**Niagara Escarpment Commission**
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# MINUTES OF M839/11-2024

NIAGARA ESCARPMENT COMMISSION

HYBRID

(Georgetown office and MS Teams)

November 21, 2024

## MEMBERS PRESENT

J. Chevalier (in at 10:00 a.m.), G. Driedger (to 12:45 p.m.), M. Francis (to 11:50 a.m.), R. Gibson L. Golden, D. Hutcheon, L. Kiernan, G. Krantz, G. Little, K. Lucyshyn,
D. McKinlay, D. Measures, D. Nielsen, R. Vacca (Chair), J. Vida, A. Witteveen.

## REGRETS

None.

## STAFF PRESENT

S. Carey, J. Isaac, M. Cairns, M. Thompson, S. Dobbyn, S. Robinson,
B. Henderson, R. Burns, L. Wang, A. Bochenek, J. Olah, R. Van Massenhoven.

ALSO PRESENT

Robert Patrick, C.O.N.E.

## MEETING CALLED TO ORDER 9:30 a.m.

Chair Rocky Vacca presided.

## INTRODUCTIONS / ANNOUNCEMENTS

The Chair welcomed commissioners, staff and guests to the meeting. He advised that there will not be a December meeting. He also reminded the Commission that meetings will be following Roberts Rules of Order starting in the new year.

## LAND ACKNOWELDGEMENT

The Chair read the Land Acknowledgment.

The Chair spoke of the recent loss of the Honourable Murray Sinclair, who dedicated his life to giving a voice to First Nations, Inuit and Metis.

DIRECTOR’S REMARKS

The Director advised that the commissioner calendar reminders to hold the dates for the 2025 Commission meetings will be sent out before the end of the year. He noted that during the postal strike, staff been sending notices of decisions by courier.

The Director also advised that management is working with the Ministry on Commission appointment updates and is seeking direction on when appointments will be posted on the Public Appointment Secretariat website.

## BUSINESS ARISING FROM PREVIOUS MEETINGS

No business arising.

APPROVAL OF MINUTES

**M839R1/11-2024**

Moved By: Witteveen

Seconded By: Little

*“That the Commission approve the October 17, 2024, Commission Minutes M838-10-2024, as written.”*

**Motion Carried**

## CONFLICTS OF INTEREST – Declaration of Conflicts of Interest

## None declared.

## MOTION FOR SPEAKERS

**M839R2/11-2024**

Moved By: Kiernan

Seconded By: Vida

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

**Motion Carried**

## DISCUSSION AGENDA: A PACKAGE

## (Staff Reports, Information items)

**PRESENTATION**

**MINISTER DECISION**

**DEVELOPMENT PERMIT APPLICATION G/R/2022-2023-025**

Sandy Dobbyn, Senior Strategic Advisor, presented the Minister’s decision on the appeal of file G/R/2022-2023/025. Staff did not consider the 1263 m2 (13,603 ft2) accessory building size subordinate to the dwelling and had recommended refusal of the application with concern that the proposal did not meet the objectives of the Niagara Escarpment Plan. The Commission at the time noted that there is no prescriptive size limit for accessory buildings, they did not support the staff recommendation and as the staff recommendation was not approved, staff did not attend the hearing. The Minister approved a smaller, 900 m2 accessory buildingin September 2024. Staff noted that this decision highlights the need to review size limits for accessory buildings and “monster homes” during the upcoming coordinated plan review.

**A1, B2 and B4**

**STAFF REPORT**

**DEVELOPMENT PERMIT APPLICATION 2022-2023-620**

411 Sulphur Springs Road

Part Lots 42 and 43, Concession 2 (former Town of Ancaster)

City of Hamilton, Region of Halton

**PROPOSAL**

To construct a one-storey, ± 535.1 sq m (5,760 sq ft) single dwelling with a maximum height to peak of ± 8 m (26.2 ft), to construct a two-storey ± 171.9 sq m (1,850.3 sq ft) accessory building (personal storage) with a maximum height to peak of ± 11 m
(36.1 ft), to construct a ± 1,242 sq m (13,368 sq ft) driveway, to install a private sewage treatment system and well, on a 10.12 ha (25 ac) vacant lot.

