June 17, 2021

# A3: STAFF REPORT

## DEVELOPMENT PERMIT APPLICATIONS:

### H/R/2020-2021/386

3324 Guelph Line

Part Lot 16, Concession 1 NDS (Nelson)

City of Burlington, Region of Halton

## SUMMARY

### PROPOSAL:

To demolish a one-storey, ±38.02 sq m (±409.24 sq ft) portion of an existing dwelling (previous addition) and a second-storey ±9.06 sq m (±97.5 sq ft) deck, and to construct a new one-storey, ±124.55 sq m (±1340.64 sq ft) dwelling addition (to function as a secondary dwelling/housekeeping unit), including a new second-storey ±17 sq m (±182 sq ft) deck, on an existing 1.03 ha (2.56 ac) lot.

### DESIGNATIONS:

Escarpment Protection Area

### LOT SIZE:

1.03 ha (2.56 ac) lot.

### ISSUES:

Interpretation of the proposed addition as a secondary dwelling unit, secondary dwelling unit is not a Permitted Use in the Escarpment Protection Area designation.

City of Burlington objects to the Application due to conflict with Official Plan (secondary dwelling unit not a permitted use in the Escarpment Protection Area).

### RECOMMENDATION:

Approval, with modification to the proposal, including that the addition is for accessible living space, and removal of kitchen facilities.

### REASONS:

Staff interpretation of the proposal is for a dwelling addition to provide living space to accommodate a family member with accessibility requirements. The proposed dwelling addition, with modifications to the design (i.e., removal of kitchen), and a Condition respecting the requirement for an agreement on-title will limit how the addition may be used to ensure compliance with the NEP.

## RECEIVED:

October 21, 2020

## SOURCE:

Anne & Bryan Decunha (owner – 2006)

Fernando Lima (Agent)

## BACKGROUND:

### Development Permit # 8698/H/R/2006-2007/142

It was issued in August 2006, to construct a one-storey, 40.88 sq m (440 sq ft) attached garage on an existing single dwelling and to extend an existing driveway, on a proposed .91 ha (2.25 ac) lot.

### NEC Exemption

In August 2006, NEC Staff issued an exemption for a proposed 116.49 sq m (1254 sq ft) addition to the south side of the dwelling (originally proposed as part of the above-noted Development Permit Application #142), finding it to be in conformity with the criteria for exemption under Section 5.11.1 and 5.21 of Ontario Regulation 828/90. This addition was the larger of the two additions proposed in 2006. The addition was proposed as a separate unit (attached with separate entrance) and identified to be used as a games room only. The design drawings identified a kitchen and washroom facilities. A Building Permit was issued for the addition. This addition was never constructed.

### Consent Application No. B06/019

It was approved by the City of Burlington on June 21, 2006, to sever a .11 ha (.28 ac) portion of an adjacent lot (3320 Guelph Line). The severed parcel was added to 3324 Guelph Line (the subject property), for a lot area of .91 ha (2.25 ac).

### Consent Application No. B06/055

It was approved by the City of Burlington on Dec 4, 2006, for a lot addition of approximately .12 ha (.29 ac) conveyed from adjacent 3320 Guelph Line and to be added to the subject lands at 3324 Guelph Line, for a total lot area of 1.01 ha (2.56 ac)

### Note:

In assessing the DP Application, staff observed that the site plans submitted, and the GIS parcel data still identified three separate parcels. A Teranet search was undertaken and based on the parcel register document; it was determined that the lot additions subject of the above-noted consents were never merged into a single lot on title. While the assessment parcel boundary layer information identifies the lot as one parcel for the purpose of tax assessment (given that all the parcels are owned by the same person), three parcels are registered on title in the Land Registry System, even though they have the same owner.

The applicant’s lawyer has confirmed that application has been made to the Land Registry Office to have the parcels amalgamated. Staff has recommended a Condition of Approval requiring that final confirmation of the lot amalgamation be provided to the satisfaction of NEC Staff and Halton Region, prior to the issuance of a Permit.

