCARPMENT COMMISSION**

**VIA WEBEX DUE TO COVID 19 PANDEMIC**

**March 18, 2021**

## MEMBERS PRESENT:

B. Burton, B. Clark , M. Curley, J. Downey, G. Driedger, R. Gibson, L. Golden,
J. Horner, D. Hutcheon, G. Krantz, K. Lucyshyn, B. Mackenzie, D. McKinlay,
P. McQueen, R. Nicholson, J. Vida, A. Witteveen.

## REGRETS:

None.

## STAFF PRESENT:

D. Ramsay, K. Peters, J. Stuart, L. Grbinicek, N. Mott, K. Bannister, D. Kurylovich,

D. D’Silva, K. Xu, J. Olah, A. Bochenek.

## ALSO PRESENT:

K. Hare, Counsel, Ministry of Natural Resources and Forestry (MNRF); S. Cooper,

R. Pineo (MNRF); R. Patrick, C.O.N.E.

## MEETING CALLED TO ORDER 12:30 p.m.

Chair Rob Nicholson presided.

## INTRODUCTIONS:

The Chair thanked staff for their work on the reports and the efficient meetings during the pandemic. He advised that many of Commissioners expressed appreciation to him on how well the virtual Commission meetings are being run and thanked staff for their continued work to ensure the meetings run well for all participants.

## LAND ACKNOWELDGEMENT

The Chair read aloud the Land Acknowledgment.

### BUSINESS ARISING FROM PREVIOUS MEETINGS:

None.

## APPROVAL OF MINUTES – M806/01-2021

**M807R1/03-2021**

*Moved By: Witteveen*

*Seconded By: Mackenzie*

*“That the minutes of the January 21, 2021 be approved as written.”*

***Motion Carried***

## MOTION FOR SPEAKERS

**M807R2/03-2021:**

*Moved By: Driedger*

*Seconded By: Hutcheon*

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

***Motion Carried***

## CONFLICTS OF INTEREST – Declaration of Conflicts of Interest

None declared.

## DISCUSSION AGENDA: A and B PACKAGES

## (*Staff Reports, External submissions)*

## A1

**PROPOSED Niagara Escarpment Plan Amendment PP 220 20**

**2975 Escarpment Sideroad**

**Region of Peel, Town of Caledon**

### PROPOSAL:

To amend the Niagara Escarpment Plan (NEP) by adding a special site-specific policy provision under Part 1.4.4 Escarpment Protection Area which addresses Part 2.4 Lot Creation and Part 2.10 Cultural Heritage, and that would permit the creation of three separate parcels, one of which contains a designated heritage dwelling, and by doing so facilitate the acquisition of approximately 21.8 ha of lands by a public body, for conservation purposes and securement of the permanent route of the Bruce Trail.

### RECOMMENDATION:

That the Niagara Escarpment Commission instruct staff to process the proposed Amendment PP 220 20 for circulation and notification pursuant to Section 6.1(2) of the *Niagara Escarpment Planning and Development Act.*

**Note:**

Lisa Grbinicek, Senior Strategic Advisor, provided a brief review of the staff report and answered questions.

Ken Hare, Legal Services Branch, was available to answer questions.

John Cox, JL Planning, Planning Consultant for the Applicant, presented and answered questions.

Antoin Diamond**,** Vice President of Land Acquisition & Management, Bruce Trail Conservancy, presented and answered questions.

Terri LeRoux, Senior Manager, PARCS (Property, Assets, Recreation and Conservation Areas), and Eric Baldin, Manager, Land Planning and Management, Credit Valley Conservation, presented and answered questions.

**M807R3/03-2021:**

*Moved By: Hutcheon*

*Seconded By: Downey*

*“That the staff recommendation to circulate proposed Plan Amendment PP 220 20 be approved.”*

**For the Motion: 16 votes**

Burton, Clark, Curley, Downey, Driedger, Gibson, Golden, Horner, Hutcheon, Krantz, Lucyshyn, Mackenzie, McKinlay, McQueen, Vida, Witteveen.

**Against the Motion: 0 votes**

None.

***Motion Carried***

**M807R4/03-2021:**

*Moved By: Hutcheon*

*Seconded By: Horner*

*“That the NEC instruct staff, pursuant to the NEPDA, to circulate the proposed amendment to ministries and municipalities, provide notice in newspapers and on the NEC web site and have the amendment posted on the Environmental Registry.

Staff will also circulate agencies and stakeholders that may have an interest or have indicated an interest in the amendment, including property owners or their agents. The specified comment period will be 60 days.

