

Coalition on the Niagara Escarpment (CONE)

**NIAGARA ESCARPMENT COMMISSION MUNICIPAL
REPRESENTATIVES REPORT CARD**

October 30, 2003

MEDIA BACKGROUNDER

Methodology:

The report card is based on 17 significant decisions of the NEC between April 2000 and October 2003. The decisions represent a diverse sample of Escarpment issues, including quarry applications, rural lot severances, commercial developments and highways. Voting records were tabulated from NEC meeting minutes. Each Commissioner was graded based on whether his/her vote adhered to, or contravened, the provisions of the Niagara Escarpment Plan (NEP). In determining whether a given vote adhered to, or contravened, the provisions of the NEP, CONE examined the reports and recommendations from the NEC's professional planning staff.

In the table below, a '✓' indicates a vote that adhered to the NEP, a '✗' indicates a vote that contravened the NEP, a blank indicates that the member was not present for the vote.

The following percentages were used in determining grades:

- A – more than 80% of votes adhering to NEP
- B – 70 to 79% of votes adhering to NEP
- C – 60 to 69% of votes adhering to NEP
- D – 50 to 59% of votes adhering to NEP
- F – less than 50% of votes adhering to NEP

Application	Marvin Caplan (Hamilton)	Gord Krantz (Halton)	Ian Lang (Simcoe)	Larry Miller (Grey)	Rob Nicholson (Niagara)	Richard Paterak (Peel)	Betsy Stewart (Bruce)	Jim Turner (Dufferin)
G/C/99-00/187 April 2000 To construct a commercial storage facility in the Escarpment Rural Area in Sydenham Township, in violation of the NEP.		✗	✓	✗	✗			
N/R/99-00/374 April 2000 To construct a dwelling on a proposed lot in Niagara-on-the-Lake, that violated the lot creation policies of the NEP.		✗	✓	✓	✗			
Beaver Valley Ski Club / Grey Highlands OP #8705 July 2001 Concerned the identification of the location of the prominent Escarpment slope in the Escarpment Recreation Area in the Grey Highlands Official Plan on lands owned by the Beaver Valley Ski Club.	✓	✗		✗		✓		✓
D/C-00-01/392 August 2001 To convert a dwelling and detached antique shop in Belfountain into a 6 room inn and 68 seat restaurant, in violation of the NEP.	✓		✓		✓	✓		✓
N/R/2001-2002/65 August 2001 To construct a dwelling on a lot to be established by merging three lots that were created by testamentary devise, in violation of the new lots policies of the NEP.	✓		✓		✗	✓		✓

Application	Marvin Caplan (Hamilton)	Gord Krantz (Halton)	Ian Lang (Simcoe)	Larry Miller (Grey)	Rob Nicholson (Niagara)	Richard Paterak (Peel)	Betsy Stewart (Bruce)	Jim Turner (Dufferin)
H/R/2001-2002/7 September 2001 To construct a dwelling on a proposed lot in Milton, that violated the new lots policies of the NEP.	x	x	x	x	x	x		x
NEP Five Year Review P50R82/11-2001 November 2001 To cap the allowable size for wineries at 15,000 square feet, as recommended by the Niagara Escarpment Plan Five Year Review Hearing Officers.	x	x	✓		x	✓		✓
NEP Five Year Review P50R87/11-2001 November 2001 To prohibit the construction of restaurants as incidental uses to a winery in the Escarpment countryside, as recommended by the Niagara Escarpment Plan Five Year Review Hearing Officers.	x	x	✓		x	✓		✓
G/R/2001-2002/9223 June 2002 To construct a dwelling on a proposed lot in the Township of Georgian Bluffs, that violated the new lots provisions of the NEP.	✓	x		x	✓	✓	x	
G/R/2001-2002/234 July 2002 To construct a dwelling and electrical contracting business on a proposed lot in Meaford. Both the lot and the proposed use violated the provisions of the NEP.	✓		✓	x	✓	✓	x	✓
Castle Glen #8777 September 2002 To advise the various parties, at the appropriate time, that the proposed OPA violates the NEP and requires an NEP Amendment.	✓	x	✓	x	✓	✓	x	✓
Dufferin Quarry #8775 October 2002 To amend the NEP to permit quarry expansion in Milton.	x	x	✓	x	✓	✓	x	x
H/A/02-03/189 January 2003 To establish a pig farming operation on two 10 acre properties in Burlington.	✓	✓	✓	x	✓	✓	x	
G/R/02-03/9013 January 2003 To convert the second storey of an existing barn to residential use in the Town of Blue Mountains, despite the fact that the original permit for the barn included a condition that it was not to use for human habitation.	✓	✓	✓	✓	✓	x	✓	
Spreading Sludge #8818 April 2003 To take a position that spreading sludge is a permitted use on Escarpment lands and that it does not require permit.	x	x	✓	x	✓	✓	x	
G/E/2002-2003/9198 May 2003 To reduce the required setbacks for a quarry in Keppel Township	✓	x		x	x	✓	x	Dave Baldwin Appointed
								✓
Mid Peninsula Highway #8834 June 2003 To oppose the Ministry of Transportation's proposal for a scoped environmental assessment for the proposed highway.	✓	✓	✓	x	✓	✓	✓	✓
TOTAL	10 / 15 C	3 / 14 F	13 / 14 A+	2 / 13 F	9 / 16 D+	13 / 15 A	2 / 9 F	7 / 9 A 2 / 2 A

