

**DATE:** June 29<sup>th</sup>, 2020

**REPORT NO:** PD-068-20

**SUBJECT:** Recommendation Report  
Draft Plan of Condominium Crossings on the Twenty North and South – DeHaan Homes – Request for Extension to Draft Plan Approval, File No. 2100-072-08 CDM (South), 2100-072-09 CDM (North)

**CONTACT:** Gerrit Boerema, Planner II  
Brian Treble, Director of Planning and Building

**OVERVIEW:**

- Crossings on the Twenty Plan of Condominium North and South was originally granted draft plan of condominium approval in 2009 following an appeal to the OMB.
- Since original draft plan approval, the South condominium has had a number of modifications.
- Draft approval was extended in 2012, 2014, 2016 and 2018. Draft plan approval for both the North and South condominiums expire in September 2020.
- Site Plan approval for the south condominium was granted in early 2019. Construction has commenced on the South side with one block of model homes completed and nearly 50% of the south side units sold (24 Units total).
- A site plan application has not yet been applied for on the north condominium. The landowner had worked with the local branch of the Royal Canadian Legion for a possible expansion of the Legion Villa but at this point it is not clear how that will materialize.
- They have now requested an extension to the draft plan approval on both the north and south condominiums to allow completion of the development on the south side and to allow for time to complete a site plan and development design on the north side.
- Township staff recommend approval of the extension request for a period of two years, commencing on September 26, 2020 as the south community is currently under construction and the north community has faced unexpected delays and has limited development potential given its single sided street concept.

### **RECOMMENDATION**

1. That, report PD-068-20, regarding “Recommendation Report, Draft Plan of Condominium, Crossings on the Twenty - North and South - DeHaan Homes - Request for Extension to Draft Plan Approval, File No 2100-072-08 CDM (South) & 2100-072-09 CDM (North)”, dated June 29<sup>th</sup>, 2020 be received; and,
2. That, the Draft Plan Approval for Crossings on the Twenty Plan of Condominium (North & South) BE EXTENDED FOR A PERIOD OF TWO YEARS, to expire on September 26, 2022, subject to conditions as included in Attachments No. 3 and 4 to this report; and,
3. That a notice of extension be circulated to relevant agencies and departments.

### **ALIGNMENT TO STRATEGIC PLAN**

- **Theme**
  - **Strategic Responsible Growth**

### **BACKGROUND**

The Crossings on the Twenty Plan of Condominium is split by the Twenty Mile Creek into Crossings North and Crossings South communities. The condominium was originally approved by the Township Council in 2009 with a three year time frame to complete the conditions for final approval. Crossings on the Twenty South is located at the intersection of Shurie Road and Townline Road, on the south side of the Twenty Mile Creek, while Crossings on the Twenty North is located on the north side of the creek, opposite to the Marz Homes – Smithville Station Development. The developments are owned by DeHaan Homes, who proposes to be the developer in each case.

Two year extensions were granted in 2012, 2014, 2016 and 2018 for a variety of reasons which included road upgrades on Highway 20, storm-sewer installation for the Marz Homes development (Smithville Station), record of site condition on the south development and a minor boundary adjustment and draft plan changes.

The owner and their agent, Jared Marcus of IBI Group, have requested an extension to the draft plan approval of both the North and South condominiums to allow for time to complete conditions and progress on construction prior to the condominium approval lapsing on September 26, 2020.

### **CURRENT SITUATION**

Crossings on the Twenty South is currently under construction. One block of model townhouse units has been constructed. The Site Plan was completed in early 2019. According to the applicant, nearly 50 per cent of the 24 townhouse units are sold. The current COVID-19 crisis has slowed sales over the last few months.

The applicant is still working on clearing conditions of approval for the south community. The Record of Site Condition has required test wells and monitoring due to the proximity of the former Rock Street landfill. This process is still not completed, but is expected to be completed this fall.

Staff note that the south development seems to be progressing now that construction has commenced on the model homes. It is expected that final condo approval will be granted in early 2021 at the latest.

The Crossings on the Twenty North has not seen much progress since the last extension approval in 2018. The applicants attended a pre-consultation on June 18, 2020 for the purposes of reviewing the site plan, however, an application for site plan approval has not yet been made.

There were a number of issues that have delayed the development of the Crossings North Community including required road improvements to Regional Road 20 and the construction of a storm sewer which bisects the property. In addition, the applicants were in conversations with adjacent landowners about a potential land purchase, but that did not materialize. The period of due diligence on a potential sale ended in February of 2020.

The applicants have requested and have attended an additional pre-consultation meeting on June 18, 2020 to discuss the site plan submission for the north community.

In the 2018 Township Staff Recommendation Report, staff stated that final approval was needed within the last two year extension. Although staff would like to see this property developed at a faster pace, Township Staff also acknowledge that there are limited options on the property due to its shape and size. It is a single loaded street with ten units. The applicant has stated that they will commence development on this site once the Crossings South community is complete. Due to the current economic climate, staff now propose that Council now support one final extension.

Staff are of the opinion that an extension should be granted for the south community as progress has been made on the south community since the last extension. Staff also recommend that a two year extension also be granted to the north community as there were some unforeseen time delays and as there is little benefit in redesigning the site through another draft plan approval process due to the sites limited development options.

### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with these applications.

### **INTER-DEPARTMENTAL COMMENTS**

The extension request was sent to the Region of Niagara Planning and Development

Department, the Niagara Peninsula Conservation Authority, and the Township Public Works Department. There were no objections from agencies or departments to the extension request. Also, no agency has requested a change of conditions.

### **CONCLUSION**

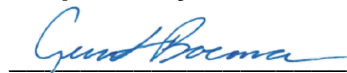
DeHaan Homes (Owner) and Jared Marcus of IBI Group (Agent) have requested an extension for draft plan of condominium approval for Crossings on the Twenty North and South Communities. The last extension was granted in 2018 for a period of two years and is set to expire on September 26, 2020. Construction has commenced on the Crossings on the Twenty South community with the services, road and model homes now installed and constructed. Construction has not yet commenced on the north community and a site plan has not yet been applied for, however, the north community did face a number of delays over the past years including required road improvements, storm sewer construction and most recently a potential purchase which did not materialize.

Planning Staff recommend that Council grant a two year extension to both the north and south communities. If significant progress has not been made on the north community, an additional extension would most likely not be supported by staff in two years' time.

