# MINUTES OF M810/07-2021

**NIAGARA ESCARPMENT COMMISSION**

**VIA WEBEX DUE TO COVID-19 PANDEMIC**

**July 15, 2021**

## MEMBERS PRESENT:

B. Burton, B. Clark( in at 10:00 a.m.), M. Curley, J. Downey, G. Driedger, R. Gibson,
L. Golden, J. Horner, D. Hutcheon, G. Krantz (to 1:45 p.m.), K. Lucyshyn, B. Mackenzie, D. McKinlay, P. McQueen, R. Nicholson, J. Vida, A. Witteveen.

## REGRETS:

None.

## STAFF PRESENT:

D. Ramsay, K. Peters, L. Grbinicek, N. Mott, J. Loiacono, A. Obradovic, L. Wang,

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

## ALSO PRESENT:

D. Kappos, Counsel, R. Pineo, Ministry of Northern Development, Mines, Natural Resources and Forestry; R. Patrick, C.O.N.E.

## MEETING CALLED TO ORDER 9:30 a.m.

Chair Rob Nicholson presided.

## INTRODUCTIONS:

The Chair thanked staff for their continued work on the staff reports and the efficient meetings during the pandemic.

## LAND ACKNOWELDGEMENT

The Chair read aloud the Land Acknowledgment.

### BUSINESS ARISING FROM PREVIOUS MEETINGS:

None.

## APPROVAL OF MINUTES – M809/06-2021

**M810R1/07-2021**

*Moved By: Gibson*

*Seconded By: Hutcheon*

*“That the Commission minutes of June 17, 2021 be approved as amended.”*

***Motion Carried***

**DISCUSSION:**

## Commissioner Gibson noted that he was not in favour of motion M809R8/06 2021, regarding information report C2, Use of Agreements on Title by the Niagara Escarpment Commission.

## MOTION FOR SPEAKERS

**M810R2/07-2021:**

*Moved By: McQueen*

*Seconded By: Witteveen*

*“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

### Commissioner Krantz advised that he had a conflict with agenda item A6, H/C/2021-2022/017, and would not participate in the discussion or vote on the application.

## DISCUSSION AGENDA: A and B PACKAGES

## (*Staff Reports, External submissions)*

## A1

**Initial Staff Report**

**PROPOSED Niagara Escarpment Plan Amendment PH 221 21**

**4000 Campbellville Rd (former Campbellville Sand and Gravel South Pit)**

**Part Lot 5 Concession 5 (Nassagaweya)**

**Town of Milton, Region of Halton**

## PROPOSAL SUMMARY:

To undertake an amendment to the Niagara Escarpment Plan (NEP) to allow for a site specific change to the Land Use Designation from Mineral Resource Extraction Area (MREA) to Escarpment Natural Area and Escarpment Protection Area; as it relates to the surrender of the *Aggregate Resource Act* (ARA) licence (# 5478), on the former gravel pit operated by Campbellville Sand and Gravel.

## RECOMMENDATIONS:

1. That the Commission instruct staff, in accordance with this Report, to prepare the proposed amendment PH 221 21 for circulation and notification pursuant to Subsection 6.1 (2) of the *Niagara Escarpment Planning and Development Act*

2. That the Commission 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 (ER). 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.

Note:

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

Staff noted that the Schedule A attached to the Staff Report is not the correct Schedule A – the Schedule A proposed by the Applicant with Escarpment Natural Area proposed for the area of the pond and tributary (and the remainder as Escarpment Protection Area) will be the Schedule A circulated for comment.

**M810R3/07-2021:**

*Moved By: Hutcheon*

*Seconded By: Krantz*

*“That the Commission endorse staff recommendation #1 and direct staff to prepare Plan Amendment PH 221 21 for circulation and notification pursuant to Subsection 6.1 (2) of the Niagara Escarpment Planning and Development Act.”*

**For the Motion: 15 votes**

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

**Against the Motion: 0 votes**

None.

*Motion Carried*

Note: Commissioner Clark was absent and did not vote.

**M810R4/07-2021:**

*Moved By: Hutcheon*

*Seconded By: McQueen*

*“That the Commission endorse staff recommendation #2 and direct staff to circulate proposed amendment PH 221 21 to ministries and municipalities, provide notice in newspapers and on the NEC web site and have the amendment posted on the Environmental Registry (ER). 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.”*

**For the Motion: 15 votes**

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

**Against the Motion: 0 votes**

None.

