Re NEC File P/A/2020-2021/691

Dear Sir/Madame:

Please accept my submission on the file related to 17529 Shaws Creek Road known also as Belfountain Estates. I have reviewed the comments on the report by the NEC Staff and have been asked to provide a history of my interactions with Belfountain Estate, and more specifically any agricultural knowledge I have related to the property.

As a brief introduction to myself, I have been a farmer here in Ontario for over 30 years and have farmed in different areas of Ontario. I am a graduate from the University of Guelph, majoring in Farm Management. One of my children is also a farmer in Ontario. Between the two of us we farm over 450 acres of land with varied crops and livestock. We consider ourselves to be competent and capable farmers and part of the farming community here in Ontario.

My formal interaction with Belfountain Estates began in 2010 after the property was purchased to review the agricultural operations, to provide faming insight and to make recommendations to the novice farm owner. During this time I have visited the property on several occasions and have toured the property during these visits.

I have given recommendations related to tractors and implements (I currently use MF and Fendt tractors and introduced the team to the Fendt dealer) after my investigation of the property, which is challenging to farm and needed specialty equipment. Of course, the cost of the equipment recommended has not been cheap and the owners took years to be able to arrange financing to be able to purchase tracked equipment and the correct tractors for their fields (notably the areas you have called on Appendix 1 Pinot, Chardonnay Vineyards and C Orchard). I was asked by the owners in 2015 about possibly transitioning their existing apple orchards to a better crop since it was not high density, and in my opinion would never be financially worthwhile; I provided them information of farms that were doing high density trellis planting and they made contact with a number of them and they made their own plans to change their crops over.

My understanding is that there is debate as to whether there has been active farming on the property since 2002-2017. I can speak to the time from 2010-2017.

In this time, based on my personal visits to the farm, walking around the farm, touring the operations, providing farming experience and consultation and interaction with the owner, the following agricultural activity was being continuously conducted from 2010 to 2017:

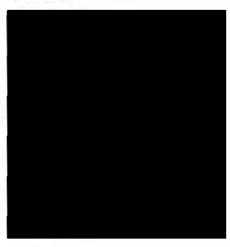
- 1. Apple orchards Pinot Vineyard / C Curve Orchards
- 2. Bee Hive Location and Production Pinot Vineyard / C Curve Orchards / Upper Fields
- Forestry Pine Plantations Chardonnay Vineyard (there are other pine plantations located next to the home on the property and on the North end of the hay fields)

I have been the happy recipient of some of the farm apple jams/tarts/pies and honey (and more recently lavender) during this time from 2010 to current as the family has farmed these areas continuously.

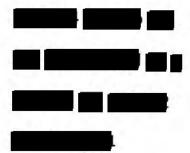
On a personal note, I am aware of the tremendous investment of time and capital that these people have made in their farm. The suggestion that they were not "continuously farming" being based on satellite photos, without speaking with the farmers or owners directly; and then dismissing their work (from 2010 – current) as not being continuous farming in these areas "Pinot, Chardonnay and C-Orchard" does not appear to be at all reasonable. The tremendous investments that we make, as farmers, take time to make; and you must be aware that these changes often take many years to implement especially in a project as big as the one that Belfountain Farm has undertaken given their small size.

I continue to make myself available to the ownership team at Belfountain Estate and am actively involved when the owners call on me to provide any farming advice that I can give. If you require any more information please feel free to contact me.

Sincerely,



Appendix 2



March 5, 2023

To whom it may concern:

Re NEC Application: P/A/2020-2021/691

I have been asked to comment on my activities related to Belfountain Estates in specific related to the agricultural activities at the farm from 2010 – 2021. As noted in previous communication I have worked with for owner of 17529 Shaws Creek Road, known as Belfountain Estate. I have worked to provide landscaping, agricultural work and maintenance activities on the farm during this entire time.

I have reviewed the comments of the Staff Report dated March 9, 2023 and in particular I will comment on the suggestion that there was not continuous agricultural activity in the areas of the farm which were apple orchards and pine plantations (I refer to the map provided by the NEC staff Appendix 1; which labels the areas as Pino Noir and Chardonnay Vineryards, and C-Curve Orchards).

NEC staff are not entirely satisfied that the agricultural operation has been continuously operating as an existing use. Instead, staff are of the opinion that although the agricultural use was established prior to the NEP coming into effect, there is evidence to suggest that the agricultural use in the rear three fields ceased between 2002 and 2016, and was then re-established by the landowner in 2017/2018. Given the size and distribution of vegetation that regenerated between 2002 and 2016, the agricultural use ceased for more than two years.

From a continuous basis since 2010 when the owner purchased the property, as I have stated, I have been involved with the property providing the work noted above. I have maintained the trails, harvested crops and participated in the general agricultural activities. I will try to provide specific insight that I have related to the apple and pine plantations.