## SITE DESCRIPTION:

The subject property is located along the west side of Guelph Line (Regional Rd 1), just north of the Halton Regional reservoir. The subject property sits generally within the topography of the Niagara Escarpment with elevations decreasing from the top of Guelph Line towards Dundas St. The surrounding land uses include rural residential, and the Burlington Memorial Gardens is situated directly across from the subject lands on the east side of Guelph Line.

An intermittent watercourse (Tuck Creek) traverses the subject lands in the north easterly corner and crosses Guelph Line through a culvert under the road. A large dug pond (online) also exists adjacent to the road and is well vegetated with intermediate to mature trees and shrubs around the entire pond perimeter. The remainder of the subject lands consist of manicured lawn and scattered intermediate to mature trees and shrubs. The watercourse is the only key hydrologic/key natural heritage feature identified on the subject lands. The proposed development site is well setback from the feature and no impacts are anticipated. The Nelson Escarpment Woods Halton Environmentally Sensitive Area (ESA) is situated to the north, west and south of the subject property, but no portion extends onto the subject lands and the proposed development area is well setback from the boundaries of this feature.

The subject property currently supports an existing single two-storey dwelling with attached three-car garage (constructed in 1988), driveway, and a one-storey addition at the rear of the dwelling (constructed in 1991), that was historically used by the previous landowner as separate living quarters for housekeeping staff, and by the current landowner as an apartment unit for a family member. Accessory uses include an in-ground swimming pool, gazebo and frame shed.

## PLANNING ANALYSIS:

### Niagara Escarpment Plan (NEP 2017):

The subject lands and other properties in this general area were added to the NEP Area by the Provincial government on February 24, 2005 (the passage of the Greenbelt Plan). Prior to this, the lands were subject to the provisions of the Parkway Belt West Plan. Therefore, the existing dwelling (1988) and dwelling addition (1991) were not subject to the NEC Development Control and did not require NEC Development Permits.

The property is located within the Escarpment Protection Area designation (Part 1.4) of the Plan. A single dwelling and accessory uses are permitted, subject to meeting the applicable Development Criteria. A secondary dwelling unit is not identified as a Permitted Use in the Escarpment Protection Area.

The current Development Permit Application filed with the NEC proposes the demolition of a previous dwelling addition constructed in 1991 (and used as a housekeeping/ apartment unit), and the construction of a new addition to function as a “granny suite/housekeeping unit”, to accommodate an elderly family member with accessibility needs. In proposing the development as stated in the Application, it is Staff’s understanding that the applicant considered that given the existing dwelling currently contains a separate housekeeping unit (which is attached but provides no access to the main dwelling), the proposal to demolish and re-build a larger addition in order to accommodate accessibility requirements of a family member would not be of issue. Given that the proposal was presented by the applicant as seeking a “granny suite/housekeeping unit” and the submitted design plans identified elements consistent with a secondary dwelling unit (i.e., a separate entrance and kitchen and washroom facilities), the Planner assigned to the file at that time circulated the proposal for a “secondary dwelling unit/housekeeping unit”.

Staff provides that it is helpful to present some background as context to understanding the present-day NEP policy framework respecting secondary dwelling units in order to help explain why proposals for dwelling additions and detached accessory facilities must undergo scrutiny with respect to whether there is potential for the addition/accessory structure to be used as a second dwelling unit. A secondary dwelling unit was introduced as a Permitted Use in the Escarpment Rural Area through the 2015 Coordinated Plan Review, subject to General Development Criteria in Part 2.2.11, which provides that the secondary dwelling unit must be contained entirely within a single dwelling, or an addition to a single dwelling and shall not be permitted as a detached accessory facility. There is no definition for secondary dwelling unit provided for in the NEP, however the term is generally defined as a self-contained dwelling unit containing facilities for the preparation of food, sleeping, living area and sanitation, and is designed for habitation by a separate individual(s), and is subordinate to the primary single dwelling in terms of size and function.

