**Niagara Escarpment Commission**

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# MINUTES OF M815/04-2022

**NIAGARA ESCARPMENT COMMISSION**

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

**April 21, 2022**

## MEMBERS PRESENT:

B. Burton, B. Clark to 2:00 p.m., M. Curley, J. Downey, G. Driedger, R. Gibson,   
L. Golden, J. Horner, D. Hutcheon, G. Krantz to 1:00 p.m., K. Lucyshyn to 2:45 p.m.,   
B. Mackenzie, D. McKinlay, P. McQueen, R. Nicholson, J. Vida, A. Witteveen.

## REGRETS:

None.

## STAFF PRESENT:

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

## ALSO PRESENT:

S. Cooper, Ministry of Northern Development, Mines, Natural Resources and Forestry.

## 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 welcomed new Acting Director John Dungavell to the Commission.

The Director provided an overview of the virtual meeting procedures.

## LAND ACKNOWELDGEMENT

The Chair read aloud the Land Acknowledgment.

### BUSINESS ARISING FROM PREVIOUS MEETINGS:

None.

## APPROVAL OF MINUTES – M814/03-2022

**M815R1/04-2022**

*Moved By: Hutcheon*

*Seconded By: McKinlay*

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

***Motion Carried***

**DISCUSSION:**

## None.

## MOTION FOR SPEAKERS

**M815R2/04-2022:**

*Moved By: Horner*

*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

## None.

## PRESENTATION

The Office of the Auditor General of Ontario (OAGO), an independent arms-length agency, has elected to conduct a value-for-money audit on Conserving the Niagara Escarpment*.*

The value-for-money audit will assess whether the Niagara Escarpment Commission and the Ministry of Northern Development, Mines, Natural Resources and Forestry (Ministry) have effective systems and processes in place to ensure the NEC can achieve its mandate, and effectively measure and publicly report on progress towards maintaining the Niagara Escarpment, ensuring only compatible development, and meeting the objectives of the Niagara Escarpment Plan.

The tabling of the report with the Ontario Legislature will be determined later in 2022.

**DISCUSSION:**

The Chair thanked Auditor General Bonnie Lysyk and OAGO staff for their presentation to the Commission.

Commissioner questions to the Auditor General included whether staffing levels would be included in the audit, and whether Minister’s decisions would be review. The Auditor General confirmed that staffing levels would be considered, and decision-making processes would be reviewed for transparency and adherence to legislation.The Auditor General also noted that other organizations that the NEC works with, including conservation authorities and municipalities, would be considered as part of the review of service delivery and costs.

The Auditor General indicated that some present and past Commissioners may be interviewed as part of the audit.

## Note:

Bonnie Lysyk, Auditor General of Ontario, presented and answered questions.

Tyler Schultz, Assistant Auditor General and Commissioner of the Environment, presented and answered questions.

Ariane Chan, Audit Director, was present and answered questions.

Chris Wilkinson, Audit Manager, was present and answered questions.

Heather Smith, Audit Supervisor, was present to answer questions.

Eden Gerner, Senior Auditor, was present to answer questions.

## DISCUSSION AGENDA: A and B PACKAGES

## (*Staff Reports, External submissions)*

## A1

**INITIAL STAFF REPORT**

**PROPOSED NIAGARA ESCARPMENT PLAN AMENDMENT PH 224 21**

**Development Permit Application H/E/2020-2021/859**

**Dufferin Aggregates, a division of CRH Canada Group Inc.**

## Part Lots 8-14, Concession 1 (former geographic Township of Esquesing)

## Town of Hilton Hills, Region of Halton

## and Part of Lots 8-14, Concession 7 (former geographic Township of Nassagaweya)

Town of Milton, Region of Halton

## PROPOSAL:

To amend the Niagara Escarpment Plan (NEP) to redesignate 30.6 ha (74.6 ac) of lands described as Part Lots 11, 12 and 13 Concession 1 (former geographic Township of Esquesing), Town of Halton Hills, Region of Halton from Escarpment Rural Area to Mineral Resource Extraction Area, and;