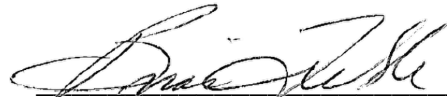
### **ATTACHMENTS**

1. Crossings on the Twenty South Draft Plan
2. Crossings on the Twenty North Draft Plan
3. Crossings on the Twenty South Conditions
4. Crossings on the Twenty North Conditions

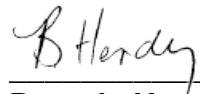
**Prepared by:**



**Gerrit Boerema,  
Planner II**

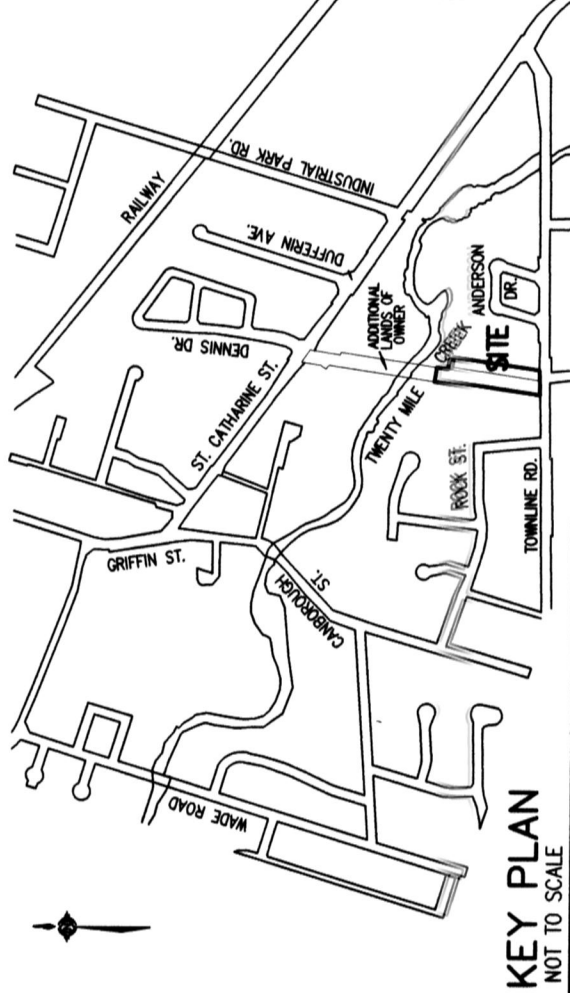
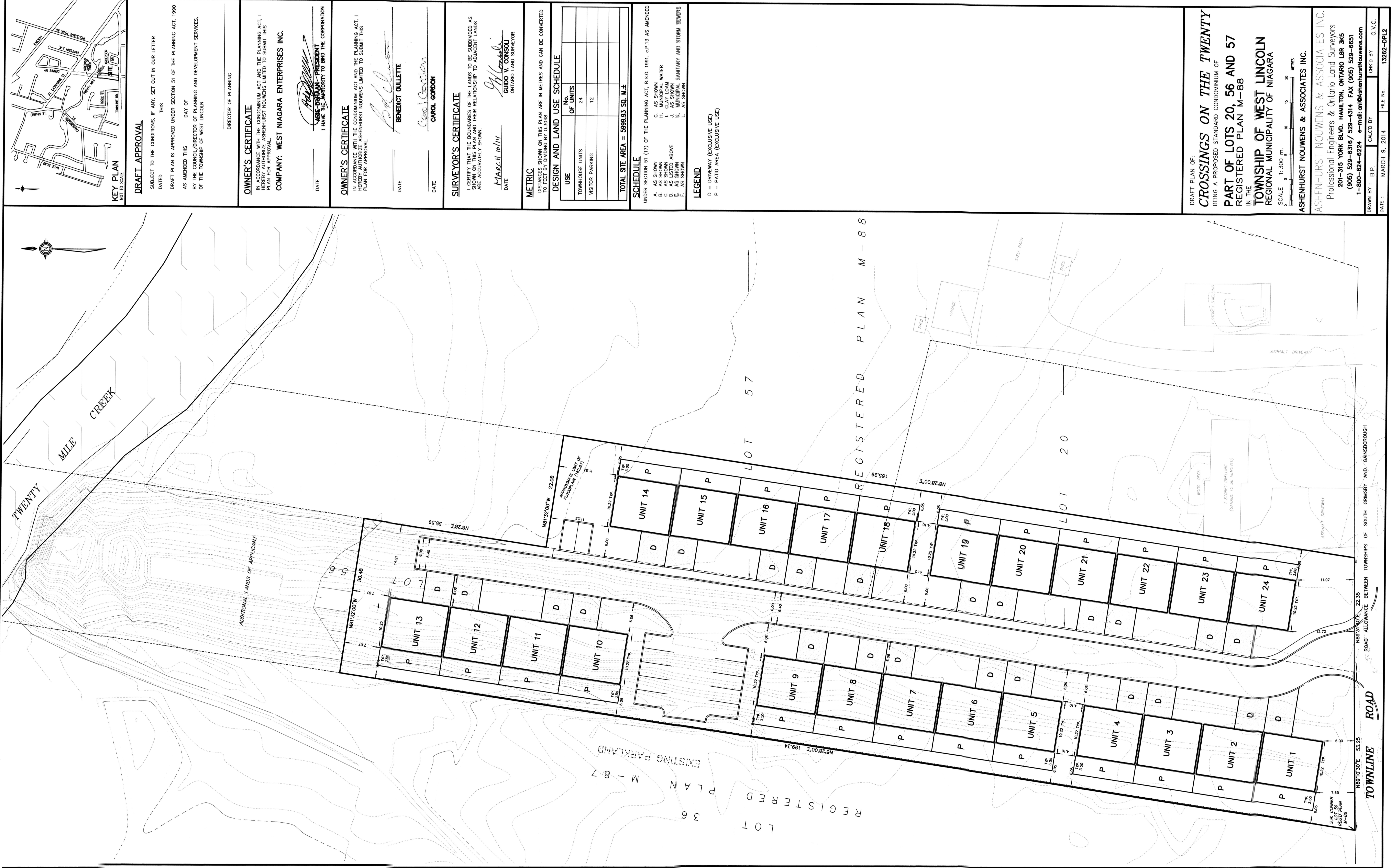


**Brian Treble, RPP, MCIP  
Director of Planning and Building**



**Beverly Hendry  
CAO**





DRAFT APPROVAL

SUBJECT TO THE CONDITIONS, IF ANY, SET OUT IN OUR LETTER DATED THIS DAY OF AS AMENDED THIS DAY OF BY THE COUNCIL/DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES, OF THE TOWNSHIP OF WEST LINCOLN

DIRECTOR OF PLANNING

OWNER'S CERTIFICATE

IN ACCORDANCE WITH THE CONDOMINIUM ACT AND THE PLANNING ACT, I HEREBY AUTHORIZE ASHENHURST NOUWENS LIMITED TO SUBMIT THIS PLAN FOR APPROVAL.

COMPANY: WEST NIAGARA ENTERPRISES INC.

DATE: I HAVE THE AUTHORITY TO BIND THE CORPORATION

OWNER'S CERTIFICATE

IN ACCORDANCE WITH THE CONDOMINIUM ACT AND THE PLANNING ACT, I HEREBY AUTHORIZE ASHENHURST NOUWENS LIMITED TO SUBMIT THIS PLAN FOR APPROVAL.

DATE: BENEDICT OULLETTE

DATE: CAROL GORDON

SURVEYOR'S CERTIFICATE

I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY SHOWN.