The concern respecting the development of secondary dwelling units in the NEP Area is for the potential to create additional intensity in the more sensitive Land Use Designations of the NEP Area (Escarpment Natural Area and Escarpment Protection Area), which in turn could result in negative impacts to the Escarpment environment and the rural open landscape character. In rural areas, where development typically requires private water and septic services, secondary dwelling units have the potential to intensify the demand made upon these services and may result in adverse effects on groundwater resources. Additionally, cumulative impacts of these uses and related intensification on the Escarpment environment need to be considered. Dwelling additions (and detached accessory facilities) proposing kitchen and washroom facilities also create compliance challenges, with the potential for such additions and accessory facilities to be used for unapproved uses.

The Development Permit Application currently being considered was transferred to present Staff in April 2021 at the time when the previous NEC Planner assigned the file retired. Current Staff’s assessment of the application and circumstances presented by the applicant has resulted in an alternate interpretation of the proposal as a dwelling unit addition to accommodate a family member with accessibility requirements (subject to design modifications), rather than a separate secondary dwelling unit.

The threshold test for what constitutes a secondary dwelling unit can, at times, be challenging for staff to assess, when the size of a proposed accessory structure or dwelling addition and the extent of the amenities proposed within it (i.e., kitchen, washroom, sleeping accommodations) are of a nature that could allow for use as a secondary dwelling unit/rental apartment unit, with little or no internal modifications. Even if the intent of the current landowner is not for the addition/accessory structure to be used as a secondary dwelling unit, there is concern for future risk of non-compliance (by subsequent landowners) in such cases.

In the case of the current Application, staff has considered the accessibility needs presented by the landowner in coming to a determination as to whether the proposed addition should be considered as a secondary dwelling unit. As noted above, the size, design and amenities proposed for a dwelling addition or accessory structure are all factors to be considered when assessing the potential for the use of the addition/accessory structure as a secondary dwelling unit. In the Application being considered, staff finds that the size of the proposed addition can be justified based on the requirement for accessibility (to accommodate turning radius for a wheelchair). As is the case for the proposed exterior separate entrance to the addition, which is required in order to provide barrier free access. The applicant is opting to render one designated area of the dwelling as accessible living quarters through the proposed addition, rather than undertaking more significant modifications to the entire dwelling. Staff is recommending removal of the proposed kitchen to further mitigate the risk of the addition being used as a separate dwelling unit. The applicant has indicated they would be agreeable to this. Staff notes that the proposed addition will also maintain an internal access to the main dwelling.

Given that the existing dwelling addition (proposed for demolition) was constructed by the previous landowner prior to the lands being included in the NEP Area for the purposes of being used as separate living quarters to accommodate a housekeeper (and later a family member of the current landowner), it may be considered an “existing use”. However staff has not assessed the proposal under the Existing Use definition and policies of the NEP, as it is unlikely that the use of the previous dwelling addition as a separate apartment unit would meet the NEP definition of Existing Use, which requires that the use be “continuous and without interruption”, in order for an expansion of that existing use to be considered. The applicant has informed Staff that the apartment unit has not been in use for the past 2 years. Staff has confirmed through a site visit that the current unit is vacant.

It is Staff’s view that the approval of the proposed dwelling addition, subject to the recommended modifications to the design plans (i.e., removal of kitchen), and implementation of a condition of approval respecting an agreement on-tile, could bring the property into better conformity with the NEP (e.g., the existing separate apartment unit would be removed and conditions respecting the present-day and future uses of the new dwelling addition would be required).

The proposed addition would increase the total floor area of the existing residence by approximately 86.53 sq m (931.4 sq ft). No additional washroom facilities (to what currently exists) are being proposed. The water supply well is constructed as a drilled well, located approximately 12.1 m northeast of the existing driveway. The septic bed covers an area approximately 75.1 sq m and is located approximately 10.3 m southwest of the existing dwelling.

