

SCHEDULE C – PD-49-2024

SMITHVILLE WEST – DUNLOE SUBDIVISION
MARZ HOMES INC.
TOWNSHIP OF WEST LINCOLN
CONDITIONS OF FINAL APPROVAL

The conditions for final approval and registration of the Smithville West - Dunloe Subdivision, in the name of Marz Homes Inc., File No. 2000-087-18, Township of West Lincoln are:

1. That this approval applies to the Smithville West - Dunloe Draft Plan of Subdivision, Township of West Lincoln prepared by IBI Group Inc., dated 2018-08-08, revised on 2019-12-05, containing 47 Blocks (29 Freehold Singles residential lots, 10 lots for 20 semi-detached units, 3 blocks for future townhouse development, 1 block for a stormwater management facility and trail corridor, 1 block for a parkette, 2 public streets, 1 block for future development and a block for a future rail crossing connection to Spring Creek Road.
2. 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.
3. That the road allowances shown on the draft plan (Street A & Street B) be dedicated to the Township of West Lincoln as Public Highways.
4. That the proposed public streets (Street A & Street B) be constructed and named to the satisfaction of the Township of West Lincoln.
5. That a 0.3 metre reserve be granted abutting the south side of Spring Creek Road allowance and the west side of South Grimsby Road 5 allowance to the Township of West Lincoln free and clear of any mortgages, liens and encumbrances.
6. That the Owner dedicate 7 metre x 7 metre daylighting triangles at the corner of the intersection of South Grimsby Road 5 and Street A to the Township of West Lincoln free and clear of any mortgages, liens and encumbrances.
7. That the Owner dedicate 7 metre x 7 metre daylighting triangles at the corner of Spring Creek Road and Street A and Spring Creek Road and Street B to the Township of West Lincoln free and clear of any mortgages, liens and encumbrances.
8. That the Owner dedicate 9.5 metre x 9.5 metre daylighting triangle at the southwest corner of the intersection of Spring Creek Road and South Grimsby Road 5.
9. That such easements as may be required for utility, servicing and drainage purposes be granted to the appropriate authority.

10. ~~That the Owner dedicates a minimum of 0.5 metres along the frontage of South Grimsby Road 5 and the unopened road allowance of Spring Creek Road extension for a road widening, as identified in the draft master servicing plans. The Owner dedicates to the Township a road widening of half of the deficiency for collector road along the subject property frontage for South Grimsby Road 5 and Spring Creek Road.~~
11. That the Owner 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.
12. That all municipal services required by the Township of West Lincoln be provided by the Owner in a manner satisfactory to the Township.
13. That the Owner provide an adequate storm drainage outlet including any necessary easements and drainage agreements to the satisfaction of the Township of West Lincoln, Region of Niagara and the Niagara Peninsula Conservation Authority.
14. That the Owner enter into a Subdivision Agreement with the Township of West Lincoln to satisfy all of the requirements, financial or otherwise of the Township, concerning the provision of roads, installation of services, drainage, fencing and any other matters related to the development of the site.
15. That the Owner prepare a streetscape and landscape plan for the subdivision in accordance with the requirements of the Township of West Lincoln. The streetscaping and landscaping details are to be shown on separate plans.
16. That the Owner design and construct a primary off-road multiuse trail using the specifications found in the Township of West Lincoln Trails and Corridors Master Plan. The Trail shall extend from South Grimsby Road 5 to the western extent of the development and connect to the Spring Creek Road extension. The trail shall be a minimum of 3 metres in width and constructed from asphalt. At each intersection with a public street there shall be a trail head which includes amenities (e.g. park benches, trash receptacles, trees) as determined through the Subdivision Agreement.
17. That the Owner dedicate a 4.5 metre strip north of the required rail spillage berm but south of the proposed internal condominium street from the western extent of the development to South Grimsby Road 5, containing the multi-use trail and associated features as parkland as per the Township's request. If this dedication will not satisfy the required 5%, the remainder is to be in the form of cash-in-lieu of parkland.
18. That any outstanding Township invoices, including invoicing related to peer reviews, be paid in full.

19. That the Subdivision Agreement between the Owner and the