**Niagara Escarpment Commission**

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# MINUTES OF M821/01-2023

**NIAGARA ESCARPMENT COMMISSION**

**VIRTUAL MEETING ONLY**

**January 19, 2023**

## MEMBERS PRESENT:

M. Curley, G. Driedger, R. Gibson, D. Hutcheon, K. Lucyshyn, B. Mackenzie,   
D. McKinlay, R. Nicholson, J. Vida.

## REGRETS:

None.

## STAFF PRESENT:

K. Woeller, K. Peters, L. Grbinicek, J. Muller, A. Laven, A. Obradovic, R. Sadafal,   
B. Henderson, E. Vanderwal, L. Wang, J. Olah, A. Bochenek.

## ALSO PRESENT:

S. Cooper, Natural Heritage and Land Use Planning Advisor, Ministry of Natural Resources and Forestry; Robert Patrick, C.O.N.E.

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

Chair Rob Nicholson presided.

## INTRODUCTIONS:

The Chair welcomed the Commission and meeting participants. He noted that the ministry of Natural Resources and Forestry is in the process of reviewing municipal Commissioner candidates. He advised that his term is not being renewed and a notice has been posted to receive applications for the next Chair.

The Director welcomed the meeting participants. She advised that the February meeting will be in person with the option to attend virtually if the weather is acceptable for travel to the Georgetown office. She reviewed the hybrid meeting procedures.

## LAND ACKNOWELDGEMENT:

The Chair read aloud the Land Acknowledgment.

## BUSINESS ARISING FROM PREVIOUS MEETINGS:

None.

**APPROVAL OF MINUTES – November 16, 2022, Policy Minutes P81-11-2022 and November 17, 2022 Commission Minutes M820-11-2022**

**M821R1/01-2023**

*Moved By: Gibson*

*Seconded By: Lucyshyn*

*“That the Commission minutes of November 16, 2022, Policy Minutes P81-11-2022 and November 17, 2022 Commission Minutes M820-11-2022, be approved as written.”*

***Motion Carried***

**DISCUSSION:**

## Commissioner Curley requested clarification on the scope and current status of plan amendment application PW 218 20. Staff advised that the application proposes to change the special policy on the property that expands the educational use on the property. Staff advised that no recommendation or decision have been made on the application. Per the *Niagara Escarpment Planning and Development Act (NEPDA)*, after the January 2023 Public Interest Advisory Committee (PIAC) meeting, a final summary staff report will be brought to the Commission with a recommendation to refer the application to the Ontario Land Tribunal for a hearing, due to public opposition to the application.

## MOTION FOR SPEAKERS

**M821R2/01-2023**

*Moved By: McKinlay*

*Seconded By: Hutcheon*

*“That the persons representing the applications listed on the agenda be invited to address the Commission.”*

***Motion Carried***

## CONFLICTS OF INTEREST – Declaration of Conflicts of Interest

## None.

## DISCUSSION AGENDA: A and B PACKAGES

## (*Staff Reports, External submissions)*

**C1**

**Niagara Escarpment Commission Comments Letters re:**

***Bill 23, More Home Built Faster***

## BACKGROUND:

On October 25, 2022, the Ontario government proposed *Bill 23, More Homes Built Faster,* encompassing amendments to Acts and Regulations, introduction of new legislation, updates to planning guidance materials, and review of provincial and regional planning documents. The proposed bills were posted on the Environmental Registry for commenting, and the Bill was passed by the Legislature, receiving Royal Assent on November 28, 2022. While no changes were proposed to the *NEPDA* itself, the Act was named in the context of proposed changes to the role of Conservation Authorities under the Conservation Authorities Act. Additionally, some approved changes will impact how the Niagara Escarpment Commission processes development permit applications relating to the reduced scope of conservation authority and municipality reviews. Staff have reviewed potential impacts to business processes and submitted feedback to the Ministry of Natural Resources and Forestry for consideration and follow up. Staff and partner agencies are continuing to review the impact of the changes on their respective mandates.

Note:

Joe Muller, Senior Strategic Advisor, presented and Lisa Grbinicek and Amaraine Lavan, Senior Strategic Advisors, were also available to answer questions.