A geotechnical engineering consultant (Terraprobe) was retained by the applicant to address the Region’s comments relating to site servicing including the sustainability of water supply and sewage effluent impact, in order to determine whether a hydrogeological assessment would be required (Region of Halton, March 12, 2021). The Terraprobe Report (April 30, 2021) concludes that the existing water supply well, septic tank and septic bed for the proposed addition will be maintained. It is expected that the existing septic system will have sufficient capacity to service the proposed addition. No alterations to site servicing, including the installation of a new well or alterations to the existing septic system are expected to be required as a result of the dwelling addition. Groundwater quality sampling was reported to have been collected on April 12, 2021 by the landowner and submitted for analysis to the Hamilton Public Health Laboratory on April 14, 2021. Results of groundwater quality analysis indicated non-detectable levels for both total coliforms and E. coli.

Part 2.2.1 of the NEP General Development Criteria states, in part, that the Escarpment environment shall be protected, restored and where possible enhanced for the long term and Part 2.2.2 identifies that the site shall not be prone to natural hazards, and the development will not impact the control of natural hazards. The development will be sufficiently setback from Key Features of the Regional Natural Heritage System. In addition, Conservation Halton has not identified any concerns with respect to hazards. The proposed area of disturbance is in a generally cleared and flat area. **Part 2.2 General Development Criteria are satisfied.**

As staff has noted, a key hydrologic feature (watercourse) traverses a portion of the property. The proposed development situated to the rear of the dwelling is of adequate distance from the watercourse and no negative impacts on the feature or its functions are anticipated. Agency comments have not identified any concerns with respect to impacts to the watercourse. Groundwater quality analysis was undertaken, and results indicated non-detectable levels for both total coliforms and E. coli. The quality, quantity and character of groundwater and surface water will be protected. Staff are satisfied that the Objectives and Policies of **Part 2.6 Development Affecting Water Resources have been met.**

A standard search of the Natural Heritage Information Centre (NHIC) database identifies Species at Risk (SAR) occurrence records in the vicinity of the subject lands. Staff have confirmed through a site visit that none of the species listed are of concern with respect to the area of the proposed development being considered habitat. While the subject lands are identified as being within the Halton Regional Natural Heritage System (RNHS), the Region has confirmed that no natural heritage evaluation is necessary given the proposed development is situated on lands previously disturbed. One single mature (maple) tree and a lilac bush is required to be removed for the proposed development. As staff has noted, the Halton Region Nelson Escarpment Woods ESA is adjacent to the subject property (situated approximately 20 metres north of the subject property at its closest point). None of the consulted agencies advised of any concerns or requirements in relation to the ESA. There are no anticipated impacts to natural heritage or SAR habitat, NEC Staff are satisfied that the **proposed development complies with the Objectives and Policies of Part 2.7 (Development Affecting Natural Heritage).**

The NEC Landscape Evaluation Study ranks the subject property as having “Attractive” scenic value. The proposed development site at the rear of the existing dwelling is well concealed from the roadway/public viewshed by existing vegetation along the lot frontage. The ample setbacks from the lot boundaries would also ensure that no visual impacts result. NEC staff do not anticipate any negative impacts to the scenic resources of the Escarpment as a result of the proposal. NEC staff are satisfied that the Development Criteria of **Part 2.13 (Scenic Resources and Landform Conservation)** have been met.

### 2) Provincial Policy Statement (PPS, 2020)

Section 1.4.3 of the PPS directs that planning authorities provide for an appropriate range and mix of housing options, including permitting and facilitating all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes. The definition of special needs includes any housing, in whole or in part, that is used by people who have specific needs including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of special needs housing may include adaptable and accessible housing, and housing for older persons.

Section 2.1 of the PPS directs the long-term protection of natural heritage features and areas. The proposed development will be located within an already disturbed area outside of any natural heritage or hydrologic features. The proposed development will be outside of hazard prone areas, as directed by Section 3.1 of the PPS, except for minor grading and construction of a pathway. A Permit from the conservation authority will be required prior to construction.

