**Niagara Escarpment Commission**

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# MINUTES OF M814/03-2022

**NIAGARA ESCARPMENT COMMISSION**

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

**March 17, 2022**

## MEMBERS PRESENT:

B. Burton, B. Clark, M. Curley, J. Downey to 12:00 p.m., G. Driedger to 12:00 p.m.,

R. Gibson, L. Golden, J. Horner, D. Hutcheon, G. Krantz, K. Lucyshyn,   
B. Mackenzie, D. McKinlay, P. McQueen to11:00 a.m., R. Nicholson, J. Vida,   
A. Witteveen.

## REGRETS:

None.

## STAFF PRESENT:

D. Ramsay, K. Peters, L. Grbinicek, N. Mott, D. D’Silva, C. Curran, E. Vanderwal,   
L. Wang, D. D’Silva, W. Baldin, J. Olah, A. Bochenek.

## ALSO PRESENT:

S. Cooper, Ministry of Northern Development, Mines, Natural Resources and Forestry; R. Patrick, C.O.N.E.

## MEETING CALLED TO ORDER 10:00 a.m.

Chair Rob Nicholson presided.

## INTRODUCTIONS:

The Chair welcomed Commissioners, staff, and the public to the meeting.

The Chair announced that Debbie Ramsay, NEC Director, will be retiring this month. He thanked Debbie Ramsay for her many years of service with the Ontario Public Service, and for her dedication to the Niagara Escarpment Commission.

## LAND ACKNOWELDGEMENT

The Chair read aloud the Land Acknowledgment.

### BUSINESS ARISING FROM PREVIOUS MEETINGS:

None.

## APPROVAL OF MINUTES – M813/02-2021

**M814R1/03-2022**

*Moved By: Hutcheon*

*Seconded By: Witteveen*

*“That the Commission minutes of February 17, 2022 be approved as written.”*

***Motion Carried***

**DISCUSSION:**

## None.

## MOTION FOR SPEAKERS

**M814R2/03-2022:**

*Moved By: Gibson*

*Seconded By: Burton*

*“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.

## DISCUSSION AGENDA: A and B PACKAGES

## (*Staff Reports, External submissions)*

## C1

**STAFF REPORT**

**Recent Concerns with Signage and Sign By-laws in the Niagara Escarpment Plan Area**

## BACKGROUND:

The Niagara Escarpment Plan (NEP) contains policies related to signs and billboards as a key means of achieving one of the seven Objectives of the NEP: preserving the natural scenery and open landscape character of the NEP Area.

Several large-scale signs with LED (light-emitting diode) displays and internally illuminated components proposed or erected within the Niagara Escarpment Plan (NEP) Area in the regions of Peel and Halton have recently come to staff’s attention. Staff is concerned that these signs conflict with the Purpose and Objectives of the NEP, specifically with regard to protecting Escarpment’s natural scenery, open landscape character, as well as the community character and cultural heritage attributes of hamlets, villages and rural areas.

### RECOMMENDATIONS:

1. That the Commission direct NEC staff to send this report to the Region of Peel, the Town of Caledon and the Town of Halton Hills so that these municipalities are aware of the NEC’s growing concern about the use of LED signs within the NEP Area.
2. That the Commission endorse NEC staff reviewing municipal sign bylaws in the NEP Area and doing additional research into the visual impacts of LED signage to identify appropriate policy approaches and provide this information and support to the NEC’s municipal partners.

Note:

* Kim Peters, Manager, provided a summary of the report and answered questions.

**M814R3/03-2022:**

*Moved By: Driedger*

*Seconded By: Krantz*

*“That the Niagara Escarpment Commission accept staff’s recommendations.”*

**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 noted that advertising is important to businesses and requested that staff prepare an analysis of types of signs, e.g., information versus commercial signage.

A Commissioner suggested that the staff report be sent to all municipalities in the NEP area. Staff advised that it would be helpful to do a more comprehensive review prior to engaging all municipalities.

A Commissioner noted the need to respect dark skies and suggested use of timers for sign use at night. Another Commission suggested that guidelines be produced to assist municipalities in upholding dark sky principles.

