June 8, 2020

TO: Applicant/Agent/Owner; Assessed owners of land within 120 m of the subject property; Consulted Agencies, parties who requested Notice or are considered to have an interest in the Decision.

RE: NOTICE OF DECISION
Development Permit Application: H/R/2019-2020/70
5780 Cedar Springs Rd

Attached is a Notice of Decision from the Niagara Escarpment Commission regarding an application for a Niagara Escarpment Development Permit.

You have the right to appeal this decision. If you have reason to appeal, you must submit a completed Appeal Form or a written letter, specifying your reasons for appeal, within 14 days of the date of this letter.

An Appeal Form can be downloaded from www.escarpment.org. If you submit a written letter of appeal, please include your name, address, daytime phone number, e-mail address and your fax number. The completed Appeal Form or the letter of appeal must be mailed or faxed to this office (address and fax # above) or sent by email to necgeorgetown@ontario.ca.

Please note that the last day that appeals may be received is: June 22, 2020 (midnight).

The Commission’s decision is confirmed if no appeal is received within the 14 days.

If the Commission’s decision is appealed, a Hearing Officer will be appointed by the Minister of Natural Resources and Forestry to conduct a Hearing. The Hearing Office may contact you for additional information regarding your appeal, and all parties will be notified by mail of the time and location of the Hearing. If you appealed, you are expected to attend the Hearing to present your reasons for appeal. If the appeal is withdrawn or the appellant fails to appear at the Hearing, the Commission’s decision is confirmed.

If you have questions about this process, or about the details of the Development Permit application, please contact me at michael.baran@ontario.ca

Yours truly,

Michael Baran,
Senior Planner
NOTICE OF DECISION
OF THE NIAGARA ESCARPMENT COMMISSION

REGARDING
AN APPLICATION FOR A DEVELOPMENT PERMIT UNDER SECTION 25
OF THE NIAGARA ESCARPMENT PLANNING AND DEVELOPMENT ACT,
R.S.O. 1990, CHAPTER N.2

FILE NUMBER: H/R/2019-2020/70
LOCATION: 5780 Cedar Springs Rd
Part Lot 5, Concession 1
City of Burlington, Region of Halton

PROPOSED DEVELOPMENT:

1) To demolish a ± 109 sq m (± 1173 sq ft) Quonset shed, a ± 667.0 sq m (± 7180 sq ft) horse barn, a ± 35.5 sq m (± 382 sq ft) grain silo, a ± 146.9 sq m (± 1581 sq ft) modular home, and a ± 181.4 sq m (± 1953 sq ft) farmhouse;
2) To construct a 2 storey (plus partial walkout), ± 1224.4 sq m (± 13,165.8 sq ft) single dwelling (with an attached 3-bay garage, a workshop, a port cochere and a single-bay garage/carwash), to have a maximum height to peak of ± 11.6 m (± 38 ft), a 1.5 storey ± 553.7 sq m (± 5954 sq ft) accessory building, with a height to peak of ± 11 m (± 36 ft), a ± 53.5 sq m (± 575.9 sq ft) swimming pool; and,
3) To install two horizontal loop geothermal systems (for dwelling and accessory building), a new shared sewage disposal system (for dwelling and accessory building), and driveway extension, on an existing 16.8 ha (41.5 ac) lot.

Note: Total floor area of the proposed single dwelling includes the basement level.

DECISION of the NIAGARA ESCARPMENT COMMISSION:

The application for a Development Permit, as described above, has been CONDITIONALLY APPROVED.

The Conditions of Approval are listed on the attached APPENDIX.

DATE: June 8, 2020 SIGNED: ________________________
Kim Peters, RPP, MCIP
(A) Manager

THIS IS NOT A DEVELOPMENT PERMIT
DEVELOPMENT IS NOT TO COMMENCE UNTIL THE DEVELOPMENT PERMIT HAS BEEN ISSUED
1. Development shall occur in accordance with the Site Plan, Development Permit Application 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. The landowner shall advise the Niagara Escarpment Commission (NEC) in writing of the start and the completion date of the development. This notice shall be provided to the NEC forty-eight (48) hours prior to the commencement of development, and within fourteen (14) days upon completion.

4. 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 on the approved Site Plan.

5. No vegetation shall be cut or removed from the development envelope except for that identified on the approved Site Plan.

6. 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. Native plant material should be sourced from local plant nurseries when available; bush dug plant material is not acceptable.

7. Appropriate erosion/sediment controls (e.g. silt fencing) shall be installed around all components of the development site prior to commencing development and tree protection measures (e.g. tree hoarding) shall be installed at the dripline of treed areas/individual trees, prior to commencing development/demolition activities. The controls shall be maintained until the works are completed and the sites are stabilized. Photographs verifying the installation of the fencing/hoarding shall be submitted to the Niagara Escarpment Commission prior to commencing construction.