NEC Staff are satisfied that the proposal is consistent with the applicable policies of the PPS.

### 3) Regional Official Plan:

The subject lands are designated on Map 1 of the 2009 Regional Official Plan (OP) as within the Halton Regional Natural Heritage System (RNHS). Additionally, the subject lands are adjacent to Key Features as identified on Map 1G of the 2009 OP, including Candidate Significant Woodlands, potential habitat of endangered or threatened species, potential significant wildlife habitat; and watercourse and floodplain (regulated by the conservation authority).

### 4) Local Official Plan:

The subject lands are designated in the City of Burlington Official Plan as “Rural Lands”, as per “Schedule A - Settlement”. This designation permits development that is subject to the objectives, principles, and policies of Part IV, Section 2.1 of the OP, which outlines that development is to be based on self-sustaining well water supply and sewage disposal; have minimal impacts of water quality, natural vegetation, soil and wildlife population; be designed and located having regard for the preservation of the natural and visual features of the area; and to preserve the existing open-space setting of the Niagara Escarpment, and creek and stream valleys in the area. The objectives of the Rural Lands designation encourage the use and protection of agricultural areas for farming purposes, to direct non-agricultural related development to Rural Planning Settlement Areas, and to recognize Environmentally Sensitive Areas as identified by the Region of Halton.

The subject property is designated “Escarpment Protection Area” under the City’s OP. The objectives of this designation, as per Part IV, section 2.6 of the OP, are consistent with the NEP Objectives for the Escarpment Protection Area, to maintain and enhance the open landscape character of Escarpment features; to provide a buffer to prominent Escarpment features; maintain natural and cultural heritage areas and features of local and regional significance; and, to encourage agriculture and forestry.

### 5) Consultations:

#### a) Region of Halton (March 12, 2021)

The subject lands contain part of the Regional Natural Heritage System (RNHS). In accordance with S. 118(3) and 3.1 of the Regional OP, the proposed development would trigger an Environmental Impact Assessment (EIA). However, based upon a review of the proposal, the proposed addition and demolition are generally located in a previously disturbed area. Therefore, Regional staff would consider it appropriate to waive the Region’s EIA requirements, in accordance with S. 118(3) of the OP. The proposed works are considered minor in nature and will not likely result in any impacts on the features or ecological functions.

Regional staff note that a portion of the subject lands fall within Conservation Halton (CH) regulated area. Therefore, it is recommended that CH staff concerns on matters related to natural heritage feature/area and natural hazard management be addressed to their satisfaction prior to approval of the application.

The Region requested that the applicant provide additional information on the sustainability of water supply and sewage effluent impact. In order to determine whether a hydrogeological assessment is required, the applicant was asked to provide the following:

* A copy of records for the existing well including any pumping test result conducted by a licensed well contractor or technician.
* A copy of the most recent groundwater quality test results for parameters listed in Appendix A of our guideline. Tests for total coliform and E. coli. can be done through the local public health laboratory at no cost to the applicant.
* That the location of the proposed septic tank, septic bed and groundwater well be clearly defined on the Site Plan, and information regarding design and flow rate from the current and proposed septic system also be provided.

The Region further requested information to understand the boundary of the subject lands, as based on the site plans provided, it appears that the subject lands went through a consent process, however there appears to be a discrepancy with the location of the property lines, the submitted plans show three distinct parts. The applicant was requested to provide confirmation from a lawyer and/or surveyor regarding the boundary of the parcel in order to evaluate the private servicing and ground water concerns.

Based on Provincial screening criteria, the subject lands exhibit potential for the discovery of archaeological resources. An archaeological assessment is not required by Halton Region, as the subject lands were previously disturbed. Regional staff recommends that the standard advisory note respecting archaeological resources be included should a permit be issued (Appendix Note b).