The Niagara Escarpment Plan and the Niagara Escarpment Commission

The Niagara Escarpment Plan (NEP) is a land use plan that identifies protection of the environment as its top priority. It is largely ecosystem-based and has received accolades from around the world for its environment-first approach. The NEP was adopted by the Ontario Cabinet on June 12, 1985 and had then, as it does now, the support of all parties in the Legislature. The government recognized that the Escarpment was a unique landform that required special provincial protection.

The NEP lays out what types and sizes of development are and are not permitted on the Escarpment. The agency which makes the decisions is the Niagara Escarpment Commission (NEC). The NEC is a 17-member body appointed by the provincial Cabinet. It consists of nine public-at-large members and eight members representing the regional municipalities and counties which the Escarpment crosses.

The area that is covered by the NEP is over 725 kilometres long, stretching from Queenston to Tobermory. It covers 183,694 hectares, crosses eight counties and regional municipalities, and is home to over 120,000 people.

All lands within the Plan Area have been placed into one of seven different land use designations: Escarpment Natural Area, Escarpment Protection Area, Escarpment Rural Area, Minor Urban Centre, Urban Area, Mineral Resource Extraction Area, and Escarpment Recreation Area. For each land use designation, the Plan has a number of planning objectives, permitted land uses, and land use policies. The boundaries of the Plan Area are precisely fixed and can be changed only by a Plan amendment approved either by the Minister of Natural Resources or by Cabinet.

About 93 per cent of the Plan Area has been designated as Escarpment Natural Area, Escarpment Protection Area or Escarpment Rural Area.

Escarpment Natural Area is the most protective designation in the Plan. It includes Escarpment cliffs, slopes and forests, valleys, wetlands, and the most significant Areas of Natural and Scientific Interest (ANSIs). The aim is to maintain these lands and features in their natural state and only very limited development is permitted.

Escarpment Protection Area includes slopes and related landforms which are visually or environmentally significant, but which have been significantly altered by existing land uses. It also includes regionally significant ANSIs and lands that serve as buffers to protect Escarpment Natural Areas. This designation permits some development and is intended to maintain the remaining natural features and open, rural landscape character of the Escarpment.

Escarpment Rural Area includes minor Escarpment slopes and related landforms, as well as lands which are necessary to provide an open landscape and/or are of ecological significance to the Escarpment environment. The intent is to buffer ecologically sensitive lands and to provide a transitional zone. More types of development, though still limited, are allowed here compared to the Escarpment Natural and Escarpment Protection Areas.

The NEP sets out how and where permitted development should be undertaken within the Plan Area. For example, it determines how many lots can be created; where golf courses can go; the types of road signs that can be erected; recreational uses allowed in parks; minimum setbacks from watercourses and sensitive natural areas; forest management practices such as tree-cutting approvals and plans, harvesting methods, and reforestation and natural regeneration; protection of agricultural areas; restrictions on the location and operation of pits and quarries; and so on.