Apple Orchards

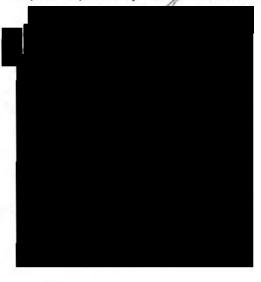
The apple orchards existed in what is referred to in Appendix 1 as the C-Curve Orchards and the Pinot Noir Vineyard. These were not high density apple orchards, but were in keeping with a low density planting and the heritage nature of the species. From 2010, until the owner gave up on trying to rehabilitate the orchards (2017), I participated in a pruning program, spray program for pests and harvest for the apples in the areas referred to as C-Curve Orchard and Pinot Vineyard. This activity was continuous and clearly I disagree with the "findings" of the NEC who never visited the property to my knowledge during the time I was involved and has never contacted me about my activities there.

Pine Plantations

There are several pine plantations on the property. The owner has always been intent on harvesting and converting the crop to another agricultural crop. I have been involved in maintaining the areas, removal of invasive trees with a spray program and access roads maintenance. This once more was a continuous activity since 2010. Once more I disagree with the suggestion of the Staff Report that this was not continuous.

In summary, I have worked on the property since it was purchased to provide agricultural and landscape work. This has been continuous activity from 2010 when the property was obtained. My work and knowledge is clearly in disagreement with the suggestion of the NEC report that agricultural activity in the areas know as Pinot Vineyard, Chardonnay Vineyard and C-Curve Orchard, had ceased until 2016; instead I participated in the continuous agricultural activities in these areas as noted above.

If you require any further information please feel free to contact me directly at:



To whom it may concern:

Re: 17529 Shaws Creek Rd, Caledon, L7K0E5

NEC Application: P/A/2020-2021/691

I have been asked to provide a comment on the NEC Staff report related to the file in front of NEC related to Belfountain Estates. I have reviewed notes relating to the sale of the property to the current owners as our team acted as Purchasing Agent.

The Purchaser at the time (now current owner) was interested in a large property with farming activity, having the intention to increase income from the property over time and maintain the property as a farm for her children.

Our agent involved in the viewing and inspection and subsequent sale of the property - which took place on at least two separate occasions - met with the Listing Agent to view and review the complete property including existing farm/vegetation, as this was an integral feature to the parcel to be purchased.

There is clear recollection that our Purchaser was excited by the presence of the varied agriculture on the property and chose to move forward based on the active agricultural areas which included hay fields, silvo pasture, apple orchards, sugar maple plantations and pine plantations.

At the time of purchase the Pinot Vineyard and the C-Curve Orchard were populated with existing, producing apple trees. Several pine plantations (referred to as biomass, forestry) were identified - including one at Chardonnay Vineyard. Current owner, listing and selling agent were present.

I understand that the current owner, in keeping with her original intention, has moved forward with her plans for further agricultural work, and am surprised with the objections raised in the report suggesting that there was no continuous agricultural work (2002-2016) since our sale in 2010 was based on the farm with existing orchards and planted forests as disclosed by the Listing (Seller's) agent.

My team has had multiple interactions with the client regarding her interest in other properties and have been happy to receive gift baskets which have been made with farm products including jams and baked goods over the years as she experimented with recipe development.

If you have any further questions, please contact me directly.



Appendix 4



Re NEC file: P/A/2020-2021/691

Dear Sir/Madame Commissioner:

I purchased the property known as Belfountain Estates in 2010. Along with my family, I have worked diligently to develop our farm to establish a property with significant agricultural depth and to be commercially viable. It is with great dismay that I have read the NEC Staff report which has made extraordinary claims based on misguided information about Belfountain Estates and in so doing threatens my livelihood and financial investment on my farm. As a female farmer in Ontario who has strived to provide for my family, invest in the economy, respect the rules and then to have all of this threatened is nothing short of astounding.

As you are aware, the NEC Staff report hinges on whether certain areas of the farm (Appendix 1 – Pinot, Chardonnay and C-Curve Orchard) have been in continuous agricultural use since the establishment of the NEC; and if so, then the NEC Staff's recommendation to prevent the peaceful enjoyment of my land and farm, is nothing more than an abuse of process; specifically, by suggesting that I have to obtain a development permit for rotating my crops.

I purchased the farm which had clearly defined areas that included hay fields, apple orchards, silvo pasture and pine plantations – these are clearly mapped to the areas of concern raised in the staff report to Pinot Vineyard and C-Curve Orchards (apple orchards) and Chardonnay Vineyard (Pine Plantation). My decision to purchase Belfountain Estates was exclusively because it was a farm – since we intended to farm the property (having come from a history of farmers in my family) and to make it a commercial success for my children; it was not to pave the fields and build a mansion or to allow the agricultural operations to become non-existent as the Staff Report would have you believe. I read the NEC policies in 2010, and as much information as I could regarding the various oversight on my land, and am confident that I have abided by the policies as stated since that time – needless to say my shock at the recommendations of the Staff Report.

