September 16, 2021

# A6: STAFF REPORT

## DEVELOPMENT PERMIT APPLICATION:

### N/R/2018-2019/067

351 Sawmill Road

Part Lot 7, Concession 1

Town of Pelham, Region of Niagara

## SUMMARY

### PROPOSAL:

To construct a 1-storey ±491.4 m² (±5,289 ft²) single dwelling with a maximum height to peak of ±8.84 m (±29.0 ft.), a 2-storey, ±180.6 m² (±1,944 ft²) agricultural structure (horse barn) with a maximum height to peak of ±6.4 m (±21.0 ft.), septic system, well, driveway, and associated site alteration including the removal of approximately 1.21 ha of trees (tree plantation) to facilitate the creation of pasture land (paddocks, riding ring) on a 4.0 ha (10.0 ac) vacant parcel.

Note: The agricultural structure is intended to house 4 horses.

### DESIGNATIONS:

Escarpment Rural Area

**ISSUE:**

The horse barn, riding ring, and pastureland are proposed within a Significant Woodland, which is considered a key natural heritage feature by the Niagara Escarpment Plan (NEP). Agriculture is not listed as an exception to the prohibition on development within key natural heritage features.

### RECOMMENDATION:

Refusal of the agricultural use (barn, paddocks, riding ring) and removal of the plantation.

Approval of the single dwelling, septic system, well, and driveway.

### REASONS:

Part 2.7.2 of the NEP states that development is not permitted in key natural heritage features with limited exceptions. The property contains Significant Woodland and Significant Wildlife Habitat, which are considered key natural heritage features. While a single dwelling and accessory facilities are listed as exceptions to the prohibition on development within a key natural heritage feature, agricultural uses are not listed as one of these exceptions. The single dwelling and accessory facilities satisfy the Development Criteria in Part 2 and therefore are recommended for approval, subject to conditions.

## RECEIVED:

Development Permit Application received May 14, 2018

Environmental Impact Study received February 3, 2020

Environmental Impact Study Addendum received March 19, 2021

## SOURCE:

David Migus (owner)

## PROPOSAL:

To construct a 1-storey ±491.4 m² (±5,289 ft²) single dwelling with a maximum height to peak of ±8.84 m (±29.0 ft.), a 2-storey, ±180.6 m² (±1,944 ft²) agricultural structure (horse barn) with a maximum height to peak of ±6.4 m (±21.0 ft.), septic system, well, driveway, and associated site alteration including the removal of approximately 1.21 ha of trees (tree plantation) to facilitate the creation of pasture land (paddocks, riding ring) on a 4.0 ha (10.0 ac) vacant parcel.

Note: The agricultural structure is intended to house 4 horses.

## BACKGROUND:

The subject property was purchased by the applicant’s family in 1968. At that time, the western half of the property was forested and the eastern half was open cultivated land. The property owners began to plant trees on the eastern half of the property in 1969. By 1985, a plantation consisting of White Pine and Norway Spruce trees was established. The intention of the owners at the time was to harvest the trees and use the land for a future dwelling.

Today the plantation is mature and the applicant wishes to harvest the trees and use the trees to construct a dwelling. The former plantation land would be used for pastureland for horses. However, over time an understory has formed within the plantation. As part of the application under consideration, an Environmental Impact Study (EIS) was submitted. The conclusion of the EIS is that the plantation on the eastern half of the property contains characteristics of significant woodland. However, the EIS also concludes that there would be no negative impact to the overall woodland and its function, subject to mitigation measures.

## SITE DESCRIPTION:

The subject property is located on the north side of Sawmill Road, just west of Wessel Drive in the Town of Pelham. The western half of the property consists of a mature woodland dominated by Shagbark and Pignut Hickory, Red Oak, and White Pine with a dense subcanopy of Sugar Maple and American Beech. The eastern half of the property consists of a coniferous plantation dominated by White Pine alternated with Norway Spruce. The northern and southern part of the plantation contains young and mature trees within the canopy, while the middle part does not contain an understory. The southeastern part of the property contains scattered ornamental trees. An ephemeral stream that forms the headwaters of a small tributary traverses the eastern half of the property within the woodland, which ends northwest of the proposed development site. The stream is not regulated by NPCA on the subject property, however NPCA’s Regulated Area begins on the adjacent property.

The property is currently vacant. The surrounding land uses include rural residential lots and agricultural uses. The two properties to the west are largely wooded with the exception of the areas surrounding the dwellings. The property to the east is also wooded. An unopened road allowance, which has been cleared, separates the subject property with the property to the east. An equestrian operation is located to the north.