To apply a special policy under NEP Part 1.9.3 (Permitted Uses) that applies to the subject properties described as Part Lots 8-10, 13 and 14, Concession 1 (former geographic Township of Esquesing), Town of Hilton Hills, Region of Halton and Part of Lots 8-14, Concession 7 (former geographic Township of Nassagaweya), Town of Milton Region of Halton, that would permit the continued use of an office and maintenance buildings, facilities for washing, processing and stockpiling of aggregate, truck washing facility, recycling facilities and the entrance, for the purpose of supporting the extraction of aggregate on the lands proposed to be re-designated to Mineral Resource Extraction Area.

## STAFF RECOMMENDATION 1:

## That the Niagara Escarpment Commission instruct staff to prepare proposed amendment PH 224 21 Dufferin Milton East Expansion for circulation and notification pursuant to Sections 7 and 10 of the NEPDA, having found that the application is not frivolous, vexatious or for the purposes of delay, and does not constitute an urban use.

## STAFF RECOMMENDATION 2:

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 (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, presented and answered questions.

Brian Zeman, MHBC Planning, Agent for the Applicant, presented and answered questions.

**R815R3/04-2022:**

*Moved By: Hutcheon*

*Seconded By: Downey*

*“That the Niagara Escarpment Commission accept staff Recommendations 1 and 2 to prepare and circulate proposed Plan Amendment PH 224 21.”*

**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:**

A Commissioner commented that the original site is an excellent example of working together with the community to achieve a good end product. Another Commissioner noted that Dufferin Aggregates is a leader in rehabilitating pits and quarries.

The Commission discussed the possibility of expediting approval of the Plan Amendment application.

## A2

**STAFF REPORT**

**PROPOSED NIAGARA ESCARPMENT PLAN AMENDMENT PH 224 21**

**Development Permit Application H/E/2020-2021/859**

**Dufferin Aggregates, a division of CRH Canada Group Inc.**

## Part Lots 8-14, Concession 1 (former geographic Township of Esquesing),

## Town of Hilton Hills, Region of Halton, and;

Part of Lots 8-14, Concession 7 (former geographic Township of Nassagaweya), Town of Milton, Region of Halton.

**BACKGROUND:**

Dufferin Aggregates, a division of CRH Canada Group Inc., has applied for a Class A licence, Quarry Below Water, to excavate aggregate from a quarry on the above noted subject lands. The consultation period under the Aggregate Resources Act (ARA) and consistent with the Aggregate Resources of Ontario Circulation Standards, begins when the public notice and agency circulation are complete, and the commenting period lasts for 60 days. NEC staff received notice of the ARA licence application for the Dufferin Milton Quarry East Expansion and commencement of the 60-day ARA notice period on March 4, 2021. A notice has also been posted on the Environmental Registry. The NEC must advise the MNDMNRF whether it objects to the licence on or before May 9, 2022.

Staff recommends that the NEC submit a letter from the Chair, in response to the ARA notification to inform the MNDMNRF and the applicant that the NEC objects to Dufferin’s application at the present time because the application review process is still underway, including agency evaluation of technical documents.,

**RECOMMENDATION:**

NEC staff recommends that the Commission adopt the staff report and forward a letter signed by the Chair to the Ministry of Northern Development, Mines, Natural Resources and Forestry and Dufferin Aggregates, indicating the NEC’s objection to the ARA licence application for the expansion of the Dufferin Milton Quarry East Expansion.

Note:

Lisa Grbinicek, Senior Strategic Advisor, presented and answered questions.

Brian Zeman, MHBC Planning, Agent for the Applicant, was present and answered questions.

**M815R4/04-2022:**

*Moved By: Krantz*

*Seconded By: McKinlay*

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

**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 Applicant’s agent advised the Commission that his client is aware of the NEC plan amendment review process and was not asking to circumvent the review process or the Niagara Escarpment Plan.