*Motion Carried*

Note: Commissioner Clark was absent and did not vote.

**DISCUSSION:**

A Commissioner inquired if a change in property ownership would require a new aggregate extraction licence. Staff advised that an aggregate operation can continue under the existing licence, though a site plan amendment might be required if the new Operator were to propose revisions to the approved site plan.

A Commissioner asked if a single family dwelling is permitted with the new proposed designation; staff advised that yes, a single dwelling is a permitted use, in principle, subject to a Development Permit Application with assessment of Part 2 Development Criteria. The Commissioner asked if soil studies would be required and if the property was prime agricultural land. Staff confirmed that soil studies would might be a requirement as part of the development permit process, and that the land is not currently designated as prime agricultural land, though the Region could consider the designation in the future, although staff was of the opinion that given the nature of the rehabilitation and fill on the site, it is unlikely.

## A2

**PROPOSED Niagara Escarpment Plan Amendment PH 222 21**

**3475 Campbellville Rd (former Campbellville Sand and Gravel North Pit)**

**Part Lot 6 Concession 4 (Geographic Township of Nassagaweya)**

**Town of Milton, Region of Halton**

## PROPOSAL SUMMARY:

To undertake an amendment to the Niagara Escarpment Plan (NEP) to allow for a site specific change to the Land Use Designation from Mineral Resource Extraction Area (MREA) to Escarpment Protection Area; as it relates to the surrender of the *Aggregate Resource Act* (ARA) licence (# 5479), on the former gravel pit operated by Campbellville Sand and Gravel.

## RECOMMENDATIONS:

That the Niagara Escarpment Commission:

1. Direct staff to prepare Plan Amendment PH 222 21 for circulation and notification pursuant to Subsection 6.1 (2) of the Niagara escarpment Planning and Development Act.
2. Endorse staff recommendation #2 and direct staff to circulate proposed amendment PH 222 21 to ministries and municipalities, provide notice in newspapers and on the NEC web site and have the amendment posted on the Environmental Registry (ER). 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.

Note:

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

**M810R5/07-2021:**

*Moved By: Hutcheon*

*Seconded By: Krantz*

*“That the Commission endorse staff recommendation #1 and direct staff to prepare Plan Amendment PH 222 21 for circulation and notification pursuant to Subsection 6.1 (2) of the Niagara Escarpment Planning and Development Act.”*

**For the Motion: 15 votes**

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

**Against the Motion: 0 votes**

None.

*Motion Carried*

Note: Commissioner Clark was absent and did not vote.

**M810R6/07-2021:**

*Moved By: Hutcheon*

*Seconded By: Burton*

*“That the Commission endorse staff recommendation #2 and direct staff to circulate proposed amendment PH 222 21 to ministries and municipalities, provide notice in newspapers and on the NEC web site and have the amendment posted on the Environmental Registry (ER). 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.”*

**For the Motion: 15 votes**

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

**Against the Motion: 0 votes**

None.

*Motion Carried*

Note: Commissioner Clark was absent and did not vote.

**DISCUSSION:**

None.

## A3

## Development Permit Application:

### W/R/2020-2021/689

193 Weir’s Lane and 169 Weir’s Lane

Part Lot 4 Concession 1

(Former Town of Ancaster), City of Hamilton

### Proposal:

To re-create a lot resulting in a ±0.61 hectare (±1.5 acres) severed lot and a ± 14.03 hectares (±34.675 acres) retained lot.

**Recommendation:**

That the application be **refused** because:

1. The proposal to re-create merged lots is not permitted under 1.3.4, 1.4.4 and 1.5.4 of the Niagara Escarpment Plan

Note: Johnpaul Loiacono, Senior Planner, provided a brief review of the staff report and answered questions.

**M810R7/07-2021:**

*Moved By: Curley*

*Seconded By: Mackenzie*

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

*Motion Carried*

Note: Commissioner Clark was absent and did not vote.

**M810R8/07-2021:**

*Moved By: McKinlay*

*Seconded By: Lucyshyn*

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

*Motion Carried*

Note: Commissioner Clark was absent and did not vote.