DATE: GUIDO V. CONSOLI ONTARIO LAND SURVEYOR

METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

DESIGN AND LAND USE SCHEDULE

USE	No. OF UNITS
TOWNHOUSE UNITS	24
VISITOR PARKING	12
TOTAL SITE AREA = 5999.93 SQ. M. ±	

SCHEDULE

UNDER SECTION 51 (17) OF THE PLANNING ACT, R.S.O. 1991, c.P.13 AS AMENDED

- A. AS SHOWN
- B. AS SHOWN
- C. AS SHOWN
- D. AS LISTED ABOVE
- E. AS SHOWN
- F. AS SHOWN
- G. AS SHOWN
- H. AS SHOWN
- I. CLAY LOAM
- J. AS SHOWN
- K. MUNICIPAL SANITARY AND STORM SEWERS
- L. AS SHOWN

LEGEND

- D = DRIVEWAY (EXCLUSIVE USE)
- P = PATIO AREA (EXCLUSIVE USE)

DRAFT PLAN OF:

CROSSINGS ON THE TWENTY

BEING A PROPOSED STANDARD CONDOMINIUM OF

PART OF LOTS 20, 56 AND 57

REGISTERED PLAN M-88

IN THE

TOWNSHIP OF WEST LINCOLN

REGIONAL MUNICIPALITY OF NIAGARA

SCALE 0 1:300 5m 10 15 20 METRES

ASHENHURST NOUWENS & ASSOCIATES INC.

ASHENHURST NOUWENS & ASSOCIATES INC.

Professional Engineers & Ontario Land Surveyors

201-315 YORK BLVD. HAMILTON, ONTARIO L8R 3K5

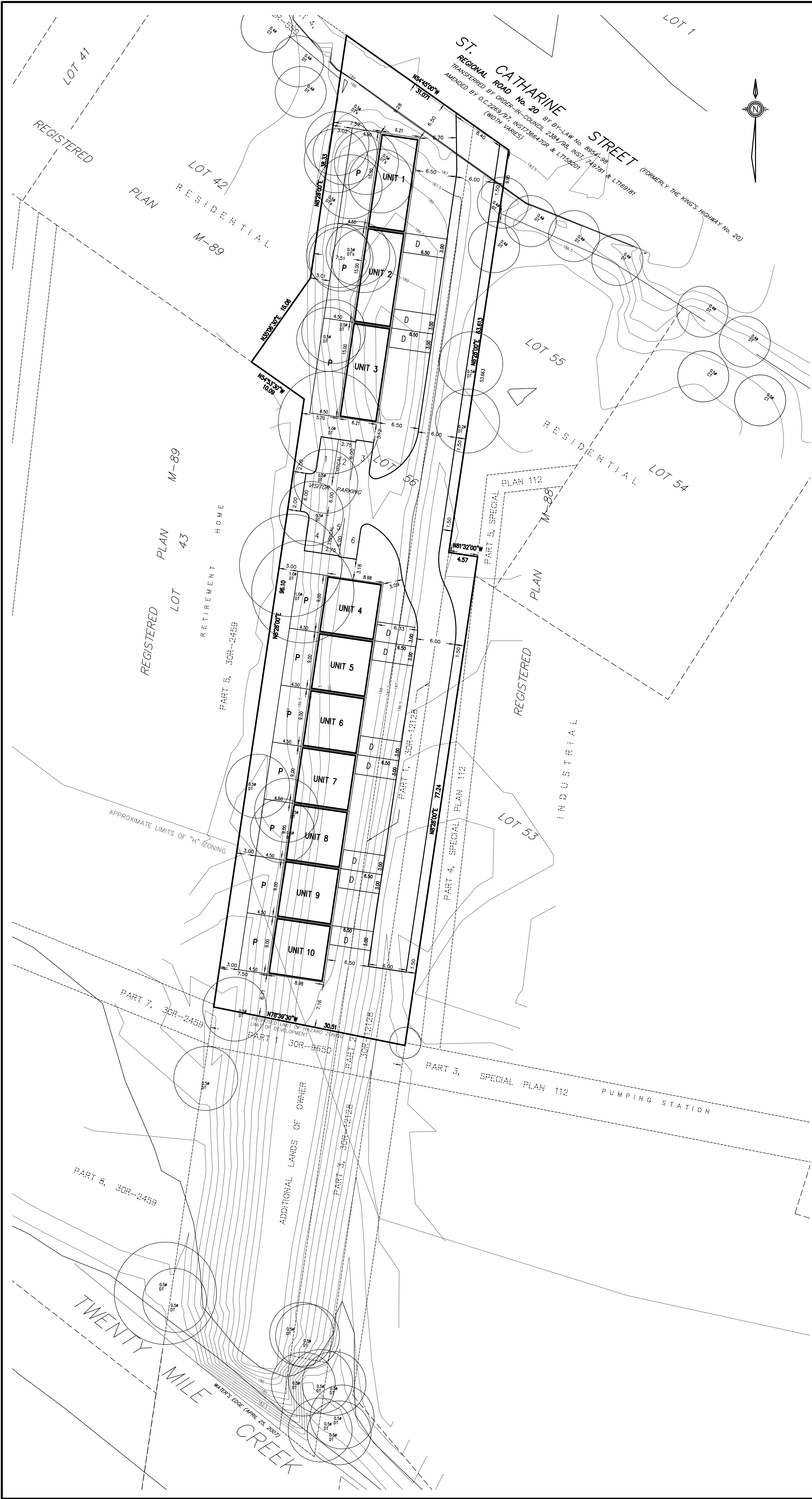
(905) 529-6316 / 529-4314 FAX (905) 529-6651

1-800-824-6224 e-mail: on@ashenhurstnouwens.com

DRAWN BY: B.P. CALC'D BY: CH'D BY: G.V.C.

DATE: MARCH 9, 2014 FILE NO. 13262-DP12





**KEY PLAN**  
NOT TO SCALE

**DRAFT APPROVAL**

SUBJECT TO THE CONDITIONS, IF ANY, SET OUT IN OUR LETTER DATED THIS DAY OF AS AMENDED THIS DAY OF BY THE COUNCIL/DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES, OF THE TOWNSHIP OF WEST LINCOLN

DIRECTOR OF PLANNING

**OWNER'S CERTIFICATE**

IN ACCORDANCE WITH THE CONDOMINIUM ACT AND THE PLANNING ACT, I HEREBY AUTHORIZE ASHENHURST NOUWENS LIMITED TO SUBMIT THIS PLAN FOR APPROVAL.

**COMPANY:** WEST NIAGARA ENTERPRISES INC.

25/04/2008  
DATE

**ARIE DeHAAN** PRESIDENT  
I HAVE THE AUTHORITY TO BIND THE CORPORATION

**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY SHOWN.

25/04/2008  
DATE

**JOHN P. NOUWENS**  
ONTARIO LAND SURVEYOR

**METRIC**

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

**DESIGN AND LANDUSE SCHEDULE**

USE	No. OF UNITS		
TOWNHOUSE UNITS	10		
VISITOR PARKING	6		
TOTAL SITE AREA = 4315.10 SQ. M.±			

**SCHEDULE**

UNDER SECTION 51 (17) OF THE PLANNING ACT, R.S.O. 1991, c.P.13 AS AMENDED

A. AS SHOWN	G. AS SHOWN
B. AS SHOWN	H. MUNICIPAL WATER
C. AS SHOWN	I. CLAY LOAM
D. AS LISTED ABOVE	J. AS SHOWN
E. AS SHOWN	K. MUNICIPAL SANITARY AND STORM SEWERS
F. AS SHOWN	L. AS SHOWN

**LEGEND**

D = DRIVEWAY (EXCLUSIVE USE)  
P = PATIO AREA (EXCLUSIVE USE)