## PROPOSED DEVELOPMENT:

The applicant is proposing to construct an approximately 490 square metre dwelling and associated accessory facilities on the southeast corner of the property. A small horse farm is proposed on the northeastern part of the property. This would include a 2 storey, 181 square metre horse barn, an outdoor riding ring, manure storage, and pastureland. To accommodate the pastureland, approximately 1 hectare (ha) of the tree plantation is proposed for removal. The applicant is proposing to have one or two horses and/or donkeys on the property. The barn would have four to five stalls and thus could accommodate that many horses, although some stalls would be used for tack, washing, and feed storage.

## PLANNING ANALYSIS:

### Niagara Escarpment Plan, 2017 (NEP)

The subject property is entirely designated as Escarpment Rural Area by the NEP. Part 1.5.3 lists a single dwelling, agricultural uses, and accessory uses as permitted uses within this designation, subject to satisfying the Development Criteria in Part 2 of the NEP.

An agricultural use is defined in the NEP as: “The growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment (Provincial Policy Statement, 2014)”. A horse barn, riding ring, and paddocks are considered agricultural uses under this definition.

Ontario Regulation 828/90 provides a definition for general agricultural development which includes development whereby land, buildings or structures are used for the purpose of forestry, cultivation of trees and nursery stock, and animal husbandry. This definition specifically excludes the construction of an equestrian racetrack or sand ring. General agricultural development may be exempt from requiring a Development Permit if certain criteria are met. The proposed buildings are not exempt under Paragraph 9 of Section 5, as the criteria require that the lot is at least 20 ha (49.4 ac). Furthermore, the tree removal is not exempt under Paragraphs 13, 13.1, 13.2 or 13.3 of Section 5. Sections 5.13, 5.13.1, and 5.13.2 are not applicable due to the size of the lot and the extent of tree removal. Section 5.13.2 exempts tree cutting over 10% within a 10 year period only when the cutting is in accordance with the *Crown Forest Sustainability Act*, the *Forestry Act*, the *Conservation Authorities Act*, a municipal by-law, or a forest management plan. Clearing a plantation would generally not be considered good forest management, as there is no intention to manage the plantation, and would therefore not be exempt from requiring a Development Permit.

**Part 2.2: General**

The proposed development is located on an existing lot of record and the site is outside of any natural hazards. All proposed development is located outside of the mature woodland on the western half of the property and is sufficiently setback from this feature. However, the proposal includes the removal of approximately 1 hectare of trees within the plantation that are considered part of the significant woodland. As discussed further below, an Environmental Impact Study (EIS) and subsequent addendum prepared by Colville Consulting Inc. was submitted in support of the application. It is the conclusion of the EIS that the removal of these trees would not negatively impact the significant woodland or its function, subject to mitigation measures. A preliminary Landscape Plan has been provided that indicates a vegetation protection zone and native planting. A Final Landscape Plan would be required to support the construction of the single dwelling to ensure that the Escarpment environment would be restored and enhanced. NEC staff are satisfied that the single dwelling and accessory facilities would protect the Escarpment environment, subject to minimizing tree removal and with proposed planting, however there are concerns with the extent of tree removal relating to the agricultural use.

**Part 2.6: Water Resources**

An ephemeral stream is located within the woodland on the western part of the property. This feature is not regulated by NPCA, however it is connected to a watercourse that is regulated. The EIS addressed any potential impact to this feature and recommends that the proposed grading continue to direct drainage towards the watercourse and that a straw bale check dam is installed in the watercourse until vegetation in the pasture area has become established. The most recent plans propose a 30 metre setback from the stream to development that would be planted with wildflowers to filter runoff from the pastureland. Subject to mitigation measures, the proposal satisfies Part 2.6 of the NEP.

**Part 2.7: Natural Heritage**

Part 2.7.1 of the NEP lists the key natural heritage features under the NEP. These include significant woodland and significant wildlife habitat.

The woodland on the property is contiguous with a larger woodland located to the west of the property, which has been designated as significant due to its size, potential presence of rare species, interior forest habitat, and proximity to a watercourse and other natural heritage features. The plantation on the eastern half of the property has been designated as significant due to it being contiguous with the mature significant woodland and the growth of an understory. The Region of Niagara designates the woodland as within the Core Natural Heritage System.

