August 31, 2021

# A1: ADDENDUM STAFF REPORT

## DEVELOPMENT PERMIT APPLICATION:

### S/A/2020-2021/469

NAME REDACTED

2752 Concession 8 Nottawasaga S

Part Lot 11, Concession 9 S,

Township of Clearview, County of Simcoe

## SUMMARY

### BACKGROUND:

At the July 15, 2021 Commission meeting staff presented a report recommending approval of the agricultural and home industry/occupation component of the proposal but refusal of the On-farm Diversified Uses (OFDU) aspects (agritourism including parking, farm tours). An On Farm Diversified Use (OFDU) is not permitted in the Escarpment Protection Area designation where the lands are not in a prime agricultural area. Where a proposal does not meet Part 1 (Permitted Uses) of the NEP, staff normally would not carry out analysis of relevant Development Criteria in Part 2. However, the Commission has directed staff to provide an analysis of relevant Development Criteria in Part 2 of the NEP for further consideration of the application.

The Commission motion at the July 15, 2021 meeting is:

That the Commission is supportive of the aspect of the proposal dealing with home industry and requests staff to come back to the next meeting with appropriate conditions of approval and analysis for the on farm diversified use for the Commission’s consideration.

The following analysis of Part 2 of the NEP is being undertaken as a technical exercise. The opinion of NEC staff that the OFDU is not a permitted use in this instance remains valid, and that the Commission should only approve the aspect of the application involving a home industry.

A copy of the staff report presented at the July Commission meeting is attached.

### SUMMARY ANALYSIS:

To address the Commission’s direction NEC staff reviewed the proposal with respect to the relevant Development Criteria including Part 2.8. The following is in addition to the analysis contained in the July, 2021 staff report.

#### General 2.2

Staff suggested in the initial staff report that the policies of the NEP could support approval of a home industry use accessory to agriculture. The Commission was supportive of this aspect.

Home industry is defined in the NEP as “a use, providing a service primarily to the rural or farming community and that is accessory to a single dwelling or agricultural operation, performed by one or more residents of the household on the same property. A home industry may be conducted in whole or in part in an accessory facility and may include an animal kennel, carpentry shop, a metal working shop, a welding shop, an electrical shop, or blacksmith’s shop, etc., but does not include an auto repair or paint shop, or furniture stripping facility.”

Processing of the agricultural (horticultural) crop on site could meet the definition of home industry accessory to an agriculture operation. While the use does not provide a service exclusively to the rural or farming community, the selling of a product produced on the property is entertained in the definitions (pottery, art, baking).

Within the Escarpment Protection Area, policies in Part 2.10 support a home industry in an accessory facility rather than a single dwelling if the need can be justified. It is appropriate for the processing of the lavender products, such as distilling the oils, drying the crop, creating sachets, to be located in a separate accessory building.

Where the home industry is located in an accessory facility, not more than 100 sq m of the building shall be devoted to the use (Part 2.10 e). The shed is proposed to be 130 m² in size. A condition of approval is recommended to restrict the size of the shed proposed for home industry use to 100 sq m. (Condition #8)

Where the home industry is located in an accessory facility, the accessory facility must share a common driveway and where possible share residential services with the single dwelling. (Part 2.10 h) The Development Permit application for the replacement single dwelling has been submitted but has not yet received approval. Modifications to the site plan are required. The proposed single dwelling and home industry is proposed to utilize the existing driveway entrance. If a washroom facility is proposed to support the home industry the private residential sewage disposal system should be shared to be compliant with this policy. (Condition #8)

Part 2.10 i) sets out general requirements for home industries. The home industry shall be:

* secondary to the primary residential or agricultural use on the lot;
* be operated by residents of the household on the lot;
* be located in a manner that considers potential land use compatibility issues, such as noise, odour and dust, with adjacent more sensitive uses (e.g. residential, daycare); and
* meet municipal official plan policies and standards (e.g. lot size, parking, floor space).

These requirements can be incorporated into Conditions of Approval.

#### Water Resources 2.6

Development Affecting Water Resources Part 2.6 can be satisfied through Conditions of Approval including erosion and sediment control measures, final grading/site plan, and maintenance of setbacks from the watercourse.