DRAFT PLAN OF:  
**CROSSINGS ON THE TWENTY**  
BEING A CONDOMINIUM OF  
**PART OF LOT 56**  
REGISTERED PLAN M-88  
IN THE  
**TOWNSHIP OF WEST LINCOLN**  
REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1:300 m

**JOHN P. NOUWENS** ONTARIO LAND SURVEYOR

**ASHENHURST NOUWENS LIMITED**  
Professional Engineers & Ontario Land Surveyors  
201-315 YORK BLVD. HAMILTON, ONTARIO L8R 3K5  
(905) 529-6316 / 529-4314 FAX (905) 529-6651  
1-800-824-6224 e-mail: [anl@AshenurstNouwens.com](mailto:anl@AshenurstNouwens.com)

DRAWN BY : B.P.	CALC'D BY :	CHK'D BY : J.P.N.
DATE : NOV. 11, 2008	FILE No.	28605DPLs-B

**CROSSINGS ON THE TWENTY**  
**TOWNSHIP OF WEST LINCOLN**  
**CONDITIONS OF FINAL APPROVAL**

The conditions for final approval and registration of Crossings on the Twenty Condominium, in the name of DeHaan Homes Inc., File No. 2100-072-08, Township of West Lincoln are:

1. This decision applies to the West Niagara Enterprises Inc. Draft Plan of Condominium of Standard Condominium, Township of West Lincoln prepared by Ashenhurst Nouwens Limited, and as attached to Report PD-042-14 as Attachment 2, containing a total of 24 units and common element area.
2. That not more than one standard condominium corporation be created.

**TOWNSHIP CONDITIONS:**

3. That the Owner provide to the Township of West Lincoln a letter advising that all lots conform to the requirements of the Township's Zoning By-law.
4. **That the Zoning By-law Amendment receive final approval (expiry of the appeal period) prior to receiving final approval of the condominium.**
5. **That the Owner submit an application for Site Plan Approval for review and approval.**
6. That the Owner dedicate 5% cash-in-lieu of parkland to the Township of West Lincoln, or alternately that adequate parkland be provided to the satisfaction of the Township.
7. That the Owner/Developer prepare a streetscape and landscape plan for this condominium plan in accordance with the requirements of the Township of West Lincoln. The streetscaping and landscaping details are to be shown on the general servicing plan as part of the required Site Plan Application.
8. That the Owner/Developer provide 1.8 metre high solid fencing along the easterly lot line along units 14-24 and a 1.8 metre high chain link fence along the westerly lot line along units 1-13.
9. That the condominium agreement or subsequent site plan/development agreement between the Owner/Developer and the Township of West Lincoln contain a clause in wording satisfactory to the Regional Public Works Department (Development Services Division) requiring the Owner to obtain a certificate from an Ontario Land Surveyor stating that all existing and new evidence is in place at the completion of development.

Attachment No. 3

10. That the condominium agreement or subsequent site plan/development agreement between the Owner/Developer and the Township of West Lincoln contain a clause in wording satisfactory to the Township advising prospective purchasers of the dwelling units south of Twenty Mile Creek that on occasion they may be subject to noise, odour and dust of agricultural origin and that the Owner agree to insert a similar clause in all Offers and Agreements of Purchase and Sale or Lease.
11. That any required road allowances are dedicated to the Township of West Lincoln as Public Highways.
12. That the proposed streets be constructed to the satisfaction of the Township of West Lincoln.
13. That the street naming fee be provided and the proposed streets be named to the satisfaction of the Township of West Lincoln.
14. That the Owner provides fire route signs and no parking signs in locations approved by the Township of West Lincoln.
15. That the Owner/Developer submit all servicing, lot grading, drainage, roadway plans and supporting design calculations to the Township of West Lincoln and any other relevant agency for review and approval.
16. That all municipal services required by the Township of West Lincoln be provided by the Owner/Developer in a manner satisfactory to the Township.
17. That the Condominium Agreement between the Owner and the Township of West Lincoln be registered by the municipality against the land to which it applies.
18. That the Owner/Developer agrees in writing to satisfy all the requirements, financial and otherwise, of the Township of West Lincoln concerning, and without limiting the generality of the foregoing, the provision of roads, installation of services, drainage and hydro services, as may be determined by the pre-servicing report to be submitted by the Owner to the Township of West Lincoln for approval.
19. That the Owner agrees in the Condominium Agreement to pay all development charges to the Township of West Lincoln in accordance with the Township's Development Charges By-law.
- 20. Submit a Traffic Impact Study to the satisfaction and implement any recommendations found therein.**
- 21. That sidewalks be provided along one side of all roads within the development to standard requirements of the Township of West Lincoln.**



22. That prior to approval of the final plan, the owner submit to the NPCA and the Township of West Lincoln a detailed stormwater management plan for the development completed by a qualified engineer and prepared in accordance with the MOEE Stormwater Management Practices, Planning and Design Manual, (as amended). This will include any Stormceptor sizing detail. That detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site, be submitted to the Conservation Authority for review and approval. (same condition as Condition 27 which is also to be approved by the Conservation Authority)

REGIONAL CONDITIONS:

23. That, if curb-side waste collection is to be provided by the Region the draft plan shall conform to Regional Niagara Policy "Collection of Waste by Way of Entry on Private Property" to the satisfaction of the Regional Planning and Development Services Department (Development Services Division). That the condominium/development agreement between the Township of West Lincoln and the developer include the following clauses:
- a) To be eligible for the provision of collection service by way of entry on private properties, the private roadways must be designed to meet the requirements of the Regional Niagara Policy "Collection of Waste by Way of Entry on Private Property" (i.e. providing through passage, minimum roadway width, throat width/curb radius, etc.) so that collection vehicles can access collection locations without the need to reverse. A cul-de-sac designed in accordance with the Region's specifications will be required for developments that do not permit through passage. The Region will consider the use of a "T" turnaround area(s), designed in accordance with the minimum dimensions as outlined in the Regional policy, as an alternative turn around method where the above requirements cannot be met. Developments unable to meet these requirements will not be eligible for Regional collection service by way of entry on private property and will, therefore, be required to obtain private waste collection services.
  - b) That detailed drawings showing the path the waste collection vehicle will travel through the site to collect waste be submitted to the Regional Planning and Development Services Department (Development Services Division) for review and approval.
  - c) That the developer and/or subsequent owner agree to comply with the Region of Niagara's "Collection of Waste by Way of Entry on Private Property" Policy (C3.C17) and to enter into an Indemnity Agreement with the Region.
  - d) That if waste collection is not to be provided by the Region, the condominium agreement/development agreement contain a clause stating that waste collection will be the responsibility of the condominium corporation and the following warning shall be included in the condominium/development agreement and inserted in all offers and agreements of purchase and sale or lease for each dwelling unit to survive closing:

*“Purchasers/Tenants are advised that due to the site layout, waste collection for the development will be provided by the condominium corporation through a private contractor and not the Region.”*

24. That the following warning clause shall be included in the condominium agreement or subsequent site plan/development agreement and inserted in all Agreements of Purchase and Sale or Lease for each dwelling unit:

*“Purchasers/Tenants are advised that due to the proximity of this development to a Regional Sewage Pumping Station facility located approximately 98 metres from the development property, the operation of this facility which at times may generate noise and odour may occasionally interfere with some activities of the dwelling occupants.”*