The mature woodland and a part of the plantation along the southwest edge is considered significant wildlife habitat due to the presence of old growth forest and potential bat boosting habitat in the mature woodland, and potential habitat for Eastern Wood-Pewee (Special Concern) within both the mature woodland and part of the plantation.

All development, except for the septic system, is proposed entirely or partially within the significant woodland. Part of the barn and driveway is proposed within significant wildlife habitat.

Part 2.7.2 of the NEP states that development is not permitted in key natural heritage features with a few limited exceptions. A single dwelling and accessory facilities outside a wetland on an existing lot of record, provided that the disturbance is minimal and where possible temporary, is listed as one of these exceptions. Agricultural uses are not listed as one of these exceptions. As such, the proposed dwelling and accessory facilities may be permitted, subject to meeting the other policies of the NEP. However, the barn, riding ring, and pastureland are considered an agricultural use and are therefore not permitted within the significant woodland or significant wildlife habitat.

Although the agricultural uses are not permitted within the Significant Woodland, further discussion of the natural heritage development criteria is warranted to discuss the dwelling and accessory facilities. It is the conclusion of the EIS that the proposed development would not have a negative impact on key natural heritage features, subject to mitigation measures. These measures include limit of work fencing one metre from the dripline of the trees, silt fencing, a timing window for vegetation removal, directing exterior lighting away from the woodland, grading that maintains overland flow patterns, and a building setback of 10 metres from the woodland. A five metre vegetation protection zone adjacent to the mature woodland and a 30 metre buffer to the watercourse has been proposed. These buffers are to ensure that there is no encroachment into the woodland feature, reduce edge effects, and to filter run-off from the proposed adjacent pastureland before reaching the watercourse.

A standard search of the Natural Heritage Information Centre database indicates the potential for Species at Risk (SAR) within a 1 km radius of the property. No SAR vegetation was identified in surveys completed as part of the EIS, although provincially rare Pignut Hickory trees were identified within the mature woodland. Barn Swallows and Eastern Wood-Pewee were seen flying and heard calling. It was determined that Barn Swallows would not be likely to use the property for habitat, however Eastern Wood-Pewee may be using the property. There is potential for cavity trees for bat roosting within the mature woodland, however there are no cavity trees within the plantation. There is no expected impact to SAR, subject to mitigation measures.

Part 2.7.12 of the NEP states that development where permitted in woodlands should protect and where possible enhance the woodland and associated wildlife habitat. The first criterion is that the cutting of trees and removal of vegetation is limited to the minimum necessary to accommodate the permitted use. In terms of tree removal for the proposed dwelling, the site contains scattered trees. It is recommended in the EIS that as many trees as possible are retained in this area. NEC staff would require a Landscape Plan that illustrates the proposed tree removal and planting for this area.

Regarding the plantation and agricultural use, if permitted NEC staff would have concerns with the extent of tree removal that is proposed, especially given that the plantation is considered significant woodland. The applicant has provided OMAFRA’s publication on Pasture Production which states that a mature horse needs up to one hectare of land for grazing. There is no available land on the property for the scale of this use without clearing part of the property. NEC staff have discussed this concern with the applicant, however the applicant has stated that retaining any trees within the pastureland would not be compatible with the use as a paddock.

In summary, the outstanding concerns relating to natural heritage are with respect to the agricultural use and removal of the plantation and the conflict with Part 2.7.2 of the NEP. Subject to the mitigation measures included in the EIS and the completion of a Landscape Plan, the dwelling satisfies the Natural Heritage Development Criteria in Part 2.7.

**Part 2.8: Agriculture**

The Agricultural Land Base mapping for the Greater Golden Horseshoe Area identifies the property as within a Prime Agricultural Area, and specifically within a Specialty Crop Area. The application proposes an agricultural use (equestrian operation) on the property. A Minimum Distance Separation (MDS) II calculation was completed for the proposed horse barn. A maximum of five horses was used and indicates that a setback of 84 metres must be maintained from a neighbouring dwelling. Town of Pelham staff noted that an MDS I calculation had recently been done for a neighbouring property and the proposed dwelling would be sufficiently setback from the nearby equestrian operation. MDS setbacks are therefore met and the proposal satisfies the agricultural policies in Part 2.8 of the NEP.

**Part 2.10: Cultural Heritage**

The subject lands exhibit potential for archaeological resources based on the proximity to a watercourse. Development is not permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources are conserved. The lands have not been subject to recent, extensive and intensive disturbance and as such an archaeological assessment should be completed to satisfy Part 2.10 of the NEP.