The Commission discussed the possibility of expediting approval of the plan amendment application. Manager Kim Peters advised that the *Niagara Escarpment Planning and Development Act* (NEPDA) has a legislated consultation period and that approving the application before the consultation process has been completed contradicts the NEPDA. In addition, a Niagara Escarpment Commission Development

Permit must be issued before an aggregate licence can be issued, per the NEPDA. It was also noted that the Applicant is aware of the consultation process and will be able to address and concerns raised during the consultation and review periods. Staff also noted that it is common practice at this stage of an aggregate application for the NEC and other stakeholders to file objection letters. It was also noted that the Joint Aggregate Review Team has been meeting weekly to discuss the application and ensure issues are raised in a timely manner.

**BROKE FOR LUNCH: 12:05 p.m.**

**RECONVENED: 1:00 p.m.**

## A3

## DEVELOPMENT PERMIT APPLICATION:

### H/F/2021-2022/095

Tremaine Road and Steeles Avenue West

Part of Lot 1, Concession 1, Former Township of Esquesing

Town of Milton, Regional Municipality of Halton

### PROPOSAL:

To permit the retention of approximately 12,250 cubic metres of excess soil from nearby road work. Approximately 2,750 cubic metres of contaminated excess soil will be removed and disposed outside the Niagara Escarpment Plan Area: the site will then be graded and seeded, with the intention of being used as a passive recreation municipal park.

## RECOMMENDATION:

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

The proposal to permit the as-built placement of excess soil conforms to the overall objectives of the Escarpment Protection Area for Infrastructure and Scenic Resources and Landform Conservation policies, and is consistent with the PPS, notwithstanding the applicant seeking retroactive approval for this development activity.

## Note:

Joe Muller, Senior Strategic Advisor, presented and answered questions.

**M815R5/04-2022:**

*Moved By: McKinlay*

*Seconded By: Witteveen*

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

**For the Motion: 12 votes**

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

**Against the Motion: 0 votes**

None.

***Motion Carried***

**Note**: Commissioners Clark, Horner and Vida were not present and did not participate in the discussion or vote on the agenda item.

**DISCUSSION:**

A Commissioner asked if the contaminated soil was pre-existing on the site, due to the railway tracks on the property. Staff advised that the fill was brought from elsewhere within the Tremaine Road project area and was not contaminated as a result of the railway.

## A4

## DEVELOPMENT PERMIT APPLICATION:

### W/A/2021-2022/587

711 York Road

Lot 27, West Flamborough Concession 2

Pleasant View Survey, City of Hamilton

### PROPOSAL:

To clear all vegetation on a section of the subject property, convert the land to an agricultural use as a fruit orchard and to install a 1 m (3.5 ft) wire fence, on the existing   
1.6 ha (3.95 ac) vacant lot.

### RECOMMENDATION:

That the application be ***refused***.

Note:

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

The Applicant and Applicant’s Agent were present to answer questions.

**M815R6/04-2022:**

*Moved By: Hutcheon*

*Seconded By: Curley*

*“That the Commission approve the staff recommendation for the following reasons.”*

1. New agricultural use not permitted on lands within Pleasant View Survey as set out in the NEP, Part 2.2.21.
2. The proposal conflicts with the City of Hamilton Official Plan.
3. City of Hamilton staff do not support the application.
4. Community concern about vegetation clearing and driveway installation on the subject property.

**For the Motion: 8 votes**

Clark, Curley, Driedger, Gibson, Golden, Hutcheon, Mackenzie, Nicholson.

**Against the Motion: 7 votes**

Burton, Downey, Horner, Lucyshyn, McKinlay, McQueen, Witteveen.

***Motion Carried***

**Note**: Commissioner Vida was not present and did not participate in the discussion or vote on the agenda item.

**DISCUSSION:**

Some Commissioners requested clarification on agricultural polices within the Pleasant View Survey lands. Staff advised that special policies allow for forest management, but not the harvesting of plants or trees. Staff also noted that the applicant had suggested to City staff that he was interested in subdividing the property into several residential lots, which does not conform to the Niagara Escarpment Plan or City of Hamilton Rural Official Plan. The applicant’s agent confirmed that their interest for the property was not the orchard proposal but rather the lot creation proposal.