8. Prior to the issuance of a Development Permit, final floor plans and elevations of the single dwelling shall be submitted to the Niagara Escarpment Commission for approval. The plans shall include a schedule signed by the architect/designer confirming the gross floor area of each applicable building level and the maximum height of the building/structure, as defined by the Niagara Escarpment Commission. Note: Any metal roofing materials shall be non-reflective and exterior construction materials shall have neutral coloration.
9. The new single dwelling shall not contain an apartment unit, second residential unit, or an accessory dwelling unit (e.g., an “in-law suite”), and shall not be used for short or long-term vacation rentals, institutional, commercial, home business or industrial purposes.

10. The accessory structure (storage barn) shall not be used for human habitation (i.e., living space), as a dwelling or apartment unit, or for commercial, institutional, home business, industrial or livestock purposes.

11. **Prior to the issuance of a Development Permit**, the landowner shall (at the landowner’s expense), enter into an Agreement (to be registered on title) with the Niagara Escarpment Commission pursuant to Section 24(2.1) of the *Niagara Escarpment Planning and Development Act*, which shall ensure that:

   *The accessory structure (detached garage) shall not be used for human habitation (i.e., living space), as a dwelling or apartment unit, or for commercial, institutional, home business, industrial or livestock purposes.*

12. The existing single dwelling shall be demolished within thirty (30) days of occupancy of the new single dwelling and the owner/applicant shall notify the Niagara Escarpment Commission in writing immediately upon receipt of an Occupancy Permit from the City of Burlington for the new single dwelling.

13. The unauthorized modular home shall be removed from the property prior to the issuance of any municipal building permits and/or prior to commencing any construction. Photographs verifying the removal/demolition shall be submitted to the Niagara Escarpment Commission.

14. All waste materials generated from the demolition of structures on the property shall be completely removed from the property (e.g., taken to an approved landfill site, salvage/reclamation facility, re-used/recycled elsewhere) and not otherwise stored or buried on-site (see Condition 18).

15. Demolition of structures identified as nesting habitat for Barn Swallow shall occur outside of the breeding season for the species (i.e. April 1 to August 31), unless appropriate permissions to remove the structures during the breeding season are obtained through the Ministry of Environment, Conservation and Parks.

16. **Prior to the issuance of a Development Permit**, a Lighting Plan shall be submitted for the approval of the Niagara Escarpment Commission. All exterior site lighting (new dwelling, storage barn, driveway extension and amenity areas) shall be designed to be minimal, subdued, of low height and downward facing (soffit lighting is not to be used on upper levels of the new dwelling and storage barn).
17. **Prior to the issuance of a Development Permit**, a Comprehensive Tree Protection and Landscaping Plan shall be prepared by a qualified person for Niagara Escarpment Commission approval. The Plan shall prescribe tree protection measures and native tree planting to provide suitable screening associated with the new development sites, pursuant to the review of the revised Scoped Visual Impact Assessment (MHBC Planning Ltd., January 2020) and as recommended through the Cultural Heritage Assessment (ATA Architects Inc., October 2019). The plan shall include details for the type, size and numbers of all new plant material.

Stipulations:

a) All new tree and shrub species shall be native to Ontario. Plant material shall be sourced from local plant nurseries; bush dug plant material is not acceptable.

b) Planting and the rehabilitation of all disturbed areas shall be completed, by the end of the first growing season following the completion of development (subject to the exception noted below) to the satisfaction of the Niagara Escarpment Commission.

c) 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.

d) Subsequent to the completion of the works a letter certifying the work has been completed in accordance with the approved plan shall be provided to the Niagara Escarpment Commission by a qualified person.

The approved final Comprehensive Tree Protection and Landscape Plan shall form part of the Site Plan referred to in Condition # 1 and development shall proceed in accordance with the details of that Plan.

18. **Prior to the issuance of a Development Permit**, the owner/applicant shall confirm arrangements for the salvage of stone from the existing farmhouse foundation, including details and an implementation schedule for the installation of either a stone gateway feature or obelisk/pylon with a plaque of the site’s history in a location visible from Cedar Springs Road, as recommended in the Cultural Heritage Assessment (ATA Architects Inc., October 2019) for Niagara Escarpment Commission approval.

19. This conditional approval expires one (1) year from the date of confirmation of the decision to approve the Development Permit Application. Condition Nos. 8, 11, 16, 17 and 18 of this conditional approval shall be fulfilled before the expiry date.
Notes/Advisories:

1. This Development Permit does not limit the need for or the requirements of any other approval, license or certificate under any statute (e.g., Conservation Authorities Act/No Objections Letter, Ontario Building Code/municipal load exemption permit, Endangered Species Act, etc.).

2. The Niagara Escarpment Commission requires, in conjunction with Condition 16, the use of Dark Sky Compliant light fixtures. [www.darksky.org](http://www.darksky.org)

3. The Niagara Escarpment Commission recommends that a slope stability study be prepared in conjunction with the new dwelling and swimming pool constructions, prior to finalizing building plans.

4. The Regional Municipality of Halton advises: should deeply buried archaeological remains/resources be found on the property during construction activities, the Ministry of Heritage, Sport, Tourism & Culture Industries should be notified immediately. In the event that human remains are encountered during construction, the proponent should immediately notify the police or coroner, the Registrar of Cemeteries and the Ministry of Heritage, Sport, Tourism & Culture Industries.