## C2

**STAFF REPORT**

### Proposed regulatory changes for the beneficial reuse of excess soil at pits and quarries in Ontario (Environmental Registry Posting 019-4801)

### BACKGROUND:

The Ministry of Northern Development, Mining, Natural Resources and Forestry (MNDMNRF) is proposing regulatory changes that will enable the depositing of excess soil to facilitate rehabilitation at authorized pits and quarries under the Aggregate Resources Act (ARA). The Environmental Registry description does not include mention of the Niagara Escarpment Plan (NEP) or Niagara Escarpment Planning and Development Act (NEPDA); therefore, it is not anticipated that the proposed regulation will affect the policies and processes that the NEC uses to assess NEP amendments and development permit applications related to pits and quarries. Staff has prepared comments to ensure MNDMNRF staff is aware of the provisions in the NEP and NEPDA and how they may relate to the proposed ARA regulatory changes.

### RECOMMENDATION:

That the Commission endorse the draft letter to be sent to the Ministry of Northern Development, Mines, Natural Resources and Forestry.

Note:

* Kim Peters, Manager, provided a summary of the report and answered questions.

**M814R4/03-2022:**

*Moved By: Witteveen*

*Seconded By: Hutcheon*

*“That the Commission endorse the draft letter to be sent to the Ministry of Northern Development, Mines, Natural Resources and Forestry.”*

**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 was very supportive of the staff report and recommendations.

A Commissioner requested a definition for excess soil and what standard it would be required to meet, noting that meeting Table 1 soil requirements are almost impossible to meet. He noted that soils should be compared to the native soil on the site and be equal or better than native soil and that rehabilitation should be done prior to a pit or quarry licence being surrendered.

The Commission requested information on how soil quality is monitored. It was noted that proponents may be required to implement a fill management plan, which would include soil testing to be undertaken by a qualified professional.

## PRESENTATION

**Niagara Escarpment Biosphere Transition Leadership Team Update**

Patrick Robson, Biosphere Transition Team Member, presented and answered questions. Olivia Croxall and Nathan Greenlay, Niagara College Student Interns, answered questions.

**BACKGROUND:**

The Niagara Escarpment Biosphere governance has moved from a NEC-led initiative to a new non-governmental model. The new model has further engaged Indigenous groups, tourism and other community organizations. An initial step in working closely with Indigenous groups has been to remove the word “Reserve” from the organization’s name. It has been replaced with the word “Network.”

An application to become not-for-profit corporation has been filed, which will enable the corporation to act as an independent entity and receive funding. Environment and Climate Change Canada is making funds available and will be finalizing agreement with the organization in the near future.

**DISCUSSION:**

The Chair thanked the presenters and gave best wishes for the new organization. He advised that the presentation would be shared with the Commissioners, and Mr. Robson would be available for any further questions after the meeting.

A Commissioner asked if UNESCO has a financial role in the Niagara Escarpment Biosphere Network, and if its involvement was necessary. The presented advised that UNESCO provides the World Biosphere Reserve criteria, and confirms the designation, which provides worldwide recognition with other UNESCO-designated Biospheres.

## A2

**STAFF REPORT**

**Development Permit Application H/C/2015-2016/361**

9328 No. 15 Sideroad, Town of Halton Hills, Halton Region

### PROPOSAL:

To undertake the following on an existing 39 ha (96.7 ac) lot that supports an equestrian operation:

* To recognize the conversion of a 3-storey, 1114.8 sq m (12,000 sq ft) from agricultural use to dwelling units with office space (Barn 1);
* To convert a 1-storey, 600.1 sq m (6460 sq ft) barn from agricultural use to dwelling units with office space (Barn 2);
* To construct a ± 183.6 sq m (± 1976 sq ft) accessory building (garage) attached to the existing dwelling by a breezeway and to construct a ± 603.9 sq m   
  (± 6500 sq ft) auto court;
* To construct a ± 73.4 sq m (± 800 sq ft) and a ± 122.6 sq m (± 1320 sq ft) breezeway connecting the proposed garage to the existing barns to be converted to dwelling units; and
* To install a new private sewage disposal system.