From the beginning, the costs, both around the farm and in the home (new furnace, septic system issues) were higher than expected and this limited my equipment and agricultural

plans/acquisitions for the agricultural operations of the farm. This meant that I had to be strategic on what agricultural projects I could move forward with quickly and those which had to wait. Immediately in 2010, there were issues with the farm tractors being unsafe and it was not until 2020 that I was able to start to afford new safer tractors to farm my land better. I was able to retain help, and with this help we took stock of our agricultural operations and decided how to invest our time in areas that needed the most urgent attention; many of these plans were further delayed in 2013 when the devastating ice storm took down so many trees that the unanticipated cost for clean up and making the property safe, virtually wiped out any ability to make investments that year in new agricultural plans.

In 2010, I decided to continue to harvest hay on the upper fields, and started on a program for our apple production (species identification, pruning and spray program), bee hive and honey production, and to assess the value of our planted biomass/lumber lots on the property.

From 2010 to 2017 we harvested regular apple crops and used the apples for a variety of purposes – to feed our livestock (horses), make jams and preserves, tarts and cakes. This was a continuous process that continues to this day on the farm in those apple trees that are still producing. These apple trees as noted before were in Pinot Vineyard and C-Curve Orchard. Unfortunately, with the poor commercial success, failures in recipe development due to the heritage species that the public simply do not like and poor uptake for the farm products that we were producing, and in consultation with a number of farmers and consultants the difficult decision to redo the orchards was made. This was not an easy decision since I recognized that the cost would be prohibitive – but at the same time I was not able to turn the current crop into a commercial success (2010-2017). These orchards were plowed under when I was able to afford the investment for equipment, trees, fertilizers, trellis systems, posts, wires etc. The conversion has taken time due to the financial restraints that I have faced.

From 2010 to current I have harvested honey from my bee hives that are located in C-Curve Orchard, Pinot Vineyard and Chardonnay Vineyard — the addition of the upper lavender fields has also brought more commercial hives on the property and has allowed us to experiment with lavender field honey. Needless to say, this commercial and agricultural activity was continuous until today. I am unsure if the NEC does not view honey production as an agricultural production or livestock activity but from my perspective when I have had to invest time and money into developing the hives to be commercially viable — I see it clearly as agricultural.

Immediately in 2010 I assessed the value of our planted tree lots to determine how I would make use of the products – both locally on the farm (fencing), home (heating) and commercially to sell as lumber, biomass or firewood. I met with many consultants to look at the various tree crops that I could bring back to the farm to encourage wildlife and to be a good steward – to date we have replanted more than 1500 trees on the property which have included hazelnuts seeded with truffles, oak, sugar maples, apple, pear, plums, cherries and a host of fruit bearing shrubs. The decision to harvest one of my pine blocks (Chardonnay Vineyard) was made in 2015 and it was subsequently commercialized. I have every intention of harvesting other

biomass/plantation planted lumber stock for our commercial operations as any farmer is allowed to do with a planted crop on their property.

Sugar Maple plantations and harvest has been continuous since 2010 with replanting and maintenance of the wood lots taking a more active role since 2019 as I had more money to invest into this areas as well.

The NEC report refers to several concepts that I have a concern with and have not been able to find as definitions in the NEC plan – renaturalization – the NEC Staff Report would suggest that if an orchard is not perfectly kept as per the Staff expectation and based on a satellite photo that this land is now renaturalized? And by so being the Staff are suggesting that this means that there is no longer active and continuous agriculture. I am aghast at this concept, that the NEC Staff are in essence suggesting that poor weed control in a farmers field is renaturalization? And if so then the NEC can prevent further farming on the land? I had financial constraints on my ability to spend money and limited labour to work the land – sure it was not the prettiest farm, but I did not realise that this was a requirement to be a farmer in Ontario. Had I know that being a pretty farm for satellite photos was what was required then I am confident that I could have purchased enough roundup to make my orchards look nicer.

The Staff Report suggest that a period of time where there is not discernable farming to the Staff can be interpreted as lack of agricultural activity. Once more, I have tried to find the definition in the NEC policies and have not been able to do so. The Staff seems to have drawn an arbitrary time and has ignored the tremendous costs that it takes for the average farmer to convert over an orchard to another crop and how this is not just from the day the activity occurs but in fact is often years ahead when the decision is made. This was how my farming activity occurred, in around 2013 I realised that there were substantial concerns with the viability of the apple orchards since the public had moved on from those heritage species. I tried to limit my financial exposure but continued to harvest what I could and maintain the spray program as best as I could - finally in 2017 it was no longer possible due to the large losses on the farm. I have looked at the satellite photos and unfortunately they do not show the stress, tears and money that was being spent under the green canopies that the Staff Report seems to believe were representative of no agricultural activity but is clearly inaccurate and false - I have the emotional and financial scars to prove it. I am dismayed that at no time did the NEC Staff ask me about my activities on the farm, and what I had been doing since I purchased the farm, and wonder if this is standard practice to ignore the farmers on the land and instead look at satellite photos?