#### Natural Heritage 2.7

Natural heritage features are avoided, and development is proposed outside of 120 m adjacent lands. Incidental impacts can be minimized through conditions of approval to establish a Vegetation Protection Zone (VPZ), implement timing restrictions to avoid the breeding bird season, and sediment and erosion control measures. Natural heritage features and functions are protected, and the diversity and connectivity of the continuous natural environment is maintained in accordance with Part 2.7. (Conditions #6, 10 and 11)

#### Agriculture 2.8

The objective of Part 2.8 of the NEP is to encourage agricultural uses in agricultural areas, especially in prime agricultural areas, to permit uses that are compatible with farming and to encourage accessory uses that directly support continued agricultural uses.

On-Farm Diversified Uses are intended to enable farm operators to diversify and supplement their farm income, as well as to accommodate value-added and agri-tourism uses. They are only permitted within Escarpment Protection Areas if the lands are considered to be within a Prime Agricultural Area – which is not the case for the subject property.

Where permitted, the On-farm diversified would be subject to the following criteria in Part 2.8.7 of the NEP:

1. the use is located on a farm that is actively in agricultural use;
   * Application: The farm has been operated as a farm for over 100 years and utilized by a tenant farmer for the last 15 years. Hay has been produced most recently. The applicant has begun to plant lavender.
2. the use is secondary to the principal agricultural uses of the farm;
   * Application: The applicant has begun planting a horticulture crop of lavender and roses and intends to construct a new dwelling to replace the original farmhouse which was recently demolished under a DP. The proposed on-farm diversified use (agri-tourism) would be secondary to the agricultural use.
3. the use shall be compatible with and shall not hinder surrounding agriculture operations and other land uses;
   * Application: The proposed agri-tourism use will only occur on a portion of the subject property and is not anticipated to hinder surrounding agricultural operations. Comments received from neighbouring property owners identify several concerns regarding land use compatibility, which are summarized as follows:
     + The proposed agri-tourism use may impact surrounding agricultural operations by increasing traffic on Concession 8 where movement of farm equipment is already difficult due to topography and narrow road shoulders. Application: A traffic opinion letter provided by the applicant’s consultant concluded that the OFDU would not generate a significant increase in traffic.
     + Area residents are of the opinion that the OFDU is not compatible with the quiet rural character of the neighbourhood and not compatible with the protected countryside of the Niagara Escarpment. Concerns about the influence of social media, visitors flocking to and stopping to photograph the crop were expressed in email comments. Application: The proposed use does not negatively impact the physical, natural heritage, cultural heritage resources or scenic resources and is compatible with the Escarpment environment. Off-road parking is proposed, and demonstration of processing and limited retail sales confined within the dedicated shed. Tours of the crop lands are guided and by reservation.
4. the use is appropriate to available rural services and infrastructure;
   * Application: There are no municipal services available on the lot. The use is proposed to be serviced with private water (existing well) and on-site private sewage disposal system. The applicant initially proposed to supply a portable washroom facility for visitors but now intends to install a sewage disposal system designed and constructed to meet OBC or MECP requirements. The applicant recently submitted a statement to define the scale of the OFDU and has committed to a maximum of 120 cars per day during the summer months with hours of 9 a.m. to 6 p.m. 5 days/week. The applicant has not provided a sewage system design. At these numbers, using an estimate of 20 L/day (similar to a Day Use Park) and assuming 3 passengers/car the capacity would be approximately 7,200 L/day, under the threshold of 10,000 L/day for the requirement to obtain a Compliance Approval under MECP. The sewage disposal system will need to be designed by a qualified professional based on the visitor capacity, limited by the 120 cars per day through the reservation system. It may be prudent to require this servicing design prior to approval of the OFDU. The applicant provided a Traffic Opinion Letter prepared by C.F. Crozier & Associates Consulting Engineers that concludes the addition of site-generated traffic from the OFDU is anticipated to have a minimal impact on the boundary road network and nearby hamlets of Dunedin and Glen Huron. The existing driveway access to the property maintains safe sight distances. The Township of Clearview reviewed the Traffic Opinion Letter and raised questions about how the 50 vehicle/2 hr limit can be adhered to and how the overlap of potentially 25 vehicles can be handled. Will there be a stacking lane on-site? The Township will not allow stacking on Concession 8 and see a need to install No Standing/No Parking sign. The applicant intends to control the traffic flow through the reservation system.
5. the use maintains the agricultural/rural character of the area;
   * Application: The siting and design of the portion of the farm to be used as OFDU will maintain the agricultural/rural character of the area. The site is on a level tier above the roadside and partially screened by existing topography, vegetation and the existing driveshed and barn foundation. The fields containing lavender, which may attract passers by, will not be immediately adjacent and not readily apparent from Concession 8.
6. the impact of multiple uses in prime agricultural areas is limited and does not undermine the agricultural nature of the area;
   * Application: The portion of the property proposed to be used for the OFDU is within an area previously disturbed and does not take up much of the area identified by the applicant’s agrologist as higher- class soils. The OFDU would support agricultural use of the 100-acre farm. Submissions from area residents identify serious concerns regarding traffic and impact of tourism on the agricultural uses in the area.
7. the use is limited in area to up to two (2) per cent of a farm lot, to a maximum of 10,000 square metres;
   * Application: The area devoted to the OFDU consists of the 130 m² shed and 1350 m² parking area, much less than the 2% of the farm lot, or maximum 1 ha (10,000 m²) allowed. The existing driveway will be shared with the agricultural use and eventual residential use and is not part of the calculated area for the OFDU.
8. the gross floor area of buildings used for on-farm diversified uses is limited to 20 per cent of the maximum area allowed for on-farm diversified use as set out in 2.8.7(g);
   * Application: The shed proposed for visitors and processing related to the OFDU is 130 m² and is under the allowable 20% of the area of buildings devoted to the OFDU.
9. existing buildings, structures or facilities on the property, that are no longer needed to support agricultural uses, should be used where possible;
   * Application: The existing driveshed on the property will continue to be used to support the agricultural use.
10. all buildings, structures and facilities, including parking areas, associated with the use shall be designed and located to have minimal impact on agricultural uses in the area and the Escarpment’s open landscape character;
    * Application: The proposed parking area and shed will have minimal impact on the agricultural uses in the area and the Escarpment’s open landscape character. Little impact on the scenic resources are anticipated as the area is partially screened by topography and existing vegetation. Contour changes are minimized.
11. the land supporting the use shall not be severed from the farm lot exclusively for the on-farm diversified use.
    * Application: No severance is proposed or permitted.