25. That the Owner/Developer promptly acknowledge (within sixty days of draft plan approval) to the Regional Planning and Development Services Department (Development Services Division) that draft approval of this condominium does not include a commitment of servicing allocation by the Niagara Region as this servicing allocation will be assigned at the time of final approval of the condominium for registration purposes and any pre-servicing will be at the sole risk and responsibility of the owner/developer.
26. That immediately following (and within sixty days of) notice of draft plan approval, the Owner/Developer shall provide the Regional Planning and Development Services Department (Development Services Division) with a written undertaking stating that all offers and agreements of purchase and sale, which may be negotiated prior to and after registration of this condominium, shall contain a clause clearly indicating that a servicing allocation for this condominium will be assigned until the plan is granted final approval for registration and until capacity is upgraded at the Baker Road Wastewater Treatment Plant (anticipated by December 31, 2010) and, that the purchaser will proceed at their sole risk and responsibility as the issuance of building permits may cease without prior notice due to capacity limitations at the Region's treatment facility. A similar clause shall be inserted in the condominium agreement or subsequent site plan/development agreement between the Owner/Developer and the Township of West Lincoln.
27. That a Tree Saving Plan prepared and endorsed by a suitably qualified forester or arborist, which shall attempt to retain as many trees as possible and be prepared in accordance with the Regional Tree and Forest Conservation By-law 30-2008, be submitted to the Niagara Peninsula Conservation Authority for review and approval, with a copy provided to the Township of West Lincoln and the Niagara Region Public Works Department (Development Services Division) for information, and that the recommendations of the approved Tree Saving Plan be implemented through provisions in the condominium agreement or subsequent site plan/development agreement between the Owner and the Township of West Lincoln.
- 28. That the owner submits an archaeological assessment for the development prepared by a licensed archaeologist (excluding the former railway portion of the lands) to the**

**Ministry of Tourism, Culture and Sport for review and approval with a copy provided to the Planning and Development Services Department (Development Services Division) and that adverse impacts to any significant archaeological resources found on the site be mitigated through preservation or resource removal and documentation. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry of Tourism, Culture and Sport confirming that all archaeological resource concerns have met licensing and resource conservation requirements.**

**NIAGARA PENINSULA CONSERVATION AUTHORITY CONDITIONS:**

29. That prior to approval of the final plan, the owner submit to the NPCA and the Township of West Lincoln a detailed stormwater management plan for the development completed by a qualified engineer and prepared in accordance with the MOEE Stormwater Management Practices, Planning and Design Manual, (as amended). This will include any Stormceptor sizing detail. That detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site, be submitted to the Conservation Authority for review and approval (Same as Condition 21 to be cleared by the Township).

30. That, the following conditions be included in the Condominium Agreement to the satisfaction of the NPCA:

*“That detailed sedimentation and erosion control plans be prepared for this agency’s review and approval. All sediment and erosion control measures shall be maintained in good condition for the duration of the construction until all disturbed services have been stabilized. Muddy water shall not be allowed to leave the site.*

*Appropriate limit of disturbance fencing shall be installed to the satisfaction of the NPCA which details the amount of Significant Woodlot to be removed and ensure that all construction and site alteration takes place outside of the Significant Woodlot and the 30m buffers for the PSW and Critical Fish Habitat.*

*Upon completion of the project, the design engineer shall certify that all grading, storm sewers, and stormwater management controls have been constructed in general conformity to the approved drawings. Copies of the certification shall be circulated to the NPCA.”*

31. That the Condominium Agreement include the following wording to the satisfaction of the NPCA:

***Grading along the berm side slopes shall be minimized to ensure limited disturbance to the existing woodland. Should grading propose removal of all vegetation along the berm slopes, a Planting Plan detailing the revegetation of these areas with trees shall be submitted to the NPCA for review and approval.***



- 32. That the Owner/Developer confirm the exact location of the flood plain elevation (182.81 metres) and show this on a Grading Plan. Where a portion of any unit, driveway subject to more than 0.3 metres of flooding, parking area subject to more than 0.3 metres of flooding, building, or structure is proposed within the flood plain, the Owner/Developer shall obtain a Permit from the NPCA prior to fill removal and placement. Where placement is less than 25 cubic metres, no Permit is required.**
33. Mitigation measures provided in the LCA Environmental letter of May 21, 2009 and the Scoped Environmental Impact Report (February 2009) and the EIS Addendum (February 4, 2014) shall be incorporated into the plan.

MINISTRY OF ENVIRONMENT CONDITIONS:

34. That a Record of Site Condition (RSC) shall be filed on the Ministry of the Environment's Brownfields Environmental Site Registry in accordance with Ontario Regulation 153/04 under the *Environmental Protection Act* and that copies of the Phase 1 and Phase 2 Environmental Site Assessment (ESA) reports prepared by a qualified person in accordance with Ontario Regulations 153/04, site remediation and confirmatory sampling reports, if necessary, and the Ministry's written acknowledgement of the filing of the RSC be provided to the Niagara Region Public Works Department (Development Services Division) and the Township of West Lincoln.
35. That the Owner/Developer obtain the approval of the Ministry of the Environment (Toronto office) for the proposed storm sewer outlet to Twenty Mile Creek for this development north of Townline Road as well as for any stormwater management scheme.
36. That an evaluation of the presence of landfill-generated gases, particularly methane gas, from the adjacent Rock Street Closed Landfill Site and potential impact on the proposed development from gas migration be undertaken by a suitably qualified hydrogeological professional in accordance with Ministry of the Environment Guideline D-4, *Land Use On or Near Landfills and Dumps*, and that any necessary remedial measures be implemented through provisions in the condominium agreement or subsequent site plan/development agreement.

NIAGARA PENINSULA ENERGY INC. CONDITIONS:

37. That the developer enter into a service agreement with Niagara Peninsula Energy Inc. (NPEI) to service the development. All costs associated with the supply of electrical services within the boundaries of the mentioned site will be borne by the developer.
38. That should NPEI be required to alter the existing distribution system in order to supply the area in question, they will require advanced notice of the development status. Alterations to the existing distribution system may require a separate capital contribution from the developer.

UTILITY COMPANY CONDITIONS:

39. That the appropriate utility company confirm that satisfactory arrangements, financial and otherwise, have been made for telephone facilities serving this draft plan of subdivision which are required by the Municipality to be installed underground; information on the utility company involved and the required confirmation shall be forwarded to the Municipality.

CANADA POST CONDITIONS:

40. Canada Post approve location for community mail box.

LAPSING CONDITION:

41. That if final approval is not given to this plan within **THREE YEARS** of the approval date and no extensions have been granted draft approval shall lapse. If the Owner wishes to request an extension to the draft approval period, a written explanation with reasons why the extension is required together with a resolution from the Township, must be received by the Township prior to the lapsing date.