I am hopeful that the Commission will review the reports that have been provided by professionals in the field, my comments and those of the planners and my business farmer (partner) who will be presenting at the Commission hearing this week, to recognize that this Staff Report is erroneous and potentially dangerous in the precedents it aims to set. I urge the Commission to completely reject the staff report recommendations and allow us to continue to farm our land.

We are happy to have the involvement of the NEC in the farm; but the overwhelming cost that this process has caused, the delays in agricultural operations all have put had a significant impact on my life, health and joy of working my farm. I believe that this process and the concerns raised in this communication will demonstrate the need for the NEC and public to have some more defined formal definitions for terminology and concepts so that other farmers with considerably less resources than myself are not caught in the same nightmare with overwhelming costs — which could be better spent on being better stewards for the lands that we farm.

Respectfully





Stantec Consulting Ltd. 100-300 Hagey Blvd, Waterloo ON N2L 0A4

March 7, 2023 File No. 160900979

Attention: 17529 Shaws Creek Road Belfountain, ON L7K 0E5

Dear

Reference: Professional Opinion on the Historic Use of the Terraced Vineyard at the Subject Lands: 17529 Shaws Creek Road, Belfountain, ON

Stantec Consulting Ltd. (Stantec) was retained by the Client and applicant) to conduct a review of historic air photos to illustrate that the Subject Lands have been used for agricultural purposes since at least the early 1950s. The Subject Lands are located at 17529 Shaws Creek Road, Belfountain, Ontario (see Figure 1). The Subject Lands are approximately 39.5 ha (97.6 ac) in size and are located northwest of the community of Belfountain and northwest of the Credit River (Erin Branch).

The Niagara Escarpment Commission (NEC) personnel have reviewed the Stantec report dated July 20, 2022 and stated that they believe that the farm fields in question were not in continuous agricultural uses for some period between 2002 and 2016.

Approach

As stated in the Stantec reported dated July 20, 2022, historic air photos from 1951, 1978, 1980, 1985, 2002, 2009, 2016 and 2020 were used and reviewed to identify agricultural areas in the Subject Lands. The agricultural areas referenced in Figures 2 to 9 in the July 20, 2022 report are under the jurisdiction of the Niagara Escarpment Commission (NEC). The lands are also currently zoned Agriculture per the Ontario Ministry of Agriculture, Food and Rural Affairs, and the Town of Caledon's zoning Bylaw. The purpose of this letter is to further address the historic agricultural operations on the property as requested by the NEC, in particular, between the years 2002 and 2016.

Findings

Air Photo Review

In the July 20, 2022 report, Stantec undertook a desktop review of air photos dated 1951 to 2020 These air photos illustrate that the vineyard and orchard fields were in agricultural use over the 69-year span covered by the historic air photos. In particular, the air photos for 2002, 2009 and 2016 were re-examined in this report.

2002

There were agricultural land uses throughout the Subject Lands in 2002. In the Stantec July 20, 2022 report, the boundaries of fields can be very clearly identified within the Subject Lands in 2002. Review of the 2002 air photo indicated that the current Chardonnay Vineyard location appeared to be an established orchard. The trees have rounded crowns and are planted in rows. The client informed Stantec that this location was an apple orchard. Judging by the size of the trees, the orchard was planted somewhere in the late 1980s or early 1990s.



Reference: Professional Opinion on the Historic Use of the Terraced Vineyard at the Subject Lands:

17529 Shaws Creek Road, Belfountain, ON

2009

There were agricultural land uses throughout the Subject Lands in 2009. In the Stantec July 20, 2022 report, it is clearly visible that the current Chardonnay Vineyard location still had an established orchard in 2009. The trees have rounded crowns and were planted in rows.

2016

There were agricultural land uses throughout the Subject Lands in 2016. In the Stantec July 20, 2022 report, it is clearly visible that the current Chardonnay Vineyard location still had an established orchard in 2016.

Correspondence with the landowner states that the apples from the orchard were consistently used for personal uses and for horse feed. The Forest Management Plan by Kuntz Forestry Consulting Inc., dated June 20, 2021, stated that yearly harvest of apples has been conducted.

Summary and Conclusions

Review of the 1951 to 2020 air photos (69-year span) with extra emphasis on the years 2002 to 2016, shows that the four orchard and vineyard fields have historically and continuously been used for agricultural purposes. Therefore, it is concluded that the delineated fields in the Subject Lands have continuously been used for agricultural purposes over the past 69 years.

Sincerely,

Stantec Consulting Ltd.

Ed Mozuraitis P.Ag. CAN-CISEC Agricultural Evaluation and Rehabilitation Specialist

Cell: 519-831-2179 ed.mozuraitis@stantec.com Leslie Greener B.Sc. EP.