**RECOMMENDATION**

That the application be refused for the following reasons:

1. The City of Hamilton has objected to the approval of the application as it does not conform to the Rural Hamilton Official Plan.
2. The proposed development conflicts with Part 2.7.12 of the Niagara Escarpment Plan.
3. The proposed development is not consistent with Part 4.1.5 of the Provincial Planning Statement.

SPEAKERS

Brandon Henderson, Senior Planner, reviewed the staff report and answered questions.

Brenda Khes, Principal Planner, GSP Group, presented and answered questions.

**M839R3/11-2024**

Moved By: Chevalier

Seconded By: Francis

*“That the Commission approve in principle the application for the upper meadow location with final approval to be considered at the January 2025 Commission meeting, considering conditions including a geotechnical assessment, an archeology assessment and normal landscape and other conditions.”*

**For the motion:**

Chevalier, Driedger, Francis, Gibson, Golden, Kiernan, Krantz, Lucyshyn, McKinlay, Measures, Nielsen, Vida

**Against the motion:**

Little, Witteveen

**Motion Carried**

**Commission broke: 11:00 a.m. to 11:15 a.m.**

**A2 and B1**

**STAFF SUMMARY 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 Township of Esquesing)

Town of Halton Hills, Region of Halton and

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

Town of Milton, Region of Halton

**PROPOSAL**

Dufferin Aggregates has made an application to the NEC seeking amendments to the NEP. Dufferin seeks to re-designate lands currently designated Escarpment Rural Area (ERA) to Mineral Resource Extraction Area (MREA) to facilitate an expansion to the existing aggregate extraction operation. They seek additional amendments to provide site specific policy to enable (1) the placement of equipment related to the water

management system within significant woodlands and wetlands to mitigate ground water impacts on natural features, (2) to add a site-specific permitted use to allow the installation and operation of the water management system in the Escarpment Natural Area, and the Escarpment Rural Area; and (3) to permit the use of the adjacent existing licensed quarry for the processing of material from the expansion lands within the existing facility and to utilize other support aspects of the existing quarry (office, truck washing etc.).

# RECOMMENDATIONS

Staff recommend that the Niagara Escarpment Commission recommends to the Minister of Natural Resources that the Niagara Escarpment Plan be modified as follows:

1. Map 3 of the Niagara Escarpment Plan be amended as shown on Schedule A (See Appendix 1).
2. That NEP Part 1.9.3.25 be added as follows:

Notwithstanding the policies of Part 2.9.1 of this Plan, water lines, recharge wells, diffuse discharges and associated minor equipment related to the water management system associated with the quarry located in the Mineral Resource Extraction Area approved under Amendment PH 224 21 to the Niagara Escarpment Plan may be installed, operated and serviced within significant woodland and wetlands on the properties located at Part of Lots 11 & 12, Concession 1 (former geographic Township of Esquesing), Town of Halton Hills, Regional Municipality of Halton;

1. That the following permitted use is added to Part 1.3.3, Escarpment Natural Area, Permitted Uses:

The Niagara Escarpment Area lands located at Part of Lots 11 & 12, Concession 1 (former geographic Township of Esquesing), Town of Halton Hills, Regional Municipality of Halton may be used for the installation of, access to, and servicing of the water management system associated with the quarry located in the Mineral Resource Extraction Area approved under Amendment PH 224 21 to the Niagara Escarpment Plan. Extraction shall not be permitted on these lands;

1. That the following permitted use is added to Part 1.5.3, Escarpment Rural Area, Permitted Uses:

The Niagara Escarpment Area lands located at Part of Lots 11 & 12, Concession 1 (former geographic Township of Esquesing), Town of Halton Hills, Regional Municipality of Halton may be used for the installation of, access to, and servicing of the water management system associated with the quarry located in the Mineral Resource Extraction Area approved under Amendment PH 224 21 to the Niagara Escarpment Plan. Extraction shall not be permitted on these lands; and