(June 7, 2021) – Regional staff reviewed the memo prepared by Terraprobe, dated April 30, 2021, that discusses private servicing of the site. Regional staff note that this memo indicates that the existing well and septic are capable of meeting demands for the proposed changes and water quality testing indicated non-detectable levels for both Total coliforms and E. coli. Based on this, no further requirements are required at this time. Staff note that the applicant is strongly encouraged to conduct a complete water quality test to determine current conditions and potential treatments needs.

In conclusion, given the above, Regional staff offer no objection to the proposed application subject to the following condition that confirmation of the amalgamation of title of all parcel be completed to the satisfaction of Halton Region (Condition 7).

#### b) City of Burlington

(Planning Department) – The subject property is designated “Escarpment Protection Area” under the City’s OP. Staff considered the permitted uses under the Escarpment Protection designation and note a conflict under this criterion. The Escarpment Protection Area designation specifically permits single-detached dwellings on existing lots created under The Planning Act. However, as per Part VI, Section 2.6.2 b) of the Official Plan, accessory or secondary dwelling units are not listed as a permitted use. Staff note that accessory or secondary units are accommodated in other parts of the rural area; however, the Escarpment Protection Area contains more sensitive natural areas of the Escarpment System and the intent is to keep the intensity of permitted uses low.

Although City staff is not opposed to an integrated development as one dwelling unit, staff is of the opinion that the proposed use is not in general accord with the Official Plan policies and objectives for the Escarpment Protection Area designation. As such, **staff does not support the issuance of a Development Permit.**

(Heritage Review) –The subject property is not designated under the Ontario Heritage Act nor is listed on Burlington’s Municipal Registry therefore no heritage review is required.

#### c) Conservation Halton (CH)

Pursuant to Ontario Regulation 162/06, Conservation Halton (CH) regulates all watercourses, valleylands, wetlands, Lake Ontario and Hamilton Harbour shoreline and hazardous lands, as well as lands adjacent to these features. The subject property is traversed by a tributary of Tuck Creek and contains the flooding and erosion hazards associated with this watercourse. CH regulates those hazards plus an additional 7.5 m regulatory allowance from the limit of greater hazards at this location.

The proposed dwelling addition is situated outside of the regulated portion of the property, therefore meeting CH Policy. However, as there would still be some development occurring within the regulated area (pathway and grading works), the applicant will be required to obtain a Permit from CH prior to any development. A Grading Plan will be a requirement of a CH Permit Application.

## CONCLUSIONS:

Staff is recommending that the proposal be considered as an addition to a dwelling for accessibility of a senior family member (as opposed to a secondary dwelling unit/housekeeping unit).

Staff recommends that the application be approved for the following reasons:

* Staff has assessed the proposed development as an addition to an existing dwelling for the purposes of living space for a family member (a senior) with accessibility requirements. A single dwelling and accessory uses are Permitted Uses in the Escarpment Protection Area designation and Staff finds that the proposal, as assessed, and subject to the recommended conditions of approval, does not conflict with the applicable Development Criteria in the Niagara Escarpment Plan.
* Recommended conditions of approval include the requirement to submit final detailed design plans (identifying the removal of the kitchen) and an agreement on-title identifying that the addition shall not be used as a separate apartment unit.
* While the City of Burlington has identified that the proposal conflicts with the City of Burlington OP, it is on the basis that the proposal has been assessed as a secondary dwelling unit. The policies of the Burlington OP defer to the NEP with respected to secondary dwelling units (not a Permitted Use in the Escarpment Protection Area). NEC Staff notes that in commenting on the Application, City Staff did identify that they are not opposed to an integrated development as one dwelling unit. It is NEC Staff’s assessment that the proposed addition (subject to the identified conditions identified), can satisfactorily be considered an integrated development as one dwelling unit (access to the main dwelling is maintained through the addition).
* The proposal is consistent with the PPS (2020), the Region has no concerns (subject to Condition 7), and the Conservation Authority has no objections (subject to Condition 8).