**CLEARANCE OF CONDITIONS**

Prior to granting approval of the final plan, the Township's Planning Department will require WRITTEN notification from the following agencies that their respective conditions have been met satisfactorily:

- **The TOWNSHIP OF WEST LINCOLN PLANNING DEPARTMENT** – Conditions 1 to 6 (inclusive), 9, 10, 13, 17, 19
- **The TOWNSHIP OF WEST LINCOLN PUBLIC WORKS DEPARTMENT** - Conditions 7, 8, 11, 12, 14, 15, 16, 18, 20, 21, 22
- **REGIONAL PLANNING AND DEVELOPMENT SERVICES DEPARTMENT (DEVELOPMENT SERVICES DIVISION)** – Conditions 23 to 28
- **NIAGARA PENINSULA CONSERVATION AUTHORITY** – Conditions 29 to 33
- **MINISTRY OF ENVIRONMENT** – Conditions 34 to 36
- **NIAGARA PENINSULA ENERGY INC** – Conditions 37 to 38
- **BELL CANADA** – Condition 39
- **CANADA POST** – Condition 40

**NOTES:**

**1. Conveying**

- (a) As the land mentioned above to be conveyed to the municipal corporation may be more easily described in the conveyance by reference to a Registered Plan than by “metes and bounds”, we suggest that the description be so worded, and,
- (b) We further suggest that the Owner give to the municipality an undertaking to deposit with the Clerk a properly executed copy of the conveyance concurrent with the registration of the plan.

**2. Land Required to be Registered Under the Land Titles Act**

- (a) Section 160(1) of The Land Titles Act, which requires all new plans be registered in the land titles system;
- (b) Section 160(2) – allows certain exceptions.

**3. Water and Sewerage Systems**

Inauguration or extensions of a piped water supply, a sewerage system, a storm drainage system or a stormwater management system is subject to approval of the Ministry of Environment (Approvals Branch) pursuant to Section 52 and Section 53 of The Ontario Water Resources Act, R.S.O. 1990.

**4. Agencies to be Contacted:**

- (a) With respect to the requirements of the Township of West Lincoln Planning Department contact:

Mr. Brian Treble  
Director of Planning and Building  
318 Canborough Street  
P.O. Box 400  
Smithville, Ontario  
L0R 2A0  
Telephone – (905) 957-3346 ext. 5138  
FAX – (905) 957-3219

- (b) With respect to the requirements of the Township’s Public Works Department contact:



Attachment No. 3

Mr. Brent Julian  
Director of Public Works and Engineering  
318 Canborough Street  
P.O. Box 400  
Smithville, Ontario  
L0R 2A0  
Telephone – (905) 957-3346 ext. 5142  
FAX – (905) 957-3219

(c) With respect to the requirements of the Regional Planning and Development Services Department (Development Services Division) contact:

Mr. Eugene Chajka  
Manager Review & Approvals  
2201 St. David's Road, P. O. Box 1042  
Thorold, Ontario  
L2V 4T7  
Telephone – (800) 263-7215  
FAX – (905) 687-8056

(d) With respect to the requirements of the Regional of Niagara Planning Department contact:

Mr. Peter Colosimo  
2201 St. David's Road, P. O. Box 1042  
Thorold, Ontario  
L2V 4T7  
Telephone – (800) 263-7215  
FAX – (905) 641-5208

(e) With respect to the requirements of the Niagara Peninsula Conservation Authority contact:

Ms. Suzanne McInnes, MCIP, RPP  
250 Thorold Rd. W., 3<sup>rd</sup> Floor  
Welland, Ontario  
L3C 3W2  
Telephone - (905) 788-3135 ext. 235  
FAX - (905) 788-1121

(f) With respect to the requirements of Niagara Peninsula Energy Inc.:

Ms. Cathy Robins  
Operation Manager  
4548 Ontario Street, Unit 2  
Beamsville, Ontario  
L0R 1B5

## Attachment No. 3

Telephone 905-563-5550  
Fax 905-563-0838

(g) With respect to the requirements of Canada Post:

Mr. David Kyle  
Canada Post Corporation  
Delivery Planning  
955 Highbury Avenue North  
London, ON N5Y 1A3

### 5. Review of Conditions

Applicants are advised that should any of the conditions appear unjustified or their resolution appears too onerous, they are invited to bring their concerns to the General Committee's attention. The Committee will consider requests to revise or delete conditions.

In order to assist the agencies listed above in clearing conditions for final approval and registration of the plan, it may be useful to forward executed copies of the Subdivision Agreement between the Owner and the Township to those agencies.

### 6. Hydro One Cautionary Note

An electrical distribution line operating at below 50,000 volts might be located within the area affected by this development or abutting this development. Section 186 – Proximity – of the Regulations for Construction Projects in the *Occupational Health and Safety Act*, requires that no object be brought closer than 3 metres (10 feet) to the energized conductor. It is the proponent's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the electrical conductors could raise and lower without warning, depending on the electrical demand placed on the line. Warning signs should be posted on the wood poles supporting the conductors stating “**DANGER – Overhead Electrical Wires**” in all locations where personnel and construction vehicles might come in close proximity to the conductors.

**CROSSINGS ON THE TWENTY**  
**TOWNSHIP OF WEST LINCOLN**  
**CONDITIONS OF FINAL APPROVAL**

The conditions for final approval and registration of Crossings on the Twenty Condominium, in the name of West Niagara Enterprises Inc., File No. 2100-072-08, Township of West Lincoln are:

1. This decision applies to the West Niagara Enterprises Inc. Draft Plan of Condominium of Standard Condominium, Township of West Lincoln prepared by Ashenhurst Nouwens Limited, and as attached to Report PD-110-14 as Attachment 1, containing a total of 10 units and common element area.
2. That not more than two standard condominium corporations be created (one for the north development and one for the south development)

**TOWNSHIP CONDITIONS:**

3. That the Owner provide to the Township of West Lincoln a letter advising that all lots conform to the requirements of the Township's Zoning By-law.
4. That the northerly portion of this proposed development be zoned with a Holding Zone which is to remain in effect until the reconstruction of Regional Road 20 (St. Catharine Street) and site access issues have been resolved to the satisfaction of the Niagara Region Public Works Department and the Township of West Lincoln Planning Department. That the proposed development be zoned RM-3 with exception to the satisfaction of the Township of West Lincoln Planning Department.
5. **That the Owner submit an application for Site Plan for review and approval.**
6. That the Owner/Developer prepare a streetscape and landscape plan for this **condominium** in accordance with the requirements of the Township of West Lincoln. The streetscaping and landscaping details are to be shown on the general servicing plan.
7. That the Owner dedicate 5% cash-in-lieu of parkland to the Township of West Lincoln, or alternately that adequate parkland be provided to the satisfaction of the Township.
8. That a 1.5 metre landscaping strip be provided along the length of the internal roadway on the north and south development such strip and be forever maintained by the Condominium Corporation.