1. That NEP Part 1.9.3.26 be added as follows:

Notwithstanding the policies of Part 1.9.3, and the definition of *Accessory Use* in Appendix 2 of this Plan, for the quarry operating on the subject property described as Part Lots 8-10, 13 & 14, Concession 1 (former geographic Township of Esquesing), Town of Halton Hills, Regional Municipality of Halton, and Lots 8-14, Concession 7 (former geographic Township of Nassagaweya), Town of Milton, Region of Halton, that the aggregate processing facility composed of an office, maintenance buildings, facilities for washing, processing and stockpiling of aggregate, truck washing facility, recycling facilities and the entrance may be used for the purpose of supporting the extraction of aggregate from the area approved under Amendment PH 224 21 to this Plan located at Part of Lots 11 & 12, Concession 1 (former geographic Township of Esquesing), Town of Halton Hills, Regional Municipality of Halton, provided and only while the two sites are actively operated by a single Aggregate Resources Act licensee, as an integrated operation, and after which rehabilitation will be effected and the aggregate processing facility removed.

SPEAKERS

Sandy Dobbyn, Senior Strategic Advisor, reviewed the staff report and answered questions.

Brian Zeman, Partner, MHBC, presented and answered questions.

**M839R4/11-2024**

Moved By: Krantz

Seconded By: Lucyshyn

“That the Niagara Escarpment Commission recommends to the Minister of Natural Resources that the Niagara Escarpment Plan be modified as follows:

1. Map 3 of the Niagara Escarpment Plan be amended as shown on Schedule A
2. That NEP Part 1.9.3.25 be added as follows:

Notwithstanding the policies of Part 2.9.1 of this Plan, water lines, recharge wells, diffuse discharges and associated minor equipment related to the water management system associated with the quarry located in the Mineral Resource Extraction Area approved under Amendment PH 224 21 to the Niagara Escarpment Plan may be installed, operated and serviced within significant woodland and wetlands on the properties located at Part of Lots 11 & 12, Concession 1 (former geographic Township of Esquesing), Town of Halton Hills, Regional Municipality of Halton;

1. That the following permitted use is added to Part 1.3.3, Escarpment Natural Area, Permitted Uses:

The Niagara Escarpment Area lands located at Part of Lots 11 & 12, Concession 1 (former geographic Township of Esquesing), Town of Halton Hills, Regional Municipality of Halton may be used for the installation of, access to, and servicing of the water management system associated with the quarry located in the Mineral Resource Extraction Area approved under Amendment PH 224 21 to the Niagara Escarpment Plan. Extraction shall not be permitted on these lands;

1. That the following permitted use is added to Part 1.5.3, Escarpment Rural Area, Permitted Uses:

The Niagara Escarpment Area lands located at Part of Lots 11 & 12, Concession 1 (former geographic Township of Esquesing), Town of Halton Hills, Regional Municipality of Halton may be used for the installation of, access to, and servicing of the water management system associated with the quarry located in the Mineral Resource Extraction Area approved under Amendment PH 224 21 to the Niagara Escarpment Plan. Extraction shall not be permitted on these lands; and

1. That NEP Part 1.9.3.26 be added as follows:

Notwithstanding the policies of Part 1.9.3, and the definition of *Accessory Use* in Appendix 2 of this Plan, for the quarry operating on the subject property described as Part Lots 8-10, 13 & 14, Concession 1 (former geographic Township of Esquesing), Town of Halton Hills, Regional Municipality of Halton, and Lots 8-14, Concession 7 (former geographic Township of Nassagaweya), Town of Milton, Region of Halton, that the aggregate processing facility composed of an office, maintenance buildings, facilities for washing, processing and stockpiling of aggregate, truck washing facility, recycling facilities and the entrance may be used for the purpose of supporting the extraction of aggregate from the area approved under Amendment PH 224 21 to this Plan located at Part of Lots 11 & 12, Concession 1 (former geographic Township of Esquesing), Town of Halton Hills, Regional Municipality of Halton, provided and only while the two sites are actively operated by a single Aggregate Resources Act (ARA) licensee, as an integrated operation, and after which rehabilitation will be effected and the aggregate processing facility removed.