Associate, Environmental Assessment Planner

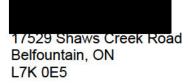
Phone: 519-585-7273 leslie.greener@stantec.com

APPENDIX 6



PO Box 1267 Lakeshore W PO 146 Lakeshore Road West Oakville ON L6K 0B3 289.837.1871 www.kuntzforestry.ca consult@kuntzforestry.ca

6 March 2023



Re. Response letter to NEC Staff Report respecting P/A/2020-2021/691 Development Permit Application

In June 2021, Belfountain Estates embarked in the preparation of a forest management plan for the forested portions of the property (refer to Forest Management Plan, 30 June 2021). This plan was remitted to the Managed Forest Tax Incentive Program in 2021. The objectives of the plan were multi-facetted including both environmental and financial. Of great importance to the proponent was the care and health of the forest demonstrating stewardship of the forest resources on the property.

The above referenced NEC staff report respecting P/A/2020-2021/691 Development Permit Application was circulated to the professional team involved with Belfountain Estates for review. KFCI was asked to review the report in the context of the historical use of the property and the surrounding forest resources. Further to the development of the above-referenced Forest Management Plan, we offer the following.

In review of historical photography between the years 2002 and 2016, KFCI looked at available Google Earth photography and note the following. Refer to the following screen captures showing the current open space polygons. It is evident from the below 2 available years of photograph from Google Earth (between the years 2002 and 2016) that the extent of tree resources is limited to scattered clumps of remnant apple orchard trees in the Pinot and C-Curve fields, and remnant confiner trees (Red Pine & Eastern White Cedar) in the Chardonnay field. Apple is found in the surrounding Forest Compartment 12, evidence that Pinot and C-Curve fields were cropped for Apple. While tree densities could not be measures, it appears that the density of these tree resources (in all 3 fields) do not constitute woodland as defined in the Town of Caledon Woodland Bylaw (BY-LAW NO. 2000-100). These tree species are not considered valuable, and they represent a low constraint to development.

The Stantec Report (July 20, 2022 & March 6, 2023) show similar historical photography, the former report showing photography dating back to 1951. It is clear from these reports that there was historical agricultural use of the land on the subject property. The 3 subject agricultural fields continued as intended until 2020 when they were repurposed to new crops.

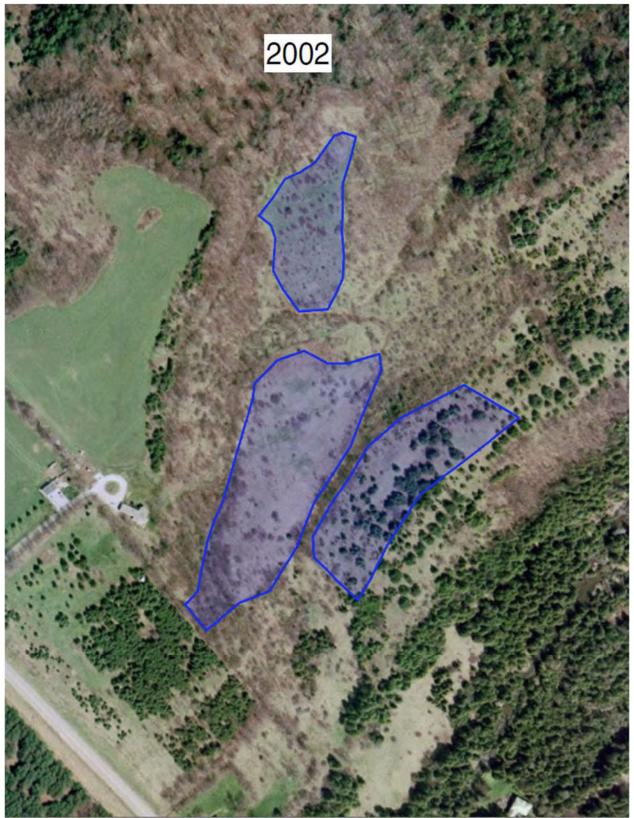


Photo 1. Three agricultural fields overlayed on Google Earth 2002 photography.



Photo 2. Three agricultural fields overlayed on Google Earth 2009 photography.

The below figure shows the extent of former agricultural lands that was repurposed to new orchards and vineyards. The entire area of C-Curve was utilized in new orchards. Only 58.6% was of the Pinot field was repurposed for vineyards (2.23ac of the available 3.8ac) and 38.5% of the Chardonnay field was repurposed for vineyards (0.77ac of the available 2ac). Refer to Cyan colored polygons in the respective 2 fields (Pinot and Chardonnay).



Photo 3. Excerpt from Stantec July 2022 report showing photography of 2020.

Respectfully submitted,

Kuntz Forestry Consulting Inc.