## RECOMMENDATION:

That the Commission **refuse** the application for the following reasons:

1. Multiple dwellings units and/or overnight accommodation (other than a bed and breakfast) are not permitted uses within the Escarpment Rural Area, per Part 1.5.3 of the Niagara Escarpment Plan.
2. The proposal is not consistent with the Objectives of the Escarpment Rural Area.
3. The proposal conflicts with the agricultural policies in Section 2.3 of the Provincial Policy Statement.
4. The proposal conflicts with the Town of Halton Hills and Region of Halton Official Plans.
5. Town of Halton Hills and Region of Halton staff do not support the application.
6. The application has already been deferred once, and since it is a contravention, should not be deferred again in accordance with the Commission Meeting Procedures.

## Note:

* Kim Peters, manager, provided an update and answered questions.

**DISCUSSION:**

Staff advised that the application has been withdrawn. Staff are discussing next steps with the applicant and the town of Halton Hills, as the property is not currently compliant with the NEP.

## CONSENT AGENDA/ITEMS MOVED FOR DISCUSSION:

Information only Items

G1 Director Approvals and Dashboard for February 2022

G2 Appeals and Hearings Status Chart as of February 28, 2022

G3 Director’s Report for February 2022

G4 Plan Amendments Status Update as of February 28, 2022

G5 Friends of the Beaver Valley Newsletter dated February 27, 2022

**M814R5/03-2022:**

*Moved by: Clark*

*Seconded by: Burton*

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

***Motion carried***

**DISCUSSION:**

A Commissioner requested information on the current number of applications for parking lots in the NEP Area. Staff noted one application has been approved, and two others were approved and appealed by neighbouring landowners. Staff also noted that parking needs and increased visitation are an ongoing discussion at the Niagara Escarpment Parks and Open Space System Council meetings.

## C3

### STAFF REPORT

### Technical Criteria

### Final Proposed Approach and Format

### Pre-consultation and Complete Applications

**BACKGROUND:**

NEC staff has presented three previous reports on this topic. The first, in October 2018, identified the challenges that incomplete applications presented for both applicants and NEC staff. The NEC endorsed the report and directed staff to develop a process that would bring greater clarity to the application process for Plan Amendment and Development Permit applications.

The second staff report in November 2020 expanded the scope of the proposed Technical Criteria by identifying the need to include a review of the merits of instituting a pre-consultation process whereby applicants would meet with NEC staff prior to submitting a Plan Amendment or complex Development Permit application. Recognizing that pre-consultation would not be mandatory, staff proposed:

-an examination of the types of applications that would benefit from it and,

-consideration of how it could be aligned with municipal planning processes that involve pre-consultation for related Planning Act applications.

The third report in June 2021 confirmed the need for the Technical Criteria and recommended additional consultation with NEC and Ministry staff. The report included the draft format for a complete application checklist.

If endorsed by the Commission,

* Staff could implement the Technical Criteria in April 2022 for new applications.
* Staff could monitor the implementation of the Technical Criteria. Staff can return to the Commission at a future meeting to report on the success of the Technical Criteria in raising application standards and creating a more efficient and effective application process for applicants and to identify further process improvements, as necessary.

## RECOMMENDATIONS:

That the Niagara Escarpment Commission:

1. Endorse this report and the Technical Criteria in the Appendix;
2. Direct staff to post the Technical Criteria on the NEC website; and,
3. Implement the new pre-consultation process and complete application requirements with new applications commencing in April 2022.

Note:

* Nancy Mott, Senior Strategic Advisor, provided a summary of the report and answered questions.

**M814R6/03-2022:**

*Moved By: Clark*

*Seconded By: Mackenzie*

*“That the Commission endorse the staff recommendations to:*

* 1. *Endorse this report and the Technical Criteria in the Appendix;*
  2. *Direct staff to post the Technical Criteria on the NEC website; and,*
  3. *Implement the new pre-consultation process and complete application requirements with new applications commencing in April 2022.”*

**For the Motion: 14 votes**

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

**Against the Motion: 0 votes**

None.

***Motion Carried***

Note: Commissioner Gibson experienced technical issues and did not vote on the Motion.

**DISCUSSION:**

The Commission was very supportive of the staff report, noting that pre-consultations with staff and the application checklist would greatly assist applicants in understanding the process and meeting the application requirements early in the process.

## A Commissioner asked how applicants can find appropriate consultants, e.g., landscape architects. Staff advised that it is not appropriate for NEC staff to recommend consultants or companies but can provide examples of studies to assist applicants in understanding report and site plan requirements.