**Part 2.13: Scenic Resources and Landform Conservation**

The proposed development would be setback approximately 21 metres from Sawmill Road. The existing trees on the property would provide screening for the proposed development, however many of these trees are proposed for removal. This tree removal would increase the visual impact of the development. The site plan shows a 3 metre buffer of trees to be retained around the property line. This buffer would partially screen the development from public view, however there are some concerns that the trees may not survive. A Landscape Plan would need to demonstrate that the development would be sufficiently screened by existing and proposed vegetation. Subject to this Landscape Plan, the proposed dwelling meets Part 2.13 of the NEP.

### Region of Niagara Official Plan

The property is designated as Unique Agricultural Area within the Region of Niagara Official Plan. Agriculture, accessory structures and uses, and single dwellings on existing lots of record are permitted.

### Town of Pelham Official Plan

The property is identified as within the Niagara Escarpment Plan Area by the Town of Pelham Official Plan.

### Provincial Policy Statement (PPS)

Section 2.1 of the PPS states that natural features and areas shall be protected for the long term. The proposed development is located within a significant woodland. An EIS was submitted that demonstrates that the feature and function would not be negatively impacted by the removal of the plantation. NEC staff continue to have concerns with the extent of tree removal, however recognize that a Landscape Plan demonstrating a vegetation protection zone that protects the mature woodland and identifies additional planting would be provided.

Section 2.2 of the PPS relating to water requires planning authorities to protect, improve or restore the quality and quantity of water. A sufficient setback is maintained to the ephemeral stream and any site alteration would maintain drainage patterns.

Section 2.3 of the PPS states that prime agricultural areas shall be protected for long-term use for agriculture. The proposal includes an agricultural use within a prime agricultural area and meets required MDS setbacks.

Section 2.6 of the PPS directs the conservation of archaeological resources. An archaeological assessment should be completed to ensure that any potential archaeological resources have been conserved.

Subject to additional plans, the proposal appears to be consistent with the PPS. However, Part III of the PPS states that Provincial plans, such as the NEP, take precedence over the policies of the PPS to the extent of any conflict. Therefore, the NEP policy prohibiting agriculture within a key natural heritage feature takes precedence over the PPS policy that allows for development subject to demonstrating no negative impact.

## AGENCY CONSULTATIONS:

### Town of Pelham

The Pelham Official Plan designates the subject parcel as Niagara Escarpment Plan Area. The policies of the NEP apply in addition to the general policies of the Official Plan. The subject lands were zoned Agricultural 1 (A1) and Hazard (H) prior to the NEC having Development Control. A building permit is required for the dwelling and horse barn. An entrance/culvert permit is required for driveway access.

An MDS I calculation was conducted on the existing horse barn at 2758 Wessel Drive for a separate development application. Based on the provided site plan, the proposed dwelling meets the MDS I setback from the neighbouring equestrian facility. Town staff would require an MDS II calculation be provided confirming adequate distance between the proposed horse barn and nearest existing neighbouring dwellings.

### Region of Niagara

The subject property is designated as Unique Agricultural Area by the Regional Official Plan (ROP). Permitted uses include agricultural uses, accessory structures and uses, and single dwellings on existing lots of record, provided that new municipal services are not required and the use does not expand into key natural heritage or hydrologic features.

The subject lands are impacted by the Region’s Core Natural Heritage System (CNHS), consisting of Significant Woodland on and adjacent to the subject property. Development within 50 metres of significant woodland triggers the requirement for an Environmental Impact Study (EIS) and Tree Saving Plan. Initial Regional comments supported waiving the EIS requirement, as the majority of the existing woodland onsite is to be retained. However, prior to harvesting/clearing, a Good Forestry Practices Permit may be required from the NPCA. If this requirement is found not to apply, a scoped EIS will be required to confirm that the proposed tree removals will not impact any sensitive species and that appropriate mitigation measures are in place. (N.B. These comments were provided in 2018 when NPCA staff were responsible for commenting on natural heritage and not the Region of Niagara. At a subsequent site visit with Regional and NPCA staff, it was determined that an EIS would be required.)

Most concerns were sufficiently addressed in the EIS Addendum, however it is the position of the Region that a buffer of natural self-sustaining vegetation would aid in the prevention of further encroachment, protect the remaining feature from edge effects, and help to filter surface run-off from the new horse paddocks that may flow into the watercourse. A Landscape Plan illustrating the establishment of a vegetated buffer along the horse paddock at minimum is required.