A Commissioner commented that the land should be in public ownership if it cannot be developed.

## CONSENT AGENDA/ITEMS MOVED FOR DISCUSSION:

Information only Items

G1 Director Approvals and Dashboard for March 2022

G2 Appeals and Hearings Status Chart as of March 31, 2022

G3 Director’s Report for March 2022

G4 Plan Amendments Status Update as of March 31, 2022

G5 Letter from Minister Rickford 354-2022-189

G6 Friends of the Beaver Valley Newsletter for March 2022

**M815R7/04-2022:**

*Moved by: Burton*

*Seconded by: Curley*

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

***Motion carried***

**DISCUSSION:**

None.

**BREAK: 1:55 P.M. TO 2:10 P.M.**

## A5

**COMPLIANCE STAFF REPORT**

**ORDER TO DEMOLISH/RESTORE #2022.001**

11489 17 Sideroad

Lot 18, Concession 6, Equesing

Town of Halton Hills, Ontario

**BACKGROUND:**

On October 2, 2021, NEC staff received a public complaint regarding alleged site grading and paving to create a parking lot on the subject property. Staff confirmed the reported violations and found additional violation during a site visit on October 22, 2021.

Additional complaints were received after the site visit and a stop work order was issued by the NEC under the authority of Section 24(6.1) of the *Niagara Escarpment Planning and Development Act* to the three landowners/directors of the company on December 13, 2021. Subsequent site visits confirmed that the stop work order was not being complied with and additional environmental harm was continuing.

### RECOMMENDATION:

Pursuant to section 24(6) of the NEPDA*,* NEC compliance staff are seeking the NEC’s endorsement of Order to Demolish/Restore #2022.001 with the following conditions:

1. **Qualified professional(s) -** Retain by **May 21, 2022** a qualified person to the satisfaction of the Niagara Escarpment Commission to complete the reports/studies required below, and to oversee all aspects of the restoration required by this Order to the satisfaction of the Niagara Escarpment Commission.
2. **No later than June 30, 2022** complete to the satisfaction of the Niagara Escarpment Commission **a soil sampling plan,** prepared and undertaken by a qualified person to the satisfaction of the Niagara Escarpment Commission, that addresses the nature and quality of fill and asphalt placed on the subject property, with the exception of the areas licensed under the *Aggregate Resources Act*.
3. **No later than July 31, 2022, submit to** the Niagara Escarpment Commission **results of the soil sampling and a remediation plan** that provides for the following:
4. The results of the soil sampling plan and an interpretation of the results;
5. Removal and lawful disposal off-site of all fill and asphalt deposited within area “A” noted in Appendix 1;
6. Removal and lawful disposal off-site of all fill material deposited within area “B” noted in Appendix 1 that does not meet background soil conditions;
7. Restore the crossing and culvert associated with Sixteen Mile Creek located within area “*C*” on Appendix 1 in a manner that reinstates the conveyance of the watercourse and removes any additional fill material beyond what existed previously;
8. To the extent possible, restoration of original grade within areas “*A*”, “B” and “C” on Appendix 1;
9. Appropriate vegetation protection and erosion and sediment control measures to be installed and retained in place until work is complete and stabilized; and
10. Execute a planting plan to re-establish the pre-disturbance vegetation, including a vegetation monitoring plan;
11. **No later than August 31, 2023 complete all restoration works** required by this Order to the satisfaction of the Niagara Escarpment Commission.
12. **No later than September 30, 2023 submit a letter** prepared by the qualified person described in Item #1 demonstrating that all work required by this Order was completed in accordance with the Order.
13. **Vegetation survival monitoring** shall be conducted by the qualified person described in Item #1 for three growing seasons following completion of the restoration works, confirming whether all required restoration works and plantings have been successfully completed in accordance with this Order.
14. **A vegetation survival monitoring report** prepared by the qualified person described in Item #1 shall be submitted to the Niagara Escarpment Commission no later than November 30th in each of the three growing seasons noted above.
15. **Replacement vegetation** shall be planted as necessary to achieve a minimum 70 percent survival rate at the end of the third growing season, using native plant species as recommended by the qualified person described in Item #1**.** Replacement vegetation species and planting locations shall be documented in the annual survival monitoring reports.