To qualify as an on-farm diversified use in accordance with the NEP and PPS all criteria must be met. The OFDU is proposed on a farm property that is actively in agricultural use, the proposed OFDU is secondary to the principle agricultural use, it is limited in area, and it can be supported by existing infrastructure and private services. The question is whether the agri-tourism use can demonstrate that it is compatible with, and does not hinder, surrounding agricultural operations and other land uses.

Compatible is defined in the NEP as: “Where the building, structure, activity or use blends, conforms or is harmonious with the Escarpment environment.” The Escarpment environment is defined as “the physical and natural heritage features, cultural heritage resources, and scenic resources associated with the Escarpment landscape.”

The OFDU at the location and scale now proposed does not negatively impact the Escarpment environment, and complies with the overall purpose and objectives of the NEP. The continuous natural environment is maintained, and the proposed development and site alteration does not negatively impact the natural environment. The business model is similar to small craft wineries and cideries that the Commission has approved in nearby parts of the Plan (e.g. Roost Winery, Beaver Valley Cidery).

Scale is an important factor in assessing compatibility. The thresholds for farm area and building size devoted to the OFDU set in the criteria are designed to control the scale.

Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas, Publication 851, is written to guide decision-makers who interpret policies in the PPS on the uses that are permitted in prime agricultural areas. The intent of these policies is to protect Ontario’s prime agricultural land recognizing it as a finite resource. There are two, sometimes competing, objectives: to maintain the land base for agriculture and to support a thriving agricultural industry and rural economy.

The guidelines provide a wide variety of examples of uses that meet the criteria for OFDUs such as agri-tourism (corn mazes, hay rides, pumpkin patch tours), wineries, cideries and some that do not, such as full-scale food processing, restaurant and banquet facilities. OFDUs that have high water use demands and generate considerable effluent may be better suited to settlement areas where municipal services are available. The lavender crop does not require irrigation and the processing to distill oils does not require significant water demands or generate effluent that would trigger the need for a Compliance Approval from the Ministry of Environment, Conservation and Parks. The sewage disposal system to service the OFDU would need to be designed based on building capacity and anticipated visitor numbers. There appears to be space available to accommodate a suitable system and maintain appropriate setbacks from key hydrologic and natural heritage features.

