**Niagara Escarpment Commission**

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# MINUTES OF P81/11-2022

**NIAGARA ESCARPMENT COMMISSION**

**HYBRID MEETING:**

**Microsoft Teams and In-person (Georgetown, Ontario)**

**November 16, 2022**

**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, P. McQueen, R. Nicholson, J. Vida, A. Witteveen.

**Regrets:** None.

**Staff Present:** K. Woeller, J. Muller, L. Grbinicek, R. Sadafal, D. Alorse,
E. Vanderwal, L. Wang, J. Olah, A. Bochenek.

**Also Present:** S. Cooper, Ministry of Natural Resources and Forestry; R. Patrick, C.O.N.E.

**Meeting called to order:** Wednesday, November 16, 2021 at 10:00 a.m.

Chair Rob Nicholson presided.

**Introductions:**

The Chair thanked staff for all of the work done to prepare for the policy and commission meetings.

**Land Acknowledgement**

The Chair read aloud the Land Acknowledgment.

**BUSINESS ARISING FROM PREVIOUS MEETINGS:**

None.

**P1**

**STAFF INFORMATION REPORT**

**Update on Policy Guideline Development & Commission Working Groups**

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

**BACKGROUND:**

In October 2017 and 2018, staff presented to the Commission (NEC) the need for guidance material to support the implementation of the 2017 Niagara Escarpment Plan (NEP). The Commission endorsed the staff’s recommendation that guidance material takes the form of either “Policy Guidelines” or “Technical Criteria.” This is in keeping with the direction in the 2017 NEP that the NEC may issue guidance material and technical criteria, in consultation with the Ministry of Natural Resources and Forestry (MNRF), to assist with the implementation of NEP policies.

**CURRENT STATUS:**

Commission working groups have been confirmed and guidelines are being developed to assist in the assessment of Development Permit Applications (DPAs) for the following identified policy topic areas:

* (temporary) dwelling unit(s) accessory to agricultural uses
* accessory facilities and uses to single dwellings (atypical accessory uses)
* events

Revised and updated work plans for the policy topic areas have been prepared and are intended to be adaptive in nature and may be required to be revised in response to ongoing NEC staffing and workload priorities as well as changing Commissioner appointments.

Staff will also review and consider in conjunction with the recently published University of Guelph *Guidelines on Permitted Uses as a Tool to Achieve Farmland Protection, Farm Diversification, and Economic Benefits: Assessing the effectiveness and identifying best practices*. The guidelines were developed with the support of the Ontario Agri-Food Alliance. The Report identifies multiple best practices, tools, and recommendations to ensure OFDUs achieve the common goals of promoting agricultural viability while protecting farmland. Staff will be reviewing this newly released research which may provide valuable input to the NEC guideline development for this policy topic area.

**RECOMMENDATIONS:**

1. The Commission receives this report and confirms the Commission working group members as identified, with an understanding that the identified members may be required to be revisited, subject to the Commissioner appointment process.
2. Direct staff to proceed with policy guideline development as per the attached work plans, including further engagement with the Commission working groups.

**P81R1/11-2022**

*Moved By: Hutcheon*

*Seconded By: Horner*

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

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

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

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

*None.*

***Motion Carried***

**DISCUSSION:**

A Commisisoner noted disappointment in the lack of progress with the working groups. Staff advised that input from the 2022 secondary dwelling unit working group and events working group will be incorporated into draft guidelines to be reviewed in the new year. Staff also noted that due to a significant increase in inquiries, applications and staffing changes, process efficiency changes and workload rebalancing have been taking place to address the additional workload pressures.

The Commission requested that policy items be included in the monthly meetings, instead of having stand alone policy meetings, to provide a more fluid approach to policy review.

A Commissioner commented that it would be advantageos for the Commission to start considering possible plan review subjects. Staff provided that the next coordinated plan review may take place around 2027 (10 years from 2017 NEP), however the Minister will determine the final Review date . The Minister determines the scope of the Plan Review and the Commission and staff will make recommendations to the Minister during the plan review process.,

A Commissioner requested information on the impact of proposed changes in Bills 23 and 140 to as of right secondary dwelling units to the NEP. Staff advised that these changes are relevant to Planning Act applications, and that the NEP policies respecting secondary dwelling units are still in effect for the NEP Area.

A Commissioner noted that the municipal Commissioner appointments expire at the end of 2022, and it will impact the working group memberships.

The Commissioners discussed the need for farm help accommodations and possible policy changes. Staff noted that the subject will be discussed in further detail with agenda Item P2.

**P2:**

**STAFF DISCUSSION COVER REPORT**

**Niagara Escarpment Agricultural Policies**

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

**RECOMMENDATIONS:**

That the Commission receive the delegations by the identified agricultural stakeholders at November 16, 2022, policy meeting, and provide further direction to staff respecting the need for additional NEP policy analysis on the issues presented.