## RECOMMENDATION:

The proposal be approved subject to the Conditions listed on the attached Appendix.

## Prepared by:

Original signed by:

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Lisa Grbinicek, RPP, MCIP

Senior Strategic Advisor

## Approved by:

Original signed by:

**\_\_\_\_\_\_\_\_\_**

Debbie Ramsay, MCIP, RPP

Director (A)

Appendix 1 – Conditions of Approval

## APPENDIX 1

### CONDITIONS OF APPROVAL

### H/R/2020-2021/386

1. Text Development shall occur in accordance with the Site Plan and Conditions as approved.
2. The Development Permit shall expire three years from its date of issuance unless 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 on the property is permitted with the exception of that identified within the development envelope in accordance with the approved 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 approved Site Plan.
5. All disturbed areas shall be re-vegetated and stabilized, in accordance with the approved Site Plan, by the end of the first growing season following the completion of site grading and building construction. All trees, shrubs and nursery stock shall be native to Ontario except those where approved under the Development Permit. Native plant material should be sourced from local plant nurseries when available; bush dug plant material is not acceptable.
6. All waste materials generated from the demolition shall be completely removed from the property (e.g., taken to an approved landfill site, savage/reclamation facility, re-used/recycled elsewhere) and not otherwise stored or buried on-site. All disturbed areas shall be immediately stabilized/rehabilitated as per the approved Site Plan (Condition # 1).
7. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission**, confirmation that the previously approved consents for lot additions have been amalgamated on title with the Land Registry Office shall be submitted to the satisfaction of the NEC and the Region of Halton.
8. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission**, an accurate and detailed Final Site Plan shall be submitted to the Niagara Escarpment Commission for approval. The Site Plan shall include, but not be limited to the following:
   1. The Final Site Plan shall be prepared by a qualified professional;
   2. 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;
   3. Outline of the approved development envelope / extent of all disturbed areas;
   4. 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.;
   5. 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.
   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;
   7. Identify the areas of existing vegetation to be retained, areas of vegetation to be removed, and the location of proposed plantings.

The approved Final Site Plan shall form the Site Plan referred to in Condition #1 and development shall proceed in accordance with the details of the approved Final Site Plan.

1. **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 removal of kitchen, exterior elevations, total floor area, floor plans, height to roof peak from lowest grade, and any exterior lighting.

Development shall proceed in accordance with the details of the approved Final Construction Details.

1. **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 title of 3324 Guelph Line, being Part Lot 16, Concession 1 NDS (Nelson), City of Burlington, at the Landowner’s expense, stating that no addition to the single dwelling shall be used as a separate dwelling unit or as a short or long-term vacation rental. 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], and that the Landowner under this Development Permit is the Landowner of the lands at the time of registration. The agreement shall not preclude the owner, or subsequent landowners, from applying for further Development Permits in future in accordance with the NEP as amended from time to time.
2. This conditional approval expires 18 months (1.5 years) from the date of confirmation of the decision to approve the Development Permit. Conditions #7, 8, 9 and 10 of this conditional approval shall be fulfilled before the expiry date.

#### Advisory Notes:

1. This Conditional Approval does not limit the need for or the requirements of any other approval, licence or certificate under any statute (e.g., Ontario Building Code, *Conservation Authorities Act, Endangered Species Act*, etc.). The Niagara Escarpment Commission Development Permit is required prior to the issuance of any other applicable approval, licence or certificate.
2. Should deeply buried archaeological remains/resources be found on the property during construction activities, the Ministry of Heritage, Sport, Tourism and Culture Industries be notified immediately. In the event that human remains are encountered during construction, the owner shall immediately notify the police.
3. The Niagara Escarpment Commission supports the protection of the night sky from excessive residential lighting and recommends that the applicant obtain information on shielding the night sky through the use and operation of appropriate lighting fixtures. This information is available at [www.darksky.org](http://www.darksky.org)