Control of the scale and scope of the OFDU is an important factor in reducing the potential for compatibility issues. The size of the parking area and building space devoted to the OFDU can be limited through what is approved in the Development

Permit. Additional conditions may be considered to limit the hours of operation, number of employees, number of visitors per day but these types of conditions are often difficult to enforce. The applicant has supplied a description of the reservation system and intended operating hours and any decision will be based on these parameters. The season for optimal viewing of the lavender crop is limited to late June, July, and August.

#### Cultural Heritage 2.10

The cultural heritage resources will be conserved in accordance with Part 2.10. There are no known archeological or cultural heritage features identified on this property.

#### Scenic Resources and Landform Conservation 2.13

The scenic resources and Escarpment-related landforms are maintained in accordance with Part 2.13. The proposal involves minimal construction of new buildings and does not involve placement of fill or change of grades.

**COMMENT:**

A horticultural crop such as lavender is included in the definition of agricultural uses and is an alternative crop recognized by OMAFRA.

The applicant has undertaken a site-specific soil survey that the property contains soils with a greater capability for agriculture than the Canada Land Inventory mapped and promotes that the property plus surrounding area should be identified as prime agricultural area. The applicant has provided this information to Simcoe County and the Township of Clearview for consideration during their Official Plan updates, which must ultimately be approved by the Minister of Municipal Affairs. At this time the property is not mapped as a prime agricultural area, and therefore an OFDU is not permitted.

However, should the Commission decide to approve the OFDU component of the application, the evaluation of Part 2 of the NEP demonstrates that the policies can be met with appropriate conditions of approval.

Staff have provided options for the Commission’s consideration.

### RECOMMENDATION:

The Commission has the following options in terms of decisions to approve, partially approve or refuse the Development Permit application.

#### Option 1: Approve Home Industry; Refuse OFDU (Recommended)

The determination of prime agricultural area is key to determining if an OFDU is a permitted use. Staff has relied on the Growth Plan mapping for the Greater Golden Horseshoe to identify prime agricultural areas. The property is outside of a prime agricultural area, the proposed OFDU is not permitted and the aspect of the application involving an OFDU should be refused.

The applicant could consider re-application for the OFDU (agri-tourism component) in the future if their proposed mapping is accepted and incorporated as prime agricultural area, or if the NEP is amended to permit such uses in the future (either through a site specific or general amendment to the NEP).

NEC staff recommend that the Commission approve the home industry aspect of the application, subject to conditions contained in Appendix 1.

Recommendation Wording for Option 1:

That the Niagara Escarpment Commission:

1. Approve the application as a home industry, subject to conditions contained in Appendix 1;
2. Refuse the aspect of the application that involves establishment of an On-Farm Diversified Use since it is not a Permitted Use in the Escarpment Protection Area; and,
3. That the applicant be advised that they may submit a Development Permit application for an OFDU should the lands be included in the Agricultural Area, or if the NEP is amended in the future to permit the use.

#### Option 2: Approve Application as Submitted (Including OFDU)

The option is not recommended as it would involve making a decision that is contrary to the Permitted Uses of the NEP where On-Farm Diversified Uses in Escarpment Protection Areas are only permitted in Agricultural Areas. Should the Commission decide to approve the application as submitted, inclusive of the OFDU, the appropriate Conditions of Approval are contained in Appendix 2.

Recommendation Wording for Option 2:

1. That the Niagara Escarpment Commission approve the Development Permit application as submitted, subject to conditions contained in Appendix 2.

*Note: The Commission is required to provide reasons for their decision based on the purpose, objectives and policies of the Niagara Escarpment Plan.*

## Prepared by:

Original signed by:

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Judy Rhodes-Munk

Senior Planner

## Approved by:

Original signed by:

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Debbie Ramsay, MCIP, RPP

Director

Appendix 1 – Recommended Conditions for Home Industry

Appendix 2 – Recommended Conditions for Entire Application (includes OFDU)