**For the motion:**

Chevalier, Driedger, Francis, Gibson, Golden, Kiernan, Krantz, Little, Lucyshyn, McKinlay, Measures, Nielsen, Vida, Witteveen.

**Against the motion:**

None.

**Motion Carried**

**C2**

**INFORMATION ITEM**

**Niagara Escarpment Crossing**

**Comprehensive Environmental Assessment**

Rosi Zirger, Senior Planner, provided an update on the Niagara Escarpment Comprehensive environmental assessment project (CEA) for a north-south transportation crossing of the Niagara Escarpment to accommodate commercial vehicles and other transportation modes. The proposed route runs between the Queen Elizabeth Way (QEW) and Regional Road 20 (potential future Smithville Bypass) within the Town of Grimsby, Town of Lincoln, and Township of West Lincoln, in Niagara Region.

The Terms of Reference phase is the first step of a two-step process in the CEA. The draft Terms of Reference have been submitted to the Ontario Minister of the Environment, Conservation and Parks (Minister) for approval. If approved by the Minister, preparation of the Environmental Assessment follows and must be done in accordance with the Terms of Reference. The project team anticipates approval of the Terms of Reference for the CEA by early 2025.

**C3**

**INFORMATION ITEM**

**DRAFT BUSINESS PLAN FOR 2025-2028**

BACKGROUND

Melody Cairns, Manager, Program Services, provided a brief overview of the draft business 2025-2028 business plan.

The [Niagara Escarpment Commission (NEC)](https://escarpment.org/planning/niagara-escarpment-plan/) is a non-board governed agency of the Ontario Government, that is administered under the [Ministry of Natural Resources (MNR)](https://www.ontario.ca/page/ministry-natural-resources). Like other provincial agencies and boards, it functions under the [Agencies and Appointments Directive](https://www.ontario.ca/page/agencies-and-appointments-directive), which sets out reporting relationships, business processes, and accountability requirements. The Directive requires that a business plan be prepared annually for a minimum three-year period and submitted by the Chair of the NEC to the Minister of Natural Resources (MNR). Provincial agencies are accountable to the government through the responsible minister. They must use public resources efficiently and effectively to carry out their mandates, as established by their respective constituting instruments.

The following are the updated requirements for business plans, as outlined in the Agencies and Appointments Directive and supporting guidance materials:

* Detailed description of the mandate;
* Proposed budget for a three-year period;
* Number of employees, expressed as full-time equivalents, who are assigned as staff at the beginning of the three-year period;
* Performance measures and targets to be used to evaluate effectiveness and efficiency;
* Risk Assessment for the three-year period;
* Use of Artificial Intelligence (AI); and
* Any other legislatively required content.

The draft business plan covers a three-year period, which aligns with the fiscal year for the NEC: April 1, 2025 to March 31, 2026, April 1, 2026 to March 31, 2027 and April 1, 2027 to March 31, 2028.

The NEC will continue embracing innovative opportunities that support new ways of doing business, continue to simplify processes and make services more accessible, transparent, and efficient for NEC clients and the general populace. The three years encompassed by this business plan continue the focus on opportunities to modernize, digitize and streamline program delivery to enhance the client experience and reduce efforts of staff. NEC will also work closely with MNR, with a focus on legislative and regulatory enhancements.