The subject lands exhibit potential for the discovery of archaeological resources due to the presence of nearby watercourses. The Town of Pelham has an approved Heritage Master Plan and therefore has jurisdiction on matters related to archaeological resources and the NEC should defer to Town comments. There appears to be enough usable land available for the installation of a new sewage system for a new dwelling.

### Niagara Peninsula Conservation Authority (NPCA)

No objections. There are no regulated features on site.

## CONCLUSION:

Agriculture is considered a permitted use in Part 1 of the NEP, subject to meeting the Development Criteria in Part 2. Part 2.7.2 of the NEP limits development within a key natural heritage feature. Agriculture is not listed as an exception to the prohibition on development within a key natural heritage feature and therefore the proposed barn, riding ring, and pastureland are not permitted by Part 2.7 of the NEP.

However, a single dwelling and accessory facilities are listed as one of the exceptions. Subject to additional plans and studies, NEC staff are satisfied that the construction of the dwelling, driveway, private sewage system, and well meet the Development Criteria in Part 2 of the NEP. However, the agricultural uses conflict with the natural heritage policies in Part 2.7 of the NEP.

## RECOMMENDATIONS:

That the Niagara Escarpment Commission:

1. Refuse the component involving the establishment of a barn, riding ring, and paddock since agricultural uses are not permitted in a key natural heritage feature, and
2. Approve the component of the application related to the dwelling (single dwelling, septic system, well, and driveway), subject to conditions contained in Appendix 1.

## Prepared by:

Original signed by:

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Cheryl Tansony, Senior Planner

## Approved by:

Original signed by:

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Debbie Ramsay, MCIP, RPP, Director

Appendix 1 – Conditions of Approval (for single dwelling and accessory facilities only)

Appendix 2 – NEP land use designation

Appendix 3 – Site plan and extent of natural heritage features provided in a separate file

Appendix 4 – Submission by applicant provided in a separate file

## APPENDIX 1

### CONDITIONS OF APPROVAL (for single dwelling and accessory facilities only)

### N/R/2018-2019/067

1. Development shall occur in accordance with the Site Plan, Development Permit 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 (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. **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:
7. 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;
8. Outline of the approved development envelope / extent of all disturbed areas;
9. 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.;
10. 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.
11. 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;
12. 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**, a **Final Landscape Plan** shall be prepared by a qualified person, for Niagara Escarpment Commission and Region of Niagara approval. The Plan shall address all vegetation retention and planting requirements in accordance with the standard practices of the implementing authority. The Plan shall include planting within Significant Woodland buffer and to screen the development. The following stipulations shall be included directly on the Plan:
2. All new tree and shrub species (including seed mixes) shall be native to Ontario except where otherwise approved by the Niagara Escarpment Commission. Plant material shall be sourced from local plant nurseries; bush dug plant material is not acceptable.
3. Planting and the rehabilitation of all disturbed areas shall be completed on or before the date of expiry of the Development Permit to the satisfaction of the Niagara Escarpment Commission.
4. All plant material shall be guaranteed for 24 months following installation. All plant material found during this time to be dead or dying must be replaced with a size and species to the satisfaction of the Niagara Escarpment Commission.
5. Once the development has been completed, a letter certifying the landscaping / planting work has been completed in accordance with the approved Landscape Plan shall be provided to the Niagara Escarpment Commission by a qualified person.

Development shall proceed in accordance with the details of the Final Landscape 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.
2. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission**, the landowner shall submit a Stage 1 Archaeological Assessment (and any required subsequent archaeological assessments) for the proposed development area on the property to the Ministry of Heritage, Sport, Tourism and Culture Industries and receive an acknowledgement letter from this ministry (copied to the NEC) confirming that archaeological reporting has met licensing requirements prior to development on site.
3. **Prior to the commencement of any development**, erosion and sediment control measures (e.g., fencing, blankets, rip-rap), and 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.
4. Site preparation and vegetation removal shall not occur between March 15 and October 31, inclusive, of any given year, to ensure protection of habitat within bird and bat breeding season. If tree removal is required in this window, a search of active bird nests is to be completed prior to removal.
5. All exterior lighting shall be designed to be minimal, subdued, of low height, and downward facing.
6. Conditions 6, 7, 8 & 9 must be fulfilled within eighteen (18) months (1.5 years)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 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. The Region of Niagara advises should deeply buried archaeological remains/resources be found on the property during construction activities, all activities impacting archaeological resources must cease immediately, notify the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) (416-212-8886) and a licensed archaeologist is required to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists. In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.

## APPENDIX 2