Attachment No. 4

9. That the Owner/Developer provide solid fencing along the east lot line the length of the proposed internal road on the north and south side of the development. That fencing be provided along the westerly lot line of Units 1-10.
10. That the proposed streets be constructed to the satisfaction of the Township of West Lincoln.
11. That the street naming fee be provided and the proposed streets be named to the satisfaction of the Township of West Lincoln.
12. That the Owner/Developer submit all servicing, lot grading, drainage, roadway plans and supporting design calculations to the Township of West Lincoln and any other relevant agency for review and approval.
13. That all municipal services required by the Township of West Lincoln be provided by the Owner/Developer in a manner satisfactory to the Township.
14. That the Condominium Agreement between the Owner and the Township of West Lincoln be registered by the municipality against the land to which it applies.
15. That the Owner/Developer agrees in writing to satisfy all the requirements, financial and otherwise, of the Township of West Lincoln concerning, and without limiting the generality of the foregoing, the provision of roads, installation of services, drainage and hydro services, as may be determined by the pre-servicing report to be submitted by the Owner to the Township of West Lincoln for approval.
16. That the Owner agrees in the Condominium Agreement to pay all development charges to the Township of West Lincoln in accordance with the Township's Development Charges By-law.
17. That the Owner undertake appropriate studies and implement the identified measures to mitigate noise, dust and vibration so as to protect the adjacent dwelling at 200 St. Catharine Street, to the satisfaction of the Township, which may include the cost of a peer review.
18. **That a sidewalk be provided along one side of the internal street.**

REGION OF NIAGARA CONDITIONS:

19. That, if curb-side waste collection is to be provided by the Region the draft plan shall conform to Regional Niagara Policy "Collection of Waste by Way of Entry on Private Property" to the satisfaction of the Regional Public Works Department. That the condominium/development agreement between the Township of West Lincoln and the developer include the following clauses:
  - a) To be eligible for the provision of collection service by way of entry on private properties, the private roadways must be designed to meet the requirements of the Regional Niagara Policy "Collection of Waste by Way of Entry on Private Property" (i.e. providing

through passage, minimum roadway width, throat width/curb radius, etc.) so that collection vehicles can access collection locations without the need to reverse. A cul-de-sac designed in accordance with the Region's specifications will be required for developments that do not permit through passage. The Region will consider the use of a "T" turnaround area(s), designed in accordance with the minimum dimensions as outlined in the Regional policy, as an alternative turn around method where the above requirements cannot be met. Developments unable to meet these requirements will not be eligible for Regional collection service by way of entry on private property and will, therefore, be required to obtain private waste collection services.

- b) That detailed drawings showing the path the waste collection vehicle will travel through the site to collect waste be submitted to the Regional Public Works Department for review and approval.
- c) That the developer and/or subsequent owner agree to comply with the Region of Niagara's "Collection of Waste by Way of Entry on Private Property" Policy (C3.C17) and to enter into an Indemnity Agreement with the Region.
- d) That if waste collection is not to be provided by the Region, the condominium agreement/development agreement contain a clause stating that waste collection will be the responsibility of the condominium corporation and the following warning shall be included in the condominium/development agreement and inserted in all offers and agreements of purchase and sale or lease for each dwelling unit to survive closing:

*"Purchasers/Tenants are advised that due to the site layout, waste collection for the development will be provided by the condominium corporation through a private contractor and not the Region."*

- 20. That the following warning clause shall be included in the condominium agreement or subsequent site plan/development agreement and inserted in all Agreements of Purchase and Sale or Lease for each dwelling unit:

*"Purchasers/Tenants are advised that due to the proximity of this development to a Regional Sewage Pumping Station facility located approximately 98 metres from the development property, the operation of this facility which at times may generate noise and odour may occasionally interfere with some activities of the dwelling occupants."*

- 21. That any required road allowances are dedicated to the Region of Niagara as Public Highways.
- 22. That the condominium agreement or subsequent site plan/development agreement between the Owner/Developer and the Township of West Lincoln contain a clause in wording satisfactory to the Regional Public Works Department (Development Services Division) requiring the Owner to obtain a certificate from an Ontario Land Surveyor stating that all existing and new evidence is in place at the completion of development.
- 23. That the Owner/Developer submit to the satisfaction of the Niagara Region Public Works Department (Development Services Division) detailed information as to how the existing

concrete retaining wall for the embankment adjacent to Regional Road 20 will be removed while still providing stabilization to the remaining embankment, the length of wall to be removed and how the integrity of the remaining wall will be structurally secured, and sight line lengths for both pedestrians on the adjoining walkway and vehicles accessing the Regional roadway from this development.

24. That the Owner/Developer obtain Regional Entrance and Regional Construction Encroachment Permits prior to any construction taking place within the Regional road allowance. Applications must be made through the Transportation Services Division's Permit Section of the Niagara Region Public Works Department. Access to Regional Road 20 (St. Catharine Street) must align with the proposed street access for the Olde Town Gateway Estates subdivision (Township File No.: 2T-05001) to the north to the satisfaction of the Niagara Region Public Works Department (Development Services Division).
25. That prior to final approval for registration, the Regional road improvements required to be undertaken through a cost-sharing agreement as a condition of draft plan approval for the Olde Town Gateway Estates subdivision (Township File No.: 2T-05001) on the north side of Regional Road 20 (St. Catharine Street), consisting of the reconstruction of Regional Road 20 and the municipal services therein, be completed to the satisfaction of the Niagara Region Public Works Department (Development Services Division) and that, if required, the Owner/Developer enter into an agreement with the Region for the cost-sharing of the necessary roadway improvements.
26. That the Owner/Developer promptly acknowledge (within sixty days of draft plan approval) to the Niagara Region Public Works Department (Development Services Division) that draft approval of this condominium does not include a commitment of servicing allocation by the Niagara Region as this servicing allocation will be assigned at the time of final approval of the condominium for registration purposes and any pre-servicing will be at the sole risk and responsibility of the owner/developer.
27. That immediately following (and within sixty days of) notice of draft plan approval, the Owner/Developer shall provide the Niagara Region Public Works Department (Development Services Division) with a written undertaking stating that all offers and agreements of purchase and sale, which may be negotiated prior to and after registration of this condominium, shall contain a clause clearly indicating that a servicing allocation for this condominium will be assigned until the plan is granted final approval for registration and until capacity is upgraded at the Baker Road Wastewater Treatment Plant (anticipated by December 31, 2010) and, that the purchaser will proceed at their sole risk and responsibility as the issuance of building permits may cease without prior notice due to capacity limitations at the Region's treatment facility. A similar clause shall be inserted in the condominium agreement or subsequent site plan/development agreement between the Owner/Developer and the Township of West Lincoln.

MINISTRY OF ENVIRONMENT CONDITIONS:

28. That the Owner/Developer obtain the approval of the Ministry of the Environment (Toronto office) for the proposed storm sewer outlet to Twenty Mile Creek for the storm sewer outlet for this development south of Regional Road 20 (St. Catharine Street) as well as for any stormwater management scheme.
29. That a Record of Site Condition (RSC) shall be filed on the Ministry of the Environment's Brownfields Environmental Site Registry in accordance with Ontario Regulation 153/04 under the *Environmental Protection Act* and that copies of the Phase 1 and Phase 2 Environmental Site Assessment (ESA) reports prepared by a qualified person in accordance with Ontario Regulations 153/04, site remediation and confirmatory sampling reports, if necessary, and the Ministry's written acknowledgement of the filing of the RSC be provided to the Niagara Region Public Works Department (Development Services Division) and the Township of West Lincoln.