Appendix 3 – July 2021 Staff Report

Appendix 4 – July 2021 Staff Report Maps

## APPENDIX 1

### CONDITIONS OF APPROVAL (For Home Industry component of application only)

### S/A/2020-2021/469

1. Development shall occur in accordance with the Terms and Conditions of the Development Permit.
2. The Development Permit shall expire three (3) years from the date it has been issued or once the development has been completed in accordance with the Development Permit.
3. No site alteration of the existing contours of the property including the placement or stockpiling of fill (i.e. excess or imported soil) on the property is permitted with the exception of that identified within the development envelope in accordance with the Final Site Plan.
4. No vegetation shall be cut or removed from the development envelope except for that identified within the development envelope in accordance with the Final Site Plan.
5. If development has commenced under this Development Permit, any/all disturbed areas of land or soil shall be re-vegetated and stabilized to the satisfaction of the Niagara Escarpment Commission on or before the date of expiry of the Development Permit.
6. Site preparation and vegetation removal shall not occur between April 1 and August 31 inclusive, of any given year, to ensure protection of habitat within the breeding season of the species at risk e.g. Bobolink.
7. The principal dwelling shall be constructed and occupied by the applicant prior to construction of the shed and use as a home industry.
8. The home industry shall be operated in accordance with the Home Occupations and Home Industries provisions of the Niagara Escarpment Plan as follows:
   1. The home industry shall be secondary to the primary agriculture and residential use of the property and shall not be expanded beyond the floor area limits set in this Permit.
   2. No more than a total of 100 sq m (1,076.3 sq ft) may be devoted to the home industry within the accessory building on the subject property.
   3. Municipal official plan policies and standards (e.g. parking, floor area, signage) for a home business must be met.
   4. The home industry shall be operated by the applicant/residents of the household.
   5. Services should be shared with the planned residential use.
   6. Only one unlit sign having a maximum size of 0.9 square metres (9.7 square feet) advertising the Home Industry shall be permitted on the property.
9. The applicant shall advise the Niagara Escarpment Commission in writing if the Home industry is discontinued.
10. The Development Permit is not transferable to a new owner of the property. Should the property be sold, the Home Industry shall only continue upon issuance of a new Development Permit to the subsequent owner, otherwise the use of the floor area used for the business must cease and be converted back to accessory use in the case of the accessory building.
11. Prior to the commencement of any development, erosion and sediment control measures (e.g., fencing, blankets, riprap), and/or vegetation protection fencing shall be implemented and maintained as shown on the Final Site Plan until all disturbed areas are stabilized. It is the responsibility of the landowner to implement, monitor and maintain all erosion and sedimentation control measures and vegetation protection fencing in good condition until vegetative cover has been successfully established and the development is completed.
12. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission**, an accurate and detailed Final Site Plan shall be submitted for Niagara Escarpment Commission approval. The following stipulation shall be included directly on the Plan:
    * 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;
    * Outline of the approved development envelope / extent of all disturbed areas;
    * 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.;
    * 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.
    * The location and design of erosion and sediment control measures (e.g., fencing, blankets, riprap, temporary mulch / seeding), and limit-of-work construction or eco-protection fencing;
    * Identify the areas of existing vegetation to be retained, areas of vegetation to be removed, and the location of proposed plantings.

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 exterior elevations, total floor area, floor plans, height to roof peak from lowest grade, and any exterior lighting as well as details for any signage. Development shall proceed in accordance with the details of the approved Final Construction Details.
2. Conditions 11 & 12 must be fulfilled within 18 months from the date of confirmation of the Commission’s decision or this conditional approval shall lapse, and a Development Permit will not be issued.

#### Advisory Notes:

* 1. A Development Permit does not relieve the landowner/permit holder from the requirements of any other required approval, licence or certificate under any statute (e.g., Ontario Building Code, Planning Act, Aggregate Resources Act, Conservation Authorities Act, Endangered Species Act [specify which regulation – e.g., S. 23.2 of O. Reg. 242/08], etc.). The Niagara Escarpment Commission Development Permit is required prior to the issuance of any other applicable approval, licence or certificate.
  2. The Niagara Escarpment Commission supports the protection of the night sky from excessive lighting and recommends the applicant obtain information on the use and operation of appropriate lighting fixtures in keeping with dark sky approaches.
  3. Should deeply buried archaeological remains/resources be found on the property during construction activities, the Heritage Operations Unit of the Ontario Ministry of Heritage, Tourism, Sport, and Cultural Industries shall be notified immediately. In the event that human remains are encountered during construction, the owner shall immediately notify the police or coroner, the Registrar of Cemeteries of the Ministry of Small Business and Consumer Services, and the Ministry of Heritage, Tourism, Sport and Cultural Industries.