Staff will also circulate agencies, and stakeholders who may have an interest or have indicated an interest in the Amendment, including property owners or their agents.”*

***1. Municipalities and Ministries & Agencies***

* *Ministry of Heritage, Sport, Tourism and Culture Industries*
* *Ministry of Natural Resources and Forestry*
* *Ministry of Environment, Conservation and Parks*
* *Town of Caledon*
* *Region of Peel*
* *Credit Valley Conservation Authority*
* *Bruce Trail Conservancy*

***2. Others***

* *Landowners within 120 metres of the amendment area*

***3. Newspapers***

* *The Caledon Enterprise”*

***For the Motion: 16 votes***

*Burton, Clark, Curley, Downey, Driedger, Gibson, Golden, Horner, Hutcheon, Krantz, Lucyshyn, Mackenzie, McKinlay, McQueen, Vida, Witteveen.*

***Against the Motion: 0 votes***

*None.*

***Motion carried.***

### DISCUSSION:

The Commission confirmed with staff that the endorsement of the Staff recommendation to circulate the Plan Amendment application was not approval of the application. Commissioners noted concerns respecting parking and access and noted the need for further discussion on access/parking, between municipal partners and the conservation authority.

NEC staff identified that, if the amendment were to be approved, the lands would become part of NEPOSS, and a management plan would be required to be prepared. The level of access and recreational opportunities on the site would be established through the management planning process. Other priorities of the CVC for the site were identified to include conservation and rehabilitation. The CVC will consider the level of access to the site in addition to recreation opportunities.

A Commissioner expressed concern for approving a new use without resolving a potential issue regarding public access, which could be a problem. In response to this concern Staff identified that they would pursue further discussion on this issue (parking and access), prior to making a recommendation in the final Summary Report.

A Commissioner inquired as to whether the NEC would be considering such an application if there was no proposal to donate land. Staff confirmed that the trigger for the consideration/ justification of the proposed Amendment is the conveyance of land to the public bodies. Staff identified related file history where applications have sought severances without proposal to convey lands, and in those cases the Amendments were found not to be justified. Staff identified that the public interest is to be considered in the application, and in this case is being considered in the context of the Objectives of the Plan for NEPOSS, the objective of providing public access, and securing the Bruce Trail.

## PRESENTATION

**Ministry of Agriculture, Food and Rural Affairs (OMAFRA) Greater Golden Horseshoe Agricultural System**

The Agricultural System is a continuous system across and beyond the Greater Golden Horseshoe, capturing the functional agri-food system across provincial plans and municipal boundaries. This is necessary for the sector to thrive. Agriculture is a working landscape that depends on a continuous land base and robust supply chain. If agriculture is to survive and thrive, it must be considered when decisions are made on policies, development, infrastructure and programs.

Helma Geerts, Policy Advisor, and Nick Kinkel, Agriculture & Rural Economic Development Advisor, Ministry of Agriculture, Food and Rural Affairs presented and answered questions.

**Note:**

Kim Peters, Manager, provided a brief overview and answered questions.

### DISCUSSION:

The Commission thanked Ms. Geerts for her informative presentation and expressed interest in further discussions on subjects such as large family dwellings on prime agricultural land.

Break 2:45 p.m. to 3:00 p.m.

**M807R5/03-2021:**

*Moved by: McKinlay*

*Seconded by: Horner*

*“That the Commission move in-camera.”*

***Motion carried.***

**M807R6/03-2021:**

*Moved by: McKinlay*

*Seconded by: McQueen*

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

***Motion carried.***

## PRESENTATION

**Niagara Escarpment Commission Website Interactive Map Demonstration**

Staff provided a demonstration of the updated interactive mapping tool for the new NEC website. Staff advised that the interactive mapping tool has been designed and tested from the end user point of view to minimize inquiries. Thanks all for help with testing and feedback. The Commission complimented staff and asked if it would be tested with real estate agents. Staff advised that testing with the real estate community is planned over the next few months, and that a more comprehensive presentation at an upcoming meeting.

**Note:**

Danielle D’Silva, Senior Advisor, Marketing and Communications, and Kun Xu, GIS/IM/IT Coordinator, presented and answered questions.

## C1

**Staff Report**

**O. Reg 826 Project**

### RECOMMENDATION:

That the Niagara Escarpment Commission (NEC) endorse the

following:

1) Receive the information update regarding the status of the proposed change to

Ontario Regulation 826/90 to approve new digital maps to replace the current

metes and bounds description of the Area of Development Control (ADC);

2) Endorse undertaking a modified approach to discussions with local municipalities

regarding possible changes to the ADC in Urban, Minor Urban and Escarpment

Recreation Areas; and,

3) Request the Chair undertake the following in order to advance inclusion of

Pleasant View in the area of Development Control:

a. provide comments to the Ministry of Municipal Affairs and Housing

(MMAH) regarding Growing the Greenbelt to support the opportunity to

consider including the Pleasant View Survey lands in the ADC as part of

that initiative; and

b. request the Minister of Natural Resources and Forestry proceed to include

Pleasant View in the ADC through a Minister’s Regulation.