**M810R9/07-2021:**

*Moved By: Curley*

*Seconded By: Krantz*

*“That the application be referred to the next meeting to provide time for staff to do further analysis on lot creation policies as discussed.”*

*Motion Carried*

**For the Motion: 10 votes**

Curley, Driedger, Golden, Horner, Hutcheon, Krantz, Lucyshyn, Mackenzie, McKinlay, McQueen.

**Against the Motion: 5 votes**

Burton, Downey, Gibson, Vida, Witteveen.

*Motion Carried*

Note: Commissioner Clark was absent and did not vote.

**DISCUSSION:**

The Commission considered if the lots were merged intentionally or were merged in a technical exercise at the Land Registry Office. It was noted that with the merged lots, there are now two single family dwellings on the property, and only one single family dwelling is permitted with the NEP land designation. A Commissioner asked if either dwelling could be improved if the land was sold as it and is not in compliance with the NEP.

The Commission inquired if alternate lot configurations could be considered due to development restrictions on the smaller lot.

A Commissioner noted that the intent of the NEP is to prevent land fragmentation and keep natural areas intact. He noted that the application asks the Commission to contravene the NEP. He noted that the land merges were intentional each time, and that the Commission is now being asked to assist the property owners sell the estate. He stated his support of the staff recommendation to uphold the NEP.

Note: the landowner and landowner’s Counsel presented and answered questions.

**BREAK: 11:25 a.m. to 11:40 a.m.**

## A4

## DEVELOPMENT PERMIT APPLICATION:

### D/P/2015-2016/291

Fung Loy Kok Institute of Taoism

248305 5th Sideroad

Part Lot 6, Concession 7 (East of Hurontario)

Town of Mono, County of Dufferin

### PROPOSAL:

To revise the approved site plan for an existing 2.01 ha cemetery to include 1,277 columbarium niches and 298 burial plots on an existing 42.3 ha lot. The proposal also includes construction of a 7.45 m tall, 8.6 m wide vehicular entrance archway, landscaping, and tree planting (+/- 239 trees).

**Note:** In 1987, the NEC approved a 1,575-plot cemetery (flush grave markers only) on the subject lands.

### RECOMMENDATION:

That the proposal be approved, subject to the following conditions:

1. Development shall occur in accordance with the Terms and Conditions of the Development Permit.
2. All construction, grading, landscaping, and tree planting shall be completed within three (3) years of the date of Development Permit approval. Any/all disturbed areas of land or soil shall be re-vegetated and stabilized to the satisfaction of the Niagara Escarpment Commission.
3. No site alteration of the existing contours of the property including the placement or stockpiling of fill (i.e., excess or imported soil) on the property is permitted with the exception of that identified within the development envelope in accordance with the Final Site Plan.
4. No vegetation shall be cut or removed from the development envelope except for that identified within the development envelope in accordance with the Final Site Plan.
5. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission**, an accurate and detailed **Final Site Plan** prepared by a qualified person shall be submitted for Niagara Escarpment Commission approval. The following stipulation shall be included directly on the Plan:
6. All drawings submitted must be drawn to scale (bar scale shown), reference the application number and address of the proposal, be dated (revisions as well), and include the name of the relevant individual or consultant who prepared the drawing;
7. Outline of the approved development envelope, extent of all disturbed areas;
8. Location of all existing and proposed structures, laneways, construction access / haul routes, etc. showing setbacks from the property lines, any watercourses or water features, top / bottom of slope, wooded areas, etc.;
9. Building materials and colours to be used for the entrance archway and landscape features associated with the cemetery;
10. Grading, drainage, and fill management details including the areas of excavation and temporary or permanent fill placement. The type, quantity, quality and source location of any imported fill material must be accurately identified.

Development shall proceed in accordance with the details of the approved Final Site Plan.

1. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission**, a **Final Landscape Plan** shall be prepared by a qualified person, for Niagara Escarpment Commission approval. The Plan shall address all vegetation retention and planting requirements in accordance with the standard practices of the implementing authority. The following stipulations shall be included directly on the Plan:
	1. Identify the areas of existing vegetation to be retained, areas of vegetation to be removed, and the location of proposed plantings. Quantities of plantings, species, and size must be indicated. The location, species and number of trees to be removed must be specified;
	2. Tree protection and vegetation protection measures where there is the potential for construction to damage existing vegetation;
	3. All new tree and shrub species (including seed mixes) shall be native to Ontario except where otherwise approved by the Niagara Escarpment Commission. Plant material shall be sourced from local plant nurseries; bush dug plant material is not acceptable;
	4. Planting and the rehabilitation of all disturbed areas shall be completed on or before the date of expiry of the Development Permit to the satisfaction of the Niagara Escarpment Commission;
	5. All plant material shall be guaranteed for 24 months following installation. All plant material found during this time to be dead or dying must be replaced with a size and species to the satisfaction of the Niagara Escarpment Commission;
	6. Once the development has been completed, a letter certifying the landscaping / planting work has been completed in accordance with the approved Landscape Plan shall be provided to the Niagara Escarpment Commission by a qualified person.

Development shall proceed in accordance with the details of the Final Landscape Plan.

1. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission**, the applicant must complete a new hydrogeological evaluation confirming that in-ground graves can be accommodated above the water table. The locations of all drinking water wells on adjacent properties are to be identified and confirmation shall be provided that groundwater conditions are such that the quantity and quality of groundwater will not be negatively impacted by the cemetery.
2. Tree removal is not to occur during the breeding bird season of April 1st to August 31st of any given year.
3. The cemetery is not to exceed a total of 1,575 burials, with +/-1,277 niches in 10 columbaria structures, and +/-298 graves. Any expansion of the cemetery beyond 1,575 burials and/or beyond the 2.01-hectare area currently identified for cemetery use will require a new Development Permit from the Niagara Escarpment Commission.
4. Conditions 5, 6 & 7 must be fulfilled within eighteen monthsfrom the date of confirmation of the Commission’s decision or this conditional approval shall lapse and a Development Permit will not be issued.

**Advisory Notes**

* 1. A Development Permit does not relieve the permit holder of any other permission (e.g., Ontario Building Code, Conservation Authorities Act, Bereavement Authority of Ontario, etc.). A Niagara Escarpment Commission Development Permit is required prior to the issuance of any other permission.

Note: Kim Peters, Manager, provided a brief review of the staff report and answered questions.

**M810R10/07-2021:**

*Moved By: Downey*

*Seconded By: Burton*

*“That the Commission endorse the staff recommendation to approve the proposal, subject to conditions of Approval.”*

**For the Motion: 16 votes**

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

**Against the Motion: 0 votes**

None.

*Motion Carried*

**DISCUSSION:**

The Commission discussed how the term “needs of the immediate community” was applied in this case. Staff advised that “immediate community” has been broadly interpreted in other similar applications, and religious and similar institutions often draw their membership from across the Greater Toronto Area. Staff also noted that the Institute’s property is publicly accessible; the Bruce Trail crosses the property.

A Commissioner suggested that the local residents be consulted on the landscape plan to satisfy their visual screening concerns.

Note: -The applicant’s agent presented and answered questions.

-One neighbour presented and answered questions.

**LUNCH BREAK: 12:15 p.m. to 1:05 p.m.**

## A5

## DEVELOPMENT PERMIT APPLICATION:

### S/A/2020-2021/469

Jim Muzyka, Rainbow Waters Farm Inc.

2752 Concession 8 Nottawasaga S

Part Lot 11, Concession 9 S

Township of Clearview, County of Simcoe

### PROPOSAL:

An on-farm diversified use, “OFDU,” (agri-tourism and sale of value-added products) is proposed on a 40 ha (100 ac) existing lot where the applicant is planting lavender and roses. A new shed to process the crop and host visitors and a 50-car parking area is proposed to facilitate the OFDU.

## RECOMMENDATIONS:

1. That the parking lot and farm tours aspect of the proposal be refused because on-farm diversified uses (i.e., agri-tourism) are not permitted uses outside of prime agricultural areas in Escarpment Protection Area;
2. That subject to conditions, the following be approved:
* Repair/renovate the existing ± 325.5 m² (± 3,500 ft²) agricultural shed to be used to store equipment and crops in support of the agricultural use;
* Construct a single storey 130 m² (1400 ft²) shed to support processing and product sales;
* Regrade and widen the existing driveway and surface with gravel;
* Secure existing barn foundation remains as a landscape feature.