**M839R5/11-2024**

Moved By: Measures

Seconded By: Nielsen

*“That the Commission receive the draft 2025-2028 NEC Business Plan for information and that the Chair forward the final Business Plan to the Minister for approval.”*

**Motion Unanimously Carried**

## CONSENT AGENDA ITEMS

Information Items

G1 Director Approvals and Dashboards for October 2024

G2 Appeals and Hearings update as of October 31, 2024

G3 Director’s Report for October 2024

G4 Plan Amendments Status update as of October 31, 2024

**M839R6/11-2024**

Moved By: Lucyshyn

Seconded By: Hutcheon

*“That the Commission accept the Consent Agenda items.”*

**Motion Carried**

**Broke for Lunch**: 12:30 p.m.

**Reconvened:** 1:00 p.m.

**A3 and B3**

**DEVELOPMENT PERMIT APPLICATION G/R/2023-2024/002**

**587053 Sideroad 10D**

Part Lot 10, Concession 2, Euphrasia

Municipality of Grey Highlands, County of Grey

**PROPOSAL**

* To demolish an existing one-storey ± 101.5 m2 (1,092 ft2) barn/shed with a maximum height of ± 7.9 m (26 ft);
* To construct a new dwelling for farm help with a total floor area of ± 129 m2 (1,386 ft2) and maximum height of 7.9 m (26 ft); and
* To install a new private sewage disposal system.

Note: Preliminary floorplans and building elevations have been provided for the proposal.

**RECOMMENDATION**

That the Commission refuse the application because the proposal:

1. Is not a permitted use in the Escarpment Protection Area;
2. Does not meet the Niagara Escarpment Plan’s development criteria 2.8.5, Dwelling Units Accessory to Agricultural Uses as it represents a permanent secondary dwelling unit;
3. Does not meet the Niagara Escarpment Plan’s development criteria 2.2.7, General Development Criteria, as it does not qualify as a second single dwelling on the lot; and
4. Does not meet the Niagara Escarpment Plan’s development criteria 2.2.11, General Development Criteria, as would be a detached secondary dwelling unit.

SPEAKERS

Sandy Dobbyn, Senior Strategic Advisor, reviewed the staff report and answered questions.

Richard Frisby, Applicant, presented and answered questions.

**M839R7/11-2024**

Moved By: McKinlay

Seconded By: Nielsen

*“That the Commission defer the application to a 2025 meeting to allow the owner to investigate temporary housing options.”*

**Motion Carried**

**C1**

**INFORMATION ITEM**

*REVISED PUBLIC PARTICIPATION GUIDELINES*

**BACKGROUND**

Rebecca Van Massenhoven, Policy and Program Intern, presented the draft revised Public Participation Guidelines for the Commission’s consideration.

At the October 2024 Commisison meeting, dtaft public participation guidelines were presented. The Commission requested staff review criteria for meeting delegations and return to the Commission with options. Staff provided four delegate options for consideration:

1. Continuation of the current delegate guidelines where delegates are either the property owner, located within 120m of the subject, or have expressed an interest in the application before a decision is made on the application
2. Any Ontario citizen may delegate
3. Municipal rate payers within subject municipality or 120 from municipal border
4. Neighboring landowners 120 meters in urban areas and expands to 1000 in meters in rural areas.

**M839R8/11-2024**

Moved By: Lucyshyn

Seconded By: Hutcheon

*“That the Commission endorses the adoption and implementation of the revised Public Participation Guidelines with revision outlined in* ***Option******#2****, as a public-facing document to be uploaded to the NEC website and the corresponding pre-Commission process timelines as presented by NEC staff October 17th, 2024 for implementation beginning January 2025.”*

**Motion Carried**

**M839R9/11-2024**

Moved By: Measures

Seconded By: Nielsen

*“That the Commission move in camera.”*

**Motion Carried**

**M839R10/11-2024**

Moved By: McKinlay

Seconded By: Nielsen

*“That the Commission move out of camera.”*

**Motion Carried**

NEW BUSINESS

No new business.

## ADJOURNMENT

**M839R11/11-2024**

Moved By: Kiernan

*“That this meeting be adjourned.”*

**Motion Carried**

**Time of Adjournment:** 4:00 p.m.

ORIGINAL SIGNED BY:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Rocco (Rocky) Vacca

Chair