**ADVISORY NOTE** - Failure to comply with this Order may result in further enforcement action being taken NEC. Persons convicted under section 24(7.1) of the Act may incur penalties including a fine of not more than $10,000 a day or part of a day on which the contravention continued. In accordance with section 24(7) of the Act, failure to comply with an order within the time specified in it may result in the Minister causing the necessary work to be done and charge such person the cost thereof, which cost may be recovered with costs, as a debt due to Her Majesty, in any court of competent jurisdiction.

Note:

Kevin Toste, Compliance Program Supervisor, presented and answered questions.

**M815R8/04-2022:**

*Moved By: Driedger*

*Seconded By: Lucyshyn*

*“That the Commission endorse Order to Demolish/Restore #2022.001.”*

**For the Motion: 14 votes**

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

**Against the Motion: 0 votes**

None.

***Motion Carried***

**DISCUSSION:**

A Commissioner asked if a decision on the Order to Demolish/Restore should be put on hold until the investigation regarding the aggregate licence violations has concluded. Staff advised that there is active environmental risk to the property that should be addressed as soon as possible. She noted that the restoration order will not impact the NEC’s ability to prosecute at a later time.

A Commissioner recommended that staff obtain a copy of the aggregate license to see the permitted uses. He noted disappointment that the Ministry of Natural Resources, Mines and Forestry did not already revoke the licence.

## NEW BUSINESS

Commissioner Vida raised a concern with delays in staff responses to applicants, noting that she was contacted by three separate applicants for assistance on their applications since she became a commissioner in 2021. Some Commissioners noted that they have been contacted in the past by applicants as well. Commissioners McKinlay and McQueen advised that they contact staff directly and copy the Director to advise that they have been contacted on a file, note the nature of the contact  and may pass on that an applicant is asking for support, information or other contact information on the file in question. Commissioner McKinlay also noted that an information session was held for Commissioners in the past to provide information on responding to public inquiries without inadvertently advocating for an applicant. He suggested that another information session may assist newer Commissioners with these situations.

The Director advised that process efficiencies have been, and are continuing to be implemented with application processing, including streamlined approvals, expansion of exemption regulations, and development of a user-based website. It was also acknowledged that there was a high level of staff turnover between 2020 and 2022 and very high levels of permit applications submitted for review and approval.

The Chair announced that Nancy Mott, Senior Strategic Advisor, will retire at the end of April. He thanked her for dedication and hard work with the NEC over the past 14 years and wished her well in her future endeavors.

## A6

**STAFF REPORT**

### N/R/2020-2021/746

56 Park Road South

Part Lot 3, Concession 2

Town of Grimsby, Region of Niagara

### PROPOSAL:

To construct within a ±825 square metre (±8,880.2 square feet) building envelope a single dwelling (size to be determined) with a height of ±12.5 metres (±41.01 feet), to construct an inground swimming pool with a surface area of ±168 square metres (±1,808.3 square feet), to construct a ±120 square metre (1,291.7 square feet) accessory structure, a new driveway and septic system on a vacant ±0.55 hectare (±1.36 acre) lot. The proposed dwelling, pool and accessory structure will be located within the proposed building envelope.

### RECOMMENDATION:

That the application be **approved** subject to conditions.

**M815R9/04-2022:**

*Moved By: Downey*

*Seconded By: Vida*

*“That the Commission approve the staff recommendation with the following conditions.”*