**P81R2/11-2022**

*Moved By: Hutcheon*

*Seconded By: Witteveen*

*“That the Commission receive the identified agricultural delegations, and direct staff respecting the need for additional NEP policy analysis on the issues being presented ”*

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

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

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

*None.*

***Motion Carried***

**P2**

**INITIAL STAFF REPORT**

**Proposed Niagara Escarpment Plan Amendment PC 225 22**

**On-farm Diversified Uses and Agricultural-related Uses in Escarpment Protection Area, and other agricultural-related policy housekeeping matters**

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

Richard Linley, Ontario Craft Wineries, presented to the Commission and answered questions.

Drew Spoulstra, Emily Sousa, Ontario Federation of Agriculture, presented to the Commission and answered questions.

**PROPOSAL SUMMARY:**

To amend the Niagara Escarpment Plan (NEP) to allow the opportunity for the development of on-farm diversified uses and agricultural-related uses outside of prime agricultural areas by amending the Escarpment Protection Area Permitted Uses to be consistent with the Escarpment Rural Area policy, and; to amend the NEP Part 2.7 policies respecting Development Affecting Natural Heritage to recognize that the development of certain agricultural uses may be compatible in Key Natural Heritage Features, under certain conditions. Additionally, to undertake a housekeeping-related amendment to Part 1 Escarpment Natural Area Permitted Uses to better align Ontario Regulation 828/90 exemption respecting a specific agricultural use with the Permitted Uses of the NEP.

**BACKGROUND:**

At their meeting on November 17, 2021, the Commission directed staff:

1) To proceed with initiating a Niagara Escarpment Plan amendment to address the following:

•Part 1.4.3.2 Escarpment Protection Area on-farm diversified uses and agriculture-related uses in prime agricultural areas.

•Agricultural uses within Earth Science Areas of Natural and Scientific Interest.

2)To undertake further analysis of additional agricultural policy topic areas, for potential consideration in the scoping of a proposed Plan amendment:

•Part 2.8 winery policies

•Agricultural uses in key natural heritage features

•Supporting the Agricultural System in the NEP Area

While the amendment proposals presented do address significant targeted known stakeholder concerns (i.e., Part 1.4.3.2 policy respecting OFDUs and ARUs in prime agricultural areas), additional areas of interest remain with agricultural stakeholders respecting viable agriculture and agri- tourism in the NEP Area. Staff provides that these additional topic areas will continue to be discussed and given appropriate consideration, including with ministry partners and a broader range of agriculture stakeholders. Staff considers the current amendment proposals as ‘Phase 1’ and advancing the current amendment proposal would not preclude subsequent amendments from being considered.

Additionally, staff notes some of the changes being proposed by stakeholders (i.e., events), may involve regulatory and or legislative changes, which are beyond the scope of the amendment process and or may be considered urban uses that would be required by the Act to be addressed through the next Plan Review.

**RECOMMENDATION:**

That the Niagara Escarpment Commission instructs staff to process the proposed Amendment PC 225 22 for circulation and notification pursuant to Section 6.1(2) of the *Niagara Escarpment Planning and Development Act.*

**P81R3/11-2022**

*Moved By: Hutcheon*

*Seconded By: Burton*

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

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

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

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

*None.*

***Motion Carried***

**DISCUSSION:**

The Commission thanked staff for the reports and the representatives from Ontario Craft Wineries and Ontario Federation of Agriculture for their presentations to the Commission, and ongoing work with staff. A Commissioner also thanked those stakeholders who wrote to the Commission and provided valuable feedback to staff.

The Commission noted the strong need for on-farm diversified uses (OFDUs) to supplement farming. One Commissioner noted that he owns a farm that does not generate enough income to live off of and additional income sources are required. Commissioner McQueen noted that the cost of farm land is prohibitive for younger farmers, and current farmers need to diversify income streams to remain viable. He noted that many farms have intergenerational operations and require additional housing options. He advised of the need to take hard look at future of agriculture, the changes made over the last two years, and how to keep farming sustainable.

Commissioner Downey noted a bias in the NEP regarding OFDUs, noting a strong need to be addressed beyond just guidance materials. She strongly recommended the Commisison bring the recommendations forward in more pressing manner, rather than waiting for plan review.

Commissioner Vida inquired if consideration has been given to change existing winery size policies.Staff advised that is one of the additional topic areas identified by staff to be considered as a separate phase from the amendment currently being considered. Commission Vida noted that it is difficult for smaller wineries to compete, and the plan amendment process is lengthy to complete. Staff noted concern that grouping winery related policy proposals with the current Plan amendment application could increase the possibility that the Plan amendment would further lengthen the review time frame and hold up some of the more straightforward, non-contenious proposals. The Chair advised that staff can return to the Commission in the new year with a topic list based on feedback from the Commission, and noted that wineries are included on the policy list for additional consideration. Commissioner Horner requested that the list be brought to the January meeting. Staff noted that this might be contingent on Commissioner appointments.

Commissioner Witteveen asked if exempting events and accessory buildings was possible. Staff noted that this would require a change to the Regulation. Commissioner Horner suggested staff try exempting events in a pilot project.

**NEW BUSINESS**

Commissioner Witteveen advised that he will not attend the November 18, 2021 Commission meeting.

**P81R4/11-2022**

*Moved By: Horner*

*“That this meeting be adjourned.”*

 *Motion Carried*

**Time of Adjournment:** 12:10 p.m.

 Rob Nicholson

Chair