**M821R3/01-2023**

*Moved By: Curley*

*Seconded By: Hutcheon*

*“That the Commission* *receive the information.”*

***Motion Carried***

**DISCUSSION:**

The Chair and Commissioners thanked staff for their efforts in submitting balanced, thoughtful feedback under very tight deadlines.

With respect to Letter C1.4 (Conserving Ontario’s Natural Heritage), Commissioner Mackenzie noted concern regarding the generality of the term wetland, advising that there are many types of wetlands with differing ability to be recreated, e.g., bogs and treed swamps, which need thousands of years to form and cannot be easily replicated.

Commissioner Curley inquired about changes to conservation authority and upper tier municipality commenting roles. Staff confirmed that the intent of the legislation is to reduce upper tier municipality land use planning functions, and conservation authority comments are more limited in scope. Staff are investigating how the NEC’s reliance on comments from these agencies will be affected.

Commissioner McKinlay requested information on the Ontario Land Tribunal’s ability to award costs to applicants. Staff advised that awarding costs is in the purview of the Tribunal.

Commissioner Gibson inquired how offsetting policies will be applied. Staff advised that the Discussion Paper (C1.4) has not yet resulted in any policies, the concept of “ecological offsetting” is still under discussion. The hierarchy if such a concept is to be applied from a land use planning perspective is avoidance first, then mitigation, then removal/replacement. Some habitats can be replicated with active management over time. Staff noted that the NEPDA and NEP objectives and policies speak to protection, maintenance and enhancement of Escarpment natural heritage features and that there are very limited circumstances for re-creation of natural heritage features, from a policy perspective.

Commissioner Gibson inquired about the re-creation of species at risk (SAR) habitat. Staff advised that there are some provisions of the Endangered Species Act that consider the creation of habitat, though it is limited in scope where science has demonstrated that it’s possible (e.g., grassland bird habitat).

## A1

**STAFF REPORT**

**Development Permit Application W/R/2021-2022/416**

191 and 193 Mill Street South

62R18447 PARTS 4 5 8 TO;10 AND 18

City of Hamilton (former Town of Waterdown)

### PROPOSAL:

To sever a ± 0.19 hectare (0.48 acre) lot from the existing 0.4 hectare (0.99 acre) lot, with a retained lot of 0.21 hectare (0.52 acre), and to demolish the existing dwellings and construct a new one and a half storey ± 204.4 square metre (2,200 square feet) dwelling on the severed lot and to construct a one and a half storey ± 260.1 square metre (2,800 square feet) dwelling and a one and a half storey ± 65 square metre (700 square feet) accessory building (detached garage) on the retained lot.

### RECOMMENDATION:

That the application be **approved with conditions.**

Note:

Andrej Obradovic, Senior Planner, presented and answered questions.

The applicant was available to answer questions.

**M821R4/01-2023**

*Moved By: Vida*

*Seconded By: McKinlay*

*“That the Commission deem the two existing dwellings as existing uses and approve application W/R/2021-2022/416 with the following Conditions of Approval:*

***CONDITIONS OF APPROVAL W/R/2021-2022/416***

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. *Each dwelling shall contain only one dwelling unit.*
7. *The accessory structure shall not be used as a dwelling unit, as a short or long-term rental unit, or for commercial, industrial or livestock purposes.*
8. ***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. *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;*
   2. *Outline of the approved development envelope / extent of all disturbed areas;*
   3. *Location of all existing and proposed structures, municipal servicing, 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.;*
   4. *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;*
   5. *Notes as to how the recommendations in Section 8 of the Cultural Heritage Impact Assessment prepared by Bright Past Heritage Consulting Inc., dated August 2022, have been achieved;*
   6. *The location and design of erosion and sediment control measures (e.g., fencing, blankets, rip-rap, temporary mulch / seeding), and limit-of-work construction or eco-protection fencing.*
9. ***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. The Final Construction Details shall also note how the recommendations in Section 8 of the Cultural Heritage Impact Assessment prepared by Bright Past Heritage Consulting Inc., dated August 2022, have been achieved. Development shall proceed in accordance with the details of the approved Final Construction Details.*
10. ***Prior to the issuance of a Development Permit*** *by the Niagara Escarpment Commission, a* ***Final Tree and Vegetation Protection Plan*** *shall be prepared by a qualified person, for the approval of the Niagara Escarpment Commission and the City of Hamilton. 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.*

*Development shall proceed in accordance with the details of the approved Tree and Vegetation Protection 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 and City of Hamilton 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:*
2. *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.*
3. *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.*
4. *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.*
5. *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, acceptance of the Archaeological Report dated October 27, 2022 into the Ontario Public Register of Archaeological Reports. The applicant shall provide a letter to the Niagara Escarpment Commission with confirmation that the Ministry of Heritage, Sport, Tourism and Culture Industries has reviewed and accepted the report*
2. ***Prior to the commencement of any development****, erosion and sediment control measures (e.g., fencing, blankets, rip-rap), and/or vegetation protection fencing shall be implemented and maintained as shown on the* ***Final Site Plan*** *until all disturbed areas are stabilized. It is the responsibility of the landowner to implement, monitor and maintain all erosion and sedimentation control measures and vegetation protection fencing in good condition until vegetative cover has been successfully established and the development is completed.*
3. ***Prior to the commencement of any development****, including any site disturbance, the landowner shall obtain a Consent to sever under the Planning Act for the proposed lot configuration in accordance with this Development Permit, and, provide proof of registration/establishment of the new lot to the Niagara Escarpment Commission.*
4. *All waste materials generated from the demolition shall be completely removed from the property and taken to an authorized receiving site (e.g., municipal landfill site, salvage / reclamation facility, re-used / recycled elsewhere) and not stored or buried on-site. All disturbed areas shall be immediately stabilized / rehabilitated as per the* ***Final Site Plan****.*
5. *Conditions 8, 9, 10, 11 and 12 must be fulfilled within eighteen months (1.5 years)**from 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 landowner/permit holder from the requirements of any other required approval, licence or certificate under any statute (e.g., Ontario Building Code, Planning Act, Conservation Authorities Act, etc.). The Niagara Escarpment Commission Development Permit is required prior to the issuance of any other applicable approval, licence or certificate.*
2. *The applicant is advised that specific delineation of the stable top of bank may be required prior to final approval from the Niagara Escarpment Commission, and prior to the issuance of a “no objections” letter from Conservation Halton.*
3. *The property owner must provide the City of Hamilton with 60 days notice of intent to demolish or remove a building or structure on the property.*
4. *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.*
5. *Should deeply buried archaeological materials be found on the property during any of the above development activities the Ministry of Tourism, Culture and Sport should be contacted for guidance at archaeology@ontario.ca. The Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, c.33 requires that any person discovering human remains must cease all activities immediately and notify the police or coroner.*

***For the Motion: 7 votes***

*Curley, Driedger, Gibson, Lucyshyn, Mackenzie, McKinlay, Vida.*

***Against the Motion: 1 vote***

*Hutcheon.*

***Motion Carried***

**DISCUSSION:**

Commissioner Vida noted that the dwellings are existing uses, and the Commission should not assume that the dwellings are illegal. She inquired about the archeological assessment condition. Staff advised that the Ministry of Citizenship and Multiculturalism requires it as the property is located within 300 metres from a watercourse and   
300 metres from the escarpment brow.

Commissioner Curley asked if each property has its own tax bill. The applicant advised that both dwellings are included in one tax bill.

Commissioner Hutcheon requested clarification as to whether approval of the application, would be in conflict with the *NEPDA*. Staff advised that it was unknown if the lots have been merged on title, and that a policy interpretation was required from the Commission.

**A2**

**STAFF REPORT**

### Development Permit Application N/R/2022-2023/75

4743 Fly Road

Part Lot 14, Concession 6

Town of Lincoln, Region of Niagara

### PROPOSAL:

To remove an existing one-storey 95.10 sq m (1,023.6 sq ft) temporary mobile home trailer with a height of 3 m (9.8 ft), and to construct a two-storey, permanent ± 413.9 sq m (4,452.9 sq ft) single dwelling to accommodate farm labourers, with a maximum height to peak of ± 7.08 m (23.2 ft), and to install a new private sewage disposal system, on an existing 19.49 ha (48.18 ac) lot.

**RECOMMENDATION:**

That the application be **approved with conditions.**

Note:

Rameez Sadafal, Policy and Program Intern, presented and answered questions.

The applicant was available online to answer questions.

**M821R5/01-2023**

*Moved By: Curley*

*Seconded By: Hutcheon*

*“That the Commission approve application N/R/2022-2023/75 with the following Conditions of Approval:*

***CONDITIONS OF APPROVAL N/R/2022-2023/75***

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. *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 NOT permitted with the exception of that identified within the development envelope in accordance with the* ***Final Site Plan****. All required erosion and sediment control fencing shall be maintained in good standing until the development envelope has been re-vegetated.*
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*** *shall be submitted for Niagara Escarpment Commission approval. The following stipulation shall be included directly on the Plan:*
7. *The Final Site Plan shall be prepared by a qualified professional;*
8. *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;*
9. *Outline of the approved development envelope / extent of all disturbed areas;*
10. *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.;*
11. *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.*
12. *The location and design of erosion and sediment control measures (e.g., fencing, blankets, rip-rap, temporary mulch / seeding), and limit-of-work construction or eco-protection fencing;*
13. *Identify the areas of existing vegetation to be retained, areas of vegetation to be removed, and the location of proposed plantings.*
14. ***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 constructions details*** *for the proposed development, including exterior elevations, total floor area, floor plans, height to roof peak from lowest grade, and any exterior lighting.*
15. ***Prior to the issuance of a Development Permit by the Niagara Escarpment Commission****, the Landowner shall enter into an Agreement under Section 24(2.1) of the Niagara Escarpment Planning and Development Act, in a form acceptable to the Niagara Escarpment Commission. The agreement shall be registered on the title of Part Lot 14, Concession 6, 4743 Fly Road, Town of Lincoln, Region of Niagara, at the Landowner’s expense. The Agreement is to state that the dwelling to be used as a dwelling unit accessory to an agricultural use will constitute the one single dwelling permitted on the subject lands, and shall not be used for commercial, short-term rental, institutional or industrial uses, and that the Landowner under this Development Permit is the owner of the lands at the time of registration. The Landowner shall provide proof satisfactory to the Niagara Escarpment Commission that the agreement has been registered against the lands [i.e., copy of the parcel registry extract and a letter from the Landowner’s solicitor that the registration is complete].*
16. ***Prior to the commencement of any development****, erosion and sediment control measures (e.g., fencing, blankets, rip-rap), and/or vegetation protection fencing shall be implemented and maintained as shown on the* ***Final Site Plan*** *until all disturbed areas are stabilized. It is the responsibility of the landowner to implement, monitor and maintain all erosion and sedimentation control measures and vegetation protection fencing until vegetative cover has been successfully established.*
17. ***The existing temporary mobile dwelling shall be completely removed*** *from the property, and the site rehabilitated as per the Final Site Plan, within ninety (90) days of issuance of an Occupancy Permit by the Chief Building Official for the new dwelling unit accessory to an agricultural use. The landowner shall notify the Niagara Escarpment Commission in writing immediately upon receipt of an Occupancy Permit and shall provide a copy of the Occupancy Permit shall to the Niagara Escarpment Commission.*
18. *All waste materials generated from the demolition shall be completely removed from the property and taken to an authorized receiving site (e.g., municipal landfill site, salvage / reclamation facility, re-used / recycled elsewhere) and not stored or buried on-site. All disturbed areas shall be immediately stabilized / rehabilitated as per the Final Site Plan.*
19. *Conditions 6, 7, and 8 shall be fulfilled within eighteen (18) months from 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, Endangered Species Act, Town of Niagara-on-the-Lake Urban Tree By-law, 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 during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Tourism, Culture and Sport (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.*

*In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, the Ministry of Tourism, Culture and Sport should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.”*

***For the Motion: 8 votes***

*Curley, Driedger, Gibson, Hutcheon, Lucyshyn, Mackenzie, McKinlay, Vida.*

***Against the Motion: 0 vote***

*None.*

***Motion Carried***

**DISCUSSION:**

Commissioner Curley asked why the application required a Commission decision. Staff advised that the proposal does not meet NEP policy 2.85.b) respecting the requirement for dwelling units accessory to agricultural uses to be temporary. However, given that there is no permanent dwelling on the property, staff’s position is that the intent of policy can be met with an agreement on title.