## APPENDIX 2

### CONDITIONS OF APPROVAL (For entire Development Permit application)

### S/A/2020-2021/469

1. Development shall occur in accordance with the Terms and Conditions of the Development Permit.
2. The Development Permit shall expire three (3) years from the date it has been issued or once the development has been completed in accordance with the Development Permit.
3. No site alteration of the existing contours of the property including the placement or stockpiling of fill (i.e. excess or imported soil) on the property is permitted with the exception of that identified within the development envelope in accordance with the Final Site Plan.
4. No vegetation shall be cut or removed from the development envelope except for that identified within the development envelope in accordance with the Final Site Plan.
5. If development has commenced under this Development Permit, any/all disturbed areas of land or soil shall be re-vegetated and stabilized to the satisfaction of the Niagara Escarpment Commission on or before the date of expiry of the Development Permit.
6. Site preparation and vegetation removal shall not occur between **April 1** and **August 31** inclusive, of any given year, to ensure protection of habitat within the breeding season of the species at risk e.g. Bobolink.
7. **Prior to the commencement of any development**, erosion and sediment control measures (e.g., fencing, blankets, riprap), and/or vegetation protection fencing shall be implemented and maintained as shown on the **Final Site Plan** until all disturbed areas are stabilized. It is the responsibility of the landowner to implement, monitor and maintain all erosion and sedimentation control measures and vegetation protection fencing in good condition until vegetative cover has been successfully established and the development is completed.
8. The On-farm Diversified Use is restricted to the following parameters:
   * 130 sq m building devoted to processing of the crop, sale of value-added products, and to host visitors
   * Parking capacity for 50 cars for staff and visitors
   * Maximum 120 cars per day
   * Records of visitor numbers to be kept and submitted annually to NEC. The records should be available upon request by NEC compliance staff.
   * Visitor hours 9 a.m. to 6 p.m., 5 days per week
   * Implement a reservation system to limit the number of visitors and control traffic flow
   * Sewage disposal system to service OFDU visitors and staff to be designed by a qualified person based on the capacity limitations of 120 cars/day
9. The applicant shall advise the Niagara Escarpment Commission in writing if the On-farm Diversified Use is discontinued.
10. The Development Permit is not transferable to a new owner of the property. Should the property be sold, the On-farm Diversified Use shall only continue upon issuance of a new Development Permit to the subsequent owner, otherwise the use of the floor area used for the business must cease and be converted back to accessory use in the case of the accessory building.
11. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission**, an accurate and detailed **sewage disposal system design** prepared by a qualified person and **Engineer’s Report** on how the design meets requirements under Part 8 of the *Building Code Act* or alternatively satisfies MECP Compliance of Approval requirements (if the 10,000 L/day design threshold is exceeded) shall be submitted for Niagara Escarpment Commission approval.
12. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission**, an accurate and detailed **Final Site Plan** prepared by a qualified person shall be submitted for Niagara Escarpment Commission approval. The following stipulation shall be included directly on the Plan:
    1. 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. Sewage disposal system design details (as per Condition #11);
    7. The location and design of erosion and sediment control measures (e.g., fencing, blankets, riprap, temporary mulch / seeding), and limit-of-work construction or eco-protection fencing;
    8. Identify the areas of existing vegetation to be retained, areas of vegetation to be removed, and the location and species of any proposed plantings;
    9. Size and location of any signage.

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 exterior elevations, total floor area, floor plans, height to roof peak from lowest grade, type and colour of exterior materials, and any exterior lighting as well as details for any signage.

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

1. Conditions **11, 12 & 13** must be fulfilled within 18 monthsfrom the date of confirmation of the Commission’s decision or this conditional approval shall lapse and a Development Permit will not be issued.

#### Advisory Notes:

1. A Development Permit does not relieve the permit holder of any other permission (e.g., Ontario Building Code, *Conservation Authorities Act, Endangered Species Act,* etc.). A Niagara Escarpment Commission Development Permit is required prior to the issuance of any other permission.

1. The Niagara Escarpment Commission supports the protection of the night sky from excessive lighting and recommends the applicant obtain information on the use and operation of appropriate lighting fixtures in keeping with dark sky approaches.
2. Should deeply buried archaeological remains/resources be found on the property during construction activities, the Heritage Operations Unit of the Ontario Ministry of Heritage, Tourism, Sport, and Cultural Industries shall be notified immediately. In the event that human remains are encountered during construction, the owner shall immediately notify the police or coroner, the Registrar of Cemeteries of the Ministry of Small Business and Consumer Services, and the Ministry of Heritage, Tourism, Sport and Cultural Industries.