### CONDITIONS OF APPROVAL: S/A/2020-2021/469

1. Development shall occur in accordance with the Site Plan, Development Permit 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. Site alteration shall not occur between April 1 and August 31 inclusive, of any given year, within the breeding season of the species at risk e.g. Bobolink to ensure protection of breeding habitat.
8. **Prior to the commencement of any development**, appropriate erosion/sediment control measures shall be implemented and maintained as shown on the approved Site Plan (Condition #1) until all disturbed areas are stabilized. The landowner shall confirm the installation of the erosion/sediment control measures through the submission of photographs to the Niagara Escarpment Commission. It is the responsibility of the landowner to implement, monitor and maintain all erosion/sedimentation control structures until vegetative cover has been successfully established. Any deficiencies shall be addressed immediately.
9. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission**, an accurate and detailed **Final Site Plan** shall be submitted for Niagara Escarpment Commission approval. The Plan shall include but not be limited to the following:
10. Reconfiguration of the proposed parking lot so that it is at a scale that only accommodates customers and farm employees (i.e., maximum 20 cars)
11. All drawings submitted must be drawn to scale (bar scale shown), reference the application number and address of the proposal, be dated (revisions as well) and denote the relevant consultant;
12. An accurate delineation of the approved development envelope with temporary fencing;
13. The accurate location of all structures, sewage disposal system and driveway within the development envelope showing setbacks from the property lines, watercourse, top/bottom of slope, wooded areas, etc.;
14. Extent of all disturbed areas;
15. Grading and drainage design including the areas of excavation and temporary or permanent fill placement;
16. Erosion and sediment control measures;
17. Surveyed location and inventory of vegetation to be preserved and removed as well as all protection measures.

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.

1. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission**, the **Final Construction Details** of the shed to be used for product processing and sales, including exterior elevations, floor area, height above existing and proposed grades, and the number of stories shall be submitted for Niagara Escarpment Commission approval. The approved Details will be stamped “NEC Approved” and shall form part of the Development Permit referred to in Condition # 1.  Development shall proceed in accordance with the approved Final Construction Details.
2. This conditional approval expires 18 months from the date of confirmation of the decision to approve the Development Permit application. Conditions # 9 and 10 of this conditional approval shall be fulfilled before the expiry date.

**Notes:**

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., 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.
2. The Niagara Escarpment Commission supports the protection of the night sky from excessive exterior 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)
3. Although an archaeological assessment is not required, the proponent is cautioned that during development activities, should archaeological materials be found on the property, the Ontario Ministry of Tourism and Culture and Sport should be notified immediately (416-212-8886 or archaeology@ontario.ca). In the event that human remains are encountered during construction, the proponent should immediately contact the appropriate authorities (police or coroner) and all soil disturbance must stop to allow the authorities to investigate and the Registrar of Cemeteries to be consulted.

Note: Judy Rhodes-Munk, Senior Planner, provided a brief review of the staff report and answered questions.

**M810R11/07-2021:**

*Moved By: Downey*

*Seconded By: Driedger*

*“That the Commission is supportive of the aspect of the proposal dealing with home industry and requests staff to come back to the next meeting with appropriate conditions of approval and analysis for the on farm diversified use for the Commission’s consideration.*

**For the Motion: 15 votes**

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

**Against the Motion: 0 votes**

None.

*Motion Carried*

Notes:

* The applicant and applicant’s agents presented and answered questions.
* Five concerned citizens presented and answered questions.
* Counsel for two neighbours presented and answered questions.
* Counsel for one neighbour presented and answered questions.

**DISCUSSION:**

The Commission discussed how on-farm diversified use (OFDU) and home occupation/industry policies are applied across the NEP Area. Commissioners questioned why OFDUs are only permitted in Prime Agricultural Areas in the Escarpment Protection Area designation. A Commissioner stated that NEP agriculture policies are too restrictive and are biased against farmers. It was also stated that agricultural policies should be the same for the NEP Area as for the rest of the province. The Commissioners generally agreed that NEP agricultural policies need to be reviewed and updated to meet current farming practices.

## A6

## DEVELOPMENT PERMIT APPLICATION:

### H/C/2021-2022/017

8649 Appleby Line

Part Lot 5, Concession 6, Nassagaweya

Town of Milton, Region of Halton

## PROPOSAL:

To establish an on-farm diversified use (OFDU), agri-tourism, consisting of pick-your-own lavender, and viewing opportunities, and to establish a 2,571.14 sq m (27,675.52 sq ft), 45-car parking area, on an existing 8.44 ha (20.85 ac) lot that supports a lavender farm, farm produce stand, and single dwelling.