Peter Kuntz

Peter Kuntz, BScF, R.P.F., BNA, TRAQ, TPAQ Principal, Consulting Professional Forester Ontario 👸

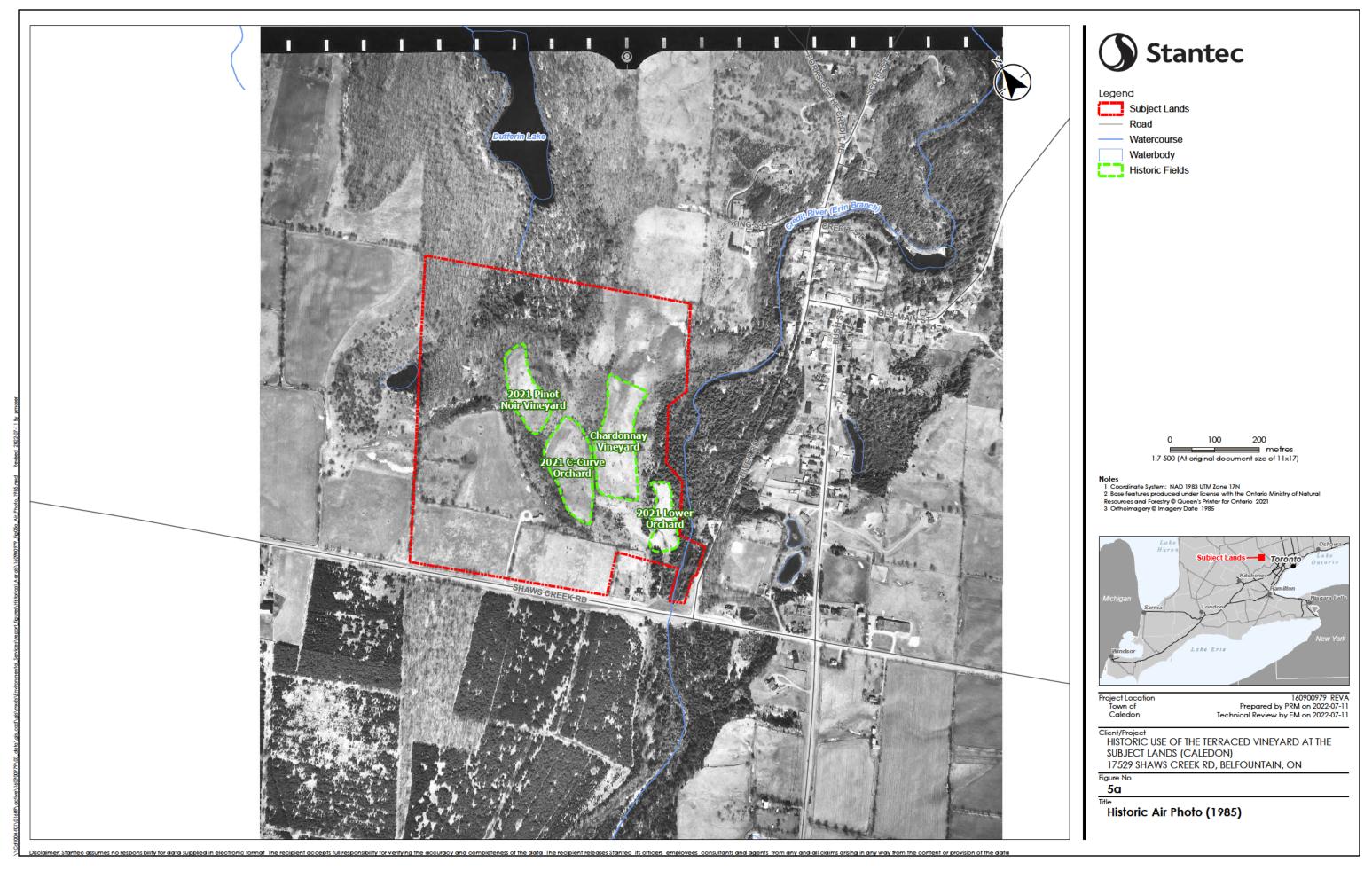
Ministry of Natural Resources and Forestry Make A Map: Natural Heritage Areas