**NIAGARA PENINSULA CONSERVATION AUTHORITY CONDITIONS:**

30. Mitigation measures provided in the LCA Environmental letter of May 21, 2009 and the Scoped Environmental Impact Report (February 2009) shall be incorporated into the plan.
31. That a Tree Saving Plan prepared and endorsed by a suitably qualified forester or arborist, which shall attempt to retain as many trees as possible and be prepared in accordance with the Regional Tree and Forest Conservation By-law 47-2006, be submitted to the Niagara Peninsula Conservation Authority for review and approval, with a copy provided to the Township of West Lincoln and the Niagara Region Public Works Department (Development Services Division) for information, and that the recommendations of the approved Tree Saving Plan be implemented through provisions in the condominium agreement or subsequent site plan/development agreement between the Owner and the Township of West Lincoln.
32. That a Tree Saving Plan prepared and endorsed by a suitably qualified forester or arborist, which shall attempt to retain as many trees as possible and be prepared in accordance with the Regional Tree and Forest Conservation By-law 47-2006, be submitted to the Niagara Peninsula Conservation Authority for review and approval, with a copy provided to the Township of West Lincoln and the Niagara Region Public Works Department (Development Services Division) for information, and that the recommendations of the approved Tree Saving Plan be implemented through provisions in the condominium agreement or subsequent site plan/development agreement between the Owner and the Township of West Lincoln.
33. That, the following conditions be included in the Condominium Agreement to the satisfaction of the NPCA:  
  
"That detailed sedimentation and erosion control plans be prepared for this agency's review and approval. All sediment and erosion control measures shall be maintained in good condition for the duration of the construction until all disturbed services have been stabilized. Muddy water shall not be allowed to leave the site.

Appropriate limit of disturbance fencing shall be installed to the satisfaction of the NPCA which details the amount of Significant Woodlot to be removed and ensure that all construction and site alteration takes place outside of the Significant Woodlot and the 30m buffers for the PSW and Critical Fish Habitat.

Upon completion of the project, the design engineer shall certify that all grading, storm sewers, and stormwater management controls have been constructed in general conformity to the approved drawings. Copies of the certification shall be circulated to the NPCA.”

**NIAGARA PENINSULA ENERGY INC. CONDITIONS:**

34. That the developer enter into a service agreement with Niagara Peninsula Energy Inc. (NPEI) to service the development. All costs associated with the supply of electrical services within the boundaries of the mentioned site will be borne by the developer.
35. That should NPEI be required to alter the existing distribution system in order to supply the area in question, they will require advanced notice of the development status. Alterations to the existing distribution system may require a separate capital contribution from the developer.

**CANADA POST CONDITION:**

36. That **Canada Post** approve the location of the community mailbox.

**UTILITY COMPANY CONDITION:**

37. That the appropriate utility company confirm that satisfactory arrangements, financial and otherwise, have been made for telephone facilities serving this draft plan of subdivision which are required by the Municipality to be installed underground; information on the utility company involved and the required confirmation shall be forwarded to the Municipality.

**GENERAL CONDITION:**

38. That if final approval is not given to this plan within **TWO YEARS** of the approval date and no extensions have been granted draft approval shall lapse. If the Owner wishes to request an extension to the draft approval period, a written explanation with reasons why the extension is required together with a resolution from the Township, must be received by the Township prior to the lapsing date.

**CLEARANCE OF CONDITIONS**

Prior to granting approval of the final plan, the Township's Planning Department will require WRITTEN notification from the following agencies that their respective conditions have been met satisfactorily:

- **The TOWNSHIP OF WEST LINCOLN PLANNING DEPARTMENT** – Conditions 1 to 5 (inclusive), 7 to 9 (inclusive), 11, 14 to 17 (inclusive), 38
- **The TOWNSHIP OF WEST LINCOLN PUBLIC WORKS DEPARTMENT** - Conditions 6, 8 to 10 (inclusive), 12, 13, 18

- **The REGIONAL NIAGARA PUBLIC WORKS DEPARTMENT (DEVELOPMENT SERVICES DIVISION)** – Conditions 19 to 27 (inclusive)
- **NIAGARA PENINSULA CONSERVATION AUTHORITY** – Conditions 30 to 33 (inclusive)
- **NIAGARA PENINSULA ENERGY INC** – Conditions 34, 35
- **MINISTRY OF ENVIRONMENT** – Conditions 28, 29
- **CANADA POST** – Condition 36
- **UTILITY COMPANY** – Condition 37

**NOTES:**

**1. Conveying**

- (a) As the land mentioned above to be conveyed to the municipal corporation may be more easily described in the conveyance by reference to a Registered Plan than by “metes and bounds”, we suggest that the description be so worded, and,
- (b) We further suggest that the Owner give to the municipality an undertaking to deposit with the Clerk a properly executed copy of the conveyance concurrent with the registration of the plan.

**2. Land Required to be Registered Under the Land Titles Act**

- (a) Section 160(1) of The Land Titles Act, which requires all new plans be registered in the land titles system;
- (b) Section 160(2) – allows certain exceptions.

**3. Water and Sewerage Systems**

Inauguration or extensions of a piped water supply, a sewerage system, a storm drainage system or a stormwater management system is subject to approval of the Ministry of Environment



(Approvals Branch) pursuant to Section 52 and Section 53 of The Ontario Water Resources Act, R.S.O. 1990.

**4. Agencies to be Contacted:**

(a) With respect to the requirements of the Township of West Lincoln Planning Department contact:

Mr. Brian Treble  
Director of Planning and Building  
318 Canborough Street  
P.O. Box 400  
Smithville, Ontario  
L0R 2A0  
Telephone – (905) 957-3346  
FAX – (905) 957-3219

(b) With respect to the requirements of the Township's Public Works Department contact:

Mr. Brent Julian  
Director of Public Works and Engineering  
6218 London Road  
P.O. Box 189  
Smithville, Ontario  
L0R 2A0  
Telephone – (905) 957-3346  
FAX – (905) 957-3219

(c) With respect to the requirements of the Region of Niagara Public Works Department contact:

Mr. Eugene Chajka  
Manager Review & Approvals  
2201 St. David's Road, P. O. Box 1042  
Thorold, Ontario  
L2V 4T7  
Telephone – (800) 263-7215  
FAX – (905) 687-8056

(d) With respect to the requirements of the Regional of Niagara Planning Department contact:

Ms. Marilyn Radman, MCIP, RPP  
2201 St. David's Road, P. O. Box 1042  
Thorold, Ontario

## Attachment No. 4

L2V 4T7

Telephone – (800) 263-7215

FAX – (905) 641-5208

(e) With respect to the requirements of the Niagara Peninsula Conservation Authority contact:

Ms. Suzanne McInnes, MCIP, RPP

250 Thorold Rd. W., 3<sup>rd</sup> Floor

Welland, Ontario

L3C 3W2

Telephone - (905) 788-3135 ext. 235

FAX - (905) 788-1121

(f) With respect to the requirements of Niagara Peninsula Energy Inc.:

Ms. Cathy Robins

Operation Manager

4548 Ontario Street, Unit 2

Beamsville, Ontario

L0R 1B5

Telephone 905-563-5550

Fax 905-563-0838

### 5. **Review of Conditions**

Applicants are advised that should any of the conditions appear unjustified or their resolution appears too onerous, they are invited to bring their concerns to the General Committee's attention. The Committee will consider requests to revise or delete conditions.

In order to assist the agencies listed above in clearing conditions for final approval and registration of the plan, it may be useful to forward executed copies of the Subdivision Agreement between the Owner and the Township to those agencies.

### 6. **Hydro One Cautionary Note**

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demand placed on the line. Warning signs should be posted on the wood poles supporting the conductors stating “**DANGER – Overhead Electrical Wires**” in all locations where personnel and construction vehicles might come in close proximity to the conductors.