**Note:**

Nancy Mott, Senior Strategic Advisor, presented and answered questions.

**M807R7/03-2021:**

*Moved by: Clark*

*Seconded by: Hutcheon*

*“That the Commission approve the staff recommendations.”*

***For the Motion: 15 votes***

*Burton, Clark, Curley, Downey, Driedger, Gibson, Golden, Horner, Hutcheon, Krantz, Lucyshyn, Mackenzie, McKinlay, McQueen, Witteveen.*

***Against the Motion: 0 votes***

*None.*

***Motion carried.***

**NOTE:** Commissioner Vida was absent and did not vote.

### DISCUSSION:

Commissioner Clark advised that the City of Hamilton’s Interim Control By-law can extended if needed and to forward comments and communications to him, and thanked staff for the work on the Regulation changes.

## CONSENT AGENDA/ITEMS MOVED FOR DISCUSSION:

Information only Items

G1 Director Approvals and Dashboard for January and February 2021

G2 Appeals and Hearings Status Chart as of March 5, 2021

G3 Director’s Report: January to March 5, 2021

G4 Plan Amendments Status Update as of March 5, 2021

G5 Ministry of Municipal Affairs and Housing February 17, 2021 memo: Consulting on growing the size of the Greenbelt

**M807R8/03-2021:**

*Moved by: Horner*

*Seconded by: Gibson*

*“That the Commission receive Information items G1, G3 and G4.”*

***Motion carried.***

**M807R9/03-2021:**

*Moved by: Witteveen*

*Seconded by: Lucyshyn*

*“That the Commission receive Information items G2 and G5.”*

***Motion carried.***

### DISCUSSION:

**G2:** The Commission discussed how frivolous or vexatious appeals are processed and if a fee to appeal an application could be charged; the Director noted that there is no legislative permission for the NEC to charges fees but will add this to the list of proposed legislative changes.

The Commission requested staff provide an update on appealed file S/L/2020‐2021-246 for a proposed parking lot to accommodate Bruce Trail hikers in the County of Simcoe. The Commission noted the growing concern around parking in the NEP and the need for municipalities, conservation authorities and the NEC to work together on the issue. One Commissioner noted that parking should be shared responsibility with municipalities and conservation agencies. The Chair advised that he discussed the parking concerns with the Minister of Natural Resources and Forestry at a recent meeting.

**G5:** Commissioner Downey advised the Commission that she has replaced former Commissioner Linda Pim on the Greenbelt Council and asked Commissioners to send any comments on the upcoming public consultation to her.

## NEW BUSINESS

The Chair advised that he met with the Minister and discussed many of the Commission’s concerns, including on farm diversified uses, secondary dwelling units, events, fees for applications, Commission meeting quorum issues and staggering Commissioner appointments, financing for IT solutions to provide digital services, and large single family dwellings, He will continue to be in touch with the Minister and keep the Commission and staff aware of the discussions.

The Chair congratulated Dmitry Kurylovich, who accepted a planning position elsewhere, and thanked him for his outstanding contributions to the NEC and for his assistance in running the Commission meetings virtually.

**M807R10/03-2021:**

Moved by: Burton

Seconded by: None

“That the Chair write the Minister of Natural Resources and Forestry to move forward with a change to the NEPDA that would allow Plan Amendments for urban designations (Urban, Minor Urban, Recreation) outside of a Coordinated Review process be deferred to the next meeting.”

***Motion deferred***

**M807R11/03-2021:**

Moved by: Downey

Seconded by: McKinlay

“That Commissioner Burton’s motion that the Chair write the Minister of Natural Resources and Forestry to move forward with a change to the NEPDA that would allow Plan Amendments for urban designations (Urban, Minor Urban, Recreation) outside of a Coordinated Review process **be deferred** to provide staff time to review the Motion and prepare a staff report for an upcoming Commission meeting.”

***Motion carried.***

**M807R12/03-2021:**

*Moved by: Burton*

*Seconded by: Curley*

*“That the Commission move in-camera.”*

***Motion carried.***

**M807R13/03-2021:**

*Moved by: McKinlay*

*Seconded by: Downey*

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

***Motion carried.***

## ADJOURNMENT

**M807R14/03-2021**

*Moved By: McKinlay*

*“That this meeting be adjourned.”*

***Motion Carried***

Time of Adjournment: 4:55 p.m.

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 Rob Nicholson

Chair