Note: NEC file H/C/2019-2020/408 is currently in progress, proposing a farm sign.

## RECOMMENDATION:

That the application be **refused** for the following reason:

1. On-farm diversified uses (i.e., agri-tourism) are not a permitted use in Escarpment Protection Area unless within a prime agricultural area in accordance with Part 1.4.3.2 of the NEP.

Note: Cameron Curran, Senior Planner, presented and answered questions.

**M810R12/07-2021:**

*Moved By: Hutcheon*

*Seconded By: Burton*

*“That the Commission refer the matter to the next Commission meeting and request staff to come back with analysis and appropriate conditions of approval in regards to on farm diversified uses.”*

**For the Motion: 10 votes**

Burton, Driedger, Gibson, Golden, Horner, Hutcheon, Lucyshyn, McKinlay, Vida, Witteveen.

**Against the Motion: 4 votes**

Curley, Downey, Mackenzie, McQueen.

*Motion Carried*

Notes:

Commission Clark recused himself from voting on the Motion as he missed the Commission discussion.

Commissioner Krantz was absent and did participate in the discussion or vote on the Motion.

## DISCUSSION:

The Commission discussed how the OMAFRA the prime agricultural land designation intersects with the NEP land designations. The Commissioner requested clarification non-prime agricultural lands that are not considered for on farm diversified uses. The Commission expressed a strong desire to support on farm diversified uses on non-prime agricultural lands and encourage farming on soils with lower soil classifications.

The Commission KP to provide.

Note: The applicant presented and answered questions.

**BREAK: 3:00 p.m. to 3:10 p.m.**

## PRESENTATION

**Bruce Trail Conservancy**

Members of the Bruce Trail Conservancy provided an overview of the organization to the Commission, highlighting key initiatives that impact the NEC.

The Commission expressed the need for ongoing collaboration with the BTC for increased pressures in the NEP to address the need for adequate infrastructure such as parking and funding for municipalities impacted by visitors to the Bruce Trail.

The Commission requested that the BTC increase education to visitors to address concerns from farmers whose livestock and crops are being impacted by hikers. Concern was noted that hikers who go off the trail can be exposed to pesticides unknowingly and educational signage could help mitigate these risks.

The Bruce Trail members thanked the Commission for the opportunity to present, and advised that they would take the Commission’s suggestions back for consideration.

Note: Michael McDonald, Chief Executive Office, Leah Myers, Board Chair, Adam Brylowski, Ecologist and Manager of Conservation & Trail, and Antoin Diamond, Vice President of Land Acquisition, Bruce Trail Conservancy, presented and answered questions.

## CONSENT AGENDA/ITEMS MOVED FOR DISCUSSION:

Information only Items

G1 Director Approvals and Dashboard for May and June 2021

G2 Appeals and Hearings Status Chart as of June 3, 2021

G3 Director’s Report: June 2021

G4 Plan Amendments Status Update as of June 3, 2021

G5 Niagara Escarpment Hearing Office decision on file N/A/2019-2020/138

**M810R13/07-2021:**

*Moved by: Hutcheon*

*Seconded by: Witteveen*

*“That the Commission receive the Consent Agenda information items.”*

***Motion carried.***

Note: Commissioner Krantz was not present and did not vote.

### DISCUSSION:

None.

## IN CAMERA

Update on a Compliance Matter

**M810R14/07-2021:**

*Moved by: Hutcheon*

*Seconded by: Horner*

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

***Motion carried.***

**M810R15/07-2021:**

*Moved by: Curley*

*Seconded by: Lucyshyn*

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

***Motion carried.***

The Commission received an update on a compliance matter.

Note: Kevin Toste, Compliance Specialist, provided a brief update on a compliance matter and answered questions.

## NEW BUSINESS

A Commissioner suggested that the Commission receive information at its next policy meeting related to the diverse nature of farming across the NEP Area.

## ADJOURNMENT

**M810R16/07-2021**

*Moved By: McKinlay*

*“That this meeting be adjourned.”*

***Motion Carried***

Time of Adjournment: 4:15 p.m.

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 Rob Nicholson

Chair