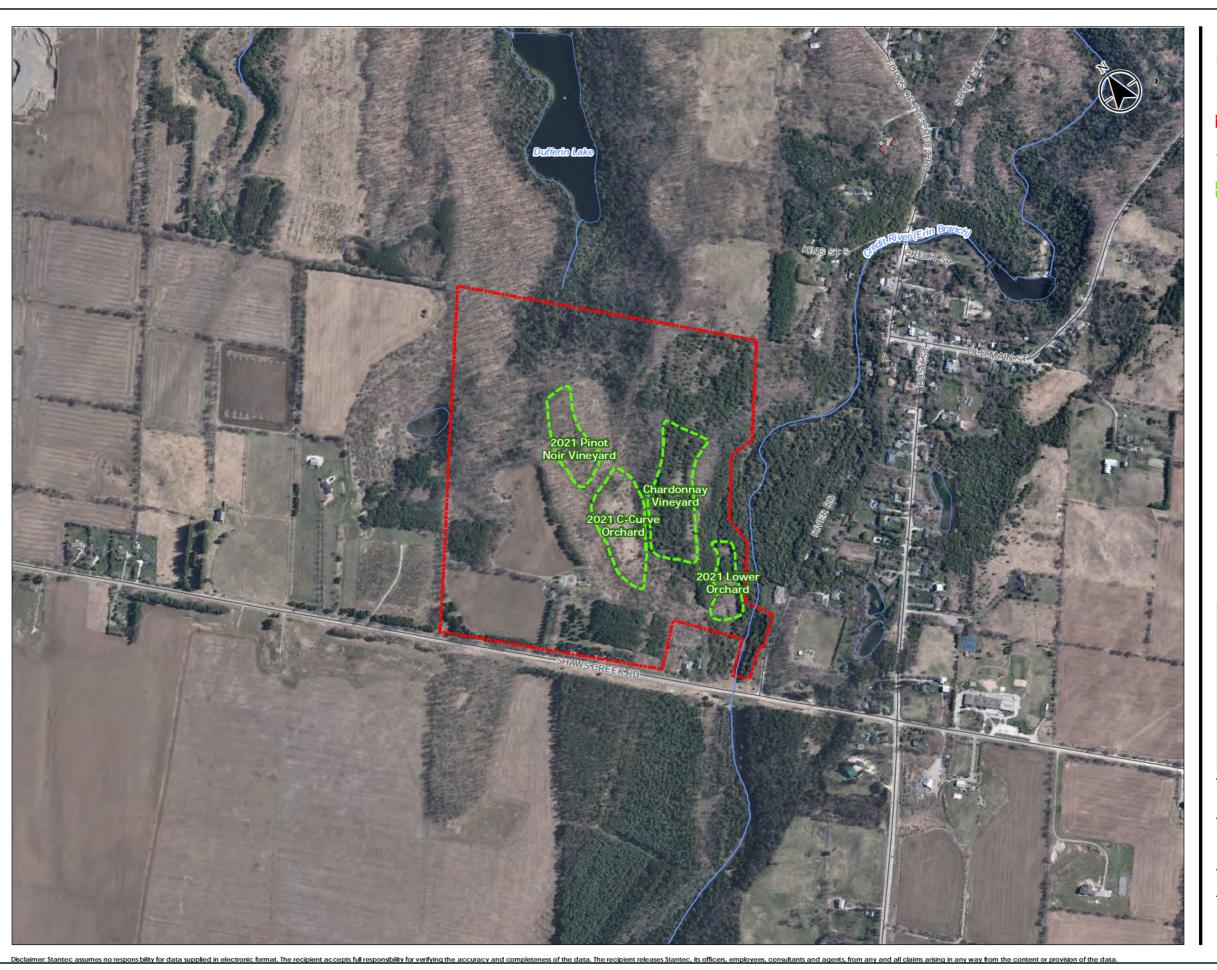
Looking for a Park, Reserve or Wetland? Enter the nam

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Subject Lands

Watercourse

Waterbody

Historic Fields



Notes
1. Coordinate System: NAD 1983 UTM Zone 17N
2. Base features produced under license with the Ontario Ministry of Natural Resources and Forestry © Queen's Printer for Ontario, 2021.
3. Orthoimagery © Firstbase Solutions 2022, Imagery Date, 2016.



160900979 REVA Prepared by PRM on 2022-07-11 Technical Review by EM on 2022-07-11

Client/Project
HISTORIC USE OF THE TERRACED VINEYARD AT THE
SUBJECT LANDS (CALEDON)
17529 SHAWS CREEK RD, BELFOUNTAIN, ON

Title Historic Air Photo (2016)