## NEW BUSINESS

**M814R7/03-2022:**

*Moved By: McKinlay*

*Seconded By: Downey*

*“Whereas* More Homes, More Choice: Ontario’s Housing Supply Action Plan *is a Government of Ontario Plan to respond to the diverse housing needs of all Ontarians and Provides direction and guidance for Land Use Planning Authorities and community partners in Ontario*

*Be it resolved*

*That This Niagara Escarpment Commission request NEC Staff to review*

1. *the strengths weaknesses and opportunities that the policies of the NEP contains related to positively addressing Ontario’s housing challenges*
2. *What amendments to the NEP could be considered that might better align the NEP with* More Homes, More Choice: Ontario’s Housing Supply Action Plan*, and might better address the needs of Ontarians for housing while supporting communities, a vibrant agricultural sector and protecting the unique resources of the NEP area.*

**For the Motion: 15 votes**

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

**Against the Motion: 0 votes**

None.

***Motion Carried***

**DISCUSSION:**

Commissioner McKinlay put forth a motion to review housing needs in the NEPA in conjunction with the *More Homes, More Choice: Ontario’s Housing Supply Action Plan*. The Motion was distributed to Commissioners 48 hours before the meeting to ensure Commissioners were able to consider the Motion in advance of the meeting.

Commissioner McKinlay spoke to his motion, noting that with current high real estate prices, lack of inventory, and the need for secondary residences for elderly and disabled residents, the NEP needs to be reviewed to find options to accommodate current urgent housing needs. He also noted that need to review how tenant farmer housing is considered, as many young farmers are not able to purchase farms due to high real estate prices. There is a strong need for tenant farmer housing.

A Commissioner noted that expanding the use of secondary dwelling units would enable many illegal rental units to be brought into conformity with housing safety standards.

Staff noted that the Commission has considered reports on this issue several times, including with the 2015 Plan Review, where a new policy on secondary dwelling units was introduced to allow secondary units if attached to or within an existing dwelling in the Escarpment Rural Area, in addition to what municipal official plans might permit in Urban Areas, Minor Urban Centres and Escarpment Recreation Area designations. Staff advised they will undertake additional review and analysis and return to the Commission with their findings.

**Break: 12:00 p.m. to 12:10 p.m.**

## A1

**AS BUILT STAFF REPORT**

## DEVELOPMENT PERMIT APPLICATION:

### H/C/2020-2021/733

10708 Third Line, Town of Halton Hills, Halton Region

### PROPOSAL:

To recognize the use of ± 63.79 sq m (± 686.63 sq ft) within an existing two-storey 526.84 sq m (5,670.86 sq ft) accessory structure (barn) for a personal training business (home occupation/on-farm diversified use) on an existing 35.56 ha (87.87 ac) lot that supports a single dwelling, on-farm help mobile home, and accessory facilities.

## RECOMMENDATION:

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

## On-farm diversified uses are not permitted outside of prime agricultural areas in Escarpment Protection Area;

## The personal training business does not meet the development criteria for a home occupation since it employs more than just the residents of the household, and it does not meet municipal official plan policies and standards; and

## The application is not supported by both the local and upper-tier municipalities (Region of Halton and Town of Milton).

Note:

* Cameron Curran, Senior Planner, provided a status update on the application and answered questions.

**M814R8/03-2022:**

*Moved By: Clark*

*Seconded By: Lucyshyn*

*“That the application be deferred to the May 2022 meeting to allow the applicant to submit a revised development permit application.”*

**For the Motion: 13 votes**

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

**Against the Motion: 0 votes**

None.

***Motion Carried***

**DISCUSSION:**

Staff advised that the applicant has requested a deferral in order to resubmit the development permit application. As the property is currently not in compliance with the NEP, only one deferral is permitted, and a decision will be required when it is brought back to the Commission. The applicant confirmed that a sixty-day deferral would provide enough time to prepare additional information.

## ADJOURNMENT

**M814R9/03-2022**

*Moved By: McKinlay*

*“That this meeting be adjourned.”*

***Motion Carried***

Time of Adjournment: 12:30 p.m.

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Rob Nicholson

Chair