**CONDITIONS OF APPROVAL N/R/2020-2021/746**

1. Development shall occur in accordance with the Terms and Conditions of the Development Permit.
2. The Development Permit shall expire three (3) years from the date it has been issued or once the development has been completed in accordance with the Development Permit.
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. If development has commenced under this Development Permit, any/all disturbed areas of land or soil shall be re-vegetated and stabilized to the satisfaction of the Niagara Escarpment Commission on or before the date of expiry of the Development Permit.
6. **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:
   1. The Final Site Plan shall be prepared by a qualified professional
   2. 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;
   3. Outline of the approved development envelope / extent of all disturbed areas;
   4. Location of all existing and proposed structures, sewage disposal system, well/cistern, driveway, construction access / haul routes, exterior lighting, etc. showing setbacks from the property lines, any watercourses or water features, top / bottom of slope, wooded areas, etc.;
   5. 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.
   6. Identify the areas of existing vegetation to be retained, areas of vegetation to be removed, and the location of proposed plantings
7. **Prior to the issuance of a Development Permit** by the Niagara Escarpment Commission, the landowner shall submit for the approval of the Niagara Escarpment Commission, final construction details for the proposed development, including exterior elevations, floor plans, height to roof peak from lowest grade, and any exterior lighting.
8. **Prior to the issuance of a Development Permit** by the Niagara Escarpment Commission, a Final Tree Protection Plan shall be prepared by a qualified person, for the approval of the Niagara Escarpment Commission and the Region of Niagara, in accordance with the Region’s Woodland Conservation By-law. The Plan shall address vegetation protection and mitigation requirements and shall include but not be limited to a detailed inventory, assessment, protection and mitigation measures in accordance with the standard practices of the implementing authority. The Plan shall include the following stipulations:
   1. Prior to commencement of any construction, protective fencing shall be installed and inspected by a qualified person and confirmation of this shall be provided to the Niagara Escarpment Commission.
   2. Any vegetation noted for protection and damaged from the construction process shall be reported and replaced; trees 150mm and over DBH (diameter at breast height) shall be replaced on a per caliper basis. Replacement shall be to the satisfaction of the Niagara Escarpment Commission.
   3. Once the development has been completed, including all required mitigation measures, a letter certifying that the work has been completed in accordance with the approved Plan shall be provided to the Niagara Escarpment Commission by a qualified professional.
   4. Development shall proceed in accordance with the details of the approved Tree Protection Plan.
9. **Prior to the issuance of Development Permit** by the Niagara Escarpment Commission, the Landowner shall submit for the approval of the Niagara Escarpment Commission and the Niagara Peninsula Conservation Authority (NPCA), development plans and a grading plan and report from a Professional Geotechnical Engineer that ensures conformity with the NPCA’s policies.
10. The landowner shall implement the mitigation measures and recommendations within Section 7 or the Environmental Constraints Analysis prepared by LCA Environmental Consultants in September 2021.
11. The landowner shall remove any storage containers no later than 30 days following the completion of construction of the accessory structure.
12. The dwelling shall contain only one dwelling unit.
13. The accessory structure shall not be used for human habitation, as a short or long-term rental unit, or for commercial, industrial or livestock purposes.
14. This conditional approval expires 18 months from the date of confirmation of the decision to approve the Development Permit application. Conditions 6, 7, 8 and 9 of this conditional approval shall be fulfilled before the expiry date.

**Advisory Notes:**

1. A Development Permit does not relieve the permit holder of any other permission (e.g., Ontario Building Code, Conservation Authorities Act, Endangered Species Act, etc.). A Niagara Escarpment Commission Development Permit is required prior to the issuance of any other permission.
2. The Niagara Escarpment Commission supports the protection of the night sky from excessive lighting and recommends the applicant obtain information on the use and operation of appropriate lighting fixtures in keeping with dark-sky approaches.
3. Should deeply buried archaeological remains/resources be found on the property during construction activities, all activities impacting archaeological resources must cease immediately, notify the Archaeology Programs Unit of the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (416-212-8886) and a licensed archaeologist is required to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

**For the Motion: 12 votes**

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

**Against the Motion: 1 vote**

Mackenzie.

***Motion Carried***

**DISCUSSION:**

The Commission discussed the merits of an application with a building envelope only. A Commissioner noted that creating the envelope first gives the applicant assurances to move forward and plan accordingly.

## ADJOURNMENT

**M815R10/04-2022**

*Moved By: McKinlay*

*“That this meeting be adjourned.”*

***Motion Carried***

Time of Adjournment: 3:15 p.m.

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Rob Nicholson

Chair