Commissioner Vida asked the applicant if they were agreeable to the conditions of approval. While the applicant advised they are agreeable to the conditions, Commissioner Vida did not feel an agreement on title was required noting that the NEP policies are already strong enough. She moved the staff recommendation with the removal of Condition 8; it was not seconded. The Chair noted that the agreement on title is to ensure that future owners are aware of the NEC approvals and conditions.

Commissioner McKinlay requested further information on the agreement on title condition. He noted that the property could also be used for non-farm help. He noted that commercial uses are already not permitted. Management advised that the agreement on title’s intent is to prevent uses not permitted by the Plan.

Commissioner Mackenzie noted the proposed residence is an improvement over most forms of lodging for seasonal farm help and suggested using the application as an example for similar applications going forward.

Commissioner Lucyshyn asked if building a single-detached dwelling for farm help would be a more permitted use. Staff advised that the approach taken by staff to assess the permanent dwelling as a dwelling unit accessory to agriculture is because single dwellings are a distinct and separate use in the NEP from dwelling units accessory to agriculture.

Commissioner McKinlay asked if the farm help dwelling would need to be torn down in future if the land use changed; staff advised that the dwelling unit accessory to agriculture could be converted to a single dwelling.

## PRESENTATION

**Development Permit Application P/A/2020-2021/691**

17529 Shaws Creek Road

Part Lots 10 and 11, Concession 5 WHS

Town of Caledon, Region of Peel

## PROPOSAL:

To recognize the establishment of three agricultural vineyards including tree removal, grading, topsoil augmentation, the installation of three irrigation tanks, on a 36.6 ha (90.5 ac) existing lot that supports a single dwelling with accessory facilities.

## BACKGROUND:

At the November 17, 2022 Commission meeting, the Commission approved a delegation request from a representative for the applicant of development permit application P/A/2020-2021/691.

**DISCUSSION:**

The Chair advised the Commission and applicant that no decision would be made at today’s meeting.

The applicant’s representative addressed the Commission, noting concern with the development permit review process, and request for additional information at several different times during the review.

The Commission requested background information on the application, including why a development permit is required. Staff advised that the permit is required as new agricultural uses are not permitted on lands designated Escarpment Natural Area, and that tree removal, filling, and site grading was undertaken without a Niagara Escarpment Commission development permit. A staff report and recommendation will be brought to a forthcoming commission meeting for a decision.

Commissioners Curley and Vida noted concern at the length of time the process is taking.

Commissioner McKinlay complimented the applicant on completing the forest management plan. He noted that NEC permits are required for site alteration and fill placement, and that it would be beneficial for the agent and landowner to get a better understanding the NEC development permit requirements.

The Chair thanked the applicant’s agent for bringing the applicant’s concerns to the Commission.

## CONSENT AGENDA/ITEMS MOVED FOR DISCUSSION:

Information only Items

G1 Director Approvals and Dashboard for November and December 2022

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

G3 Director’s Report for November and December 2022

G4 Plan Amendments Status Update as of December 31, 2022

**M821R6/01-2023**

*Moved By: Lucyshyn*

*Seconded By: Hutcheon*

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

***Motion carried***

**DISCUSSION:**

None.

**NEW BUSINESS**

The Commission requested that the Auditor General’s NEC Value for Money Audit be discussed at a future meeting when both public-at-large and municipal Commissioners are better represented. The Commission had some concerns regarding the Auditor General’s comments on the percentage of approved applications. The Commission noted agreement regarding the Auditor’s comments on staffing and budget needs and noted their support of staff’s continued work and dedication to upholding the NEP.

Staff will prepare a chart with the Auditor’s recommendations, NEC responses, and Ministry responses including who is responsible for delivering on each of the recommendations.

## ADJOURNMENT

**M821R7/01-2023**

*Moved By: McKinlay*

*“That this meeting be adjourned.”*

***Motion Carried***

Time of Adjournment: 12:05 p.m.

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Rob Nicholson

Chair