Ontario 👸

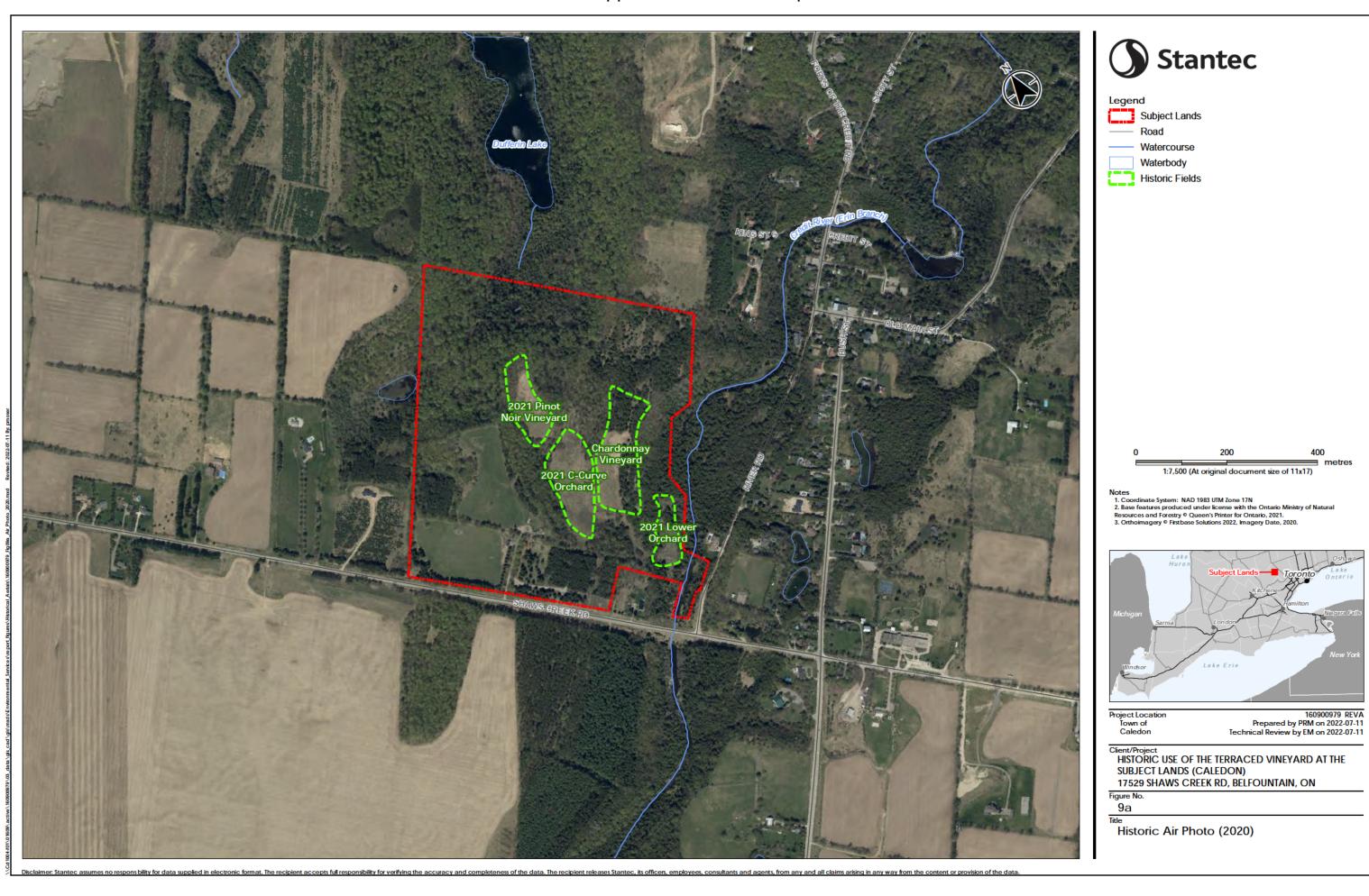
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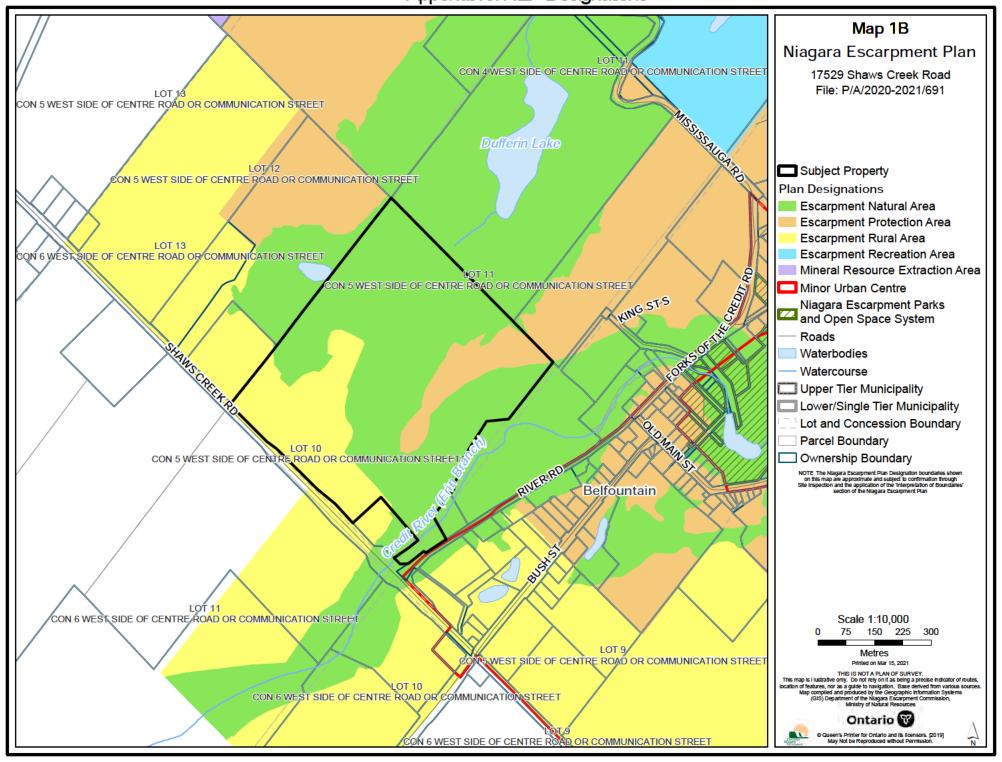
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Appendix 5: NEP Designations



Appendix 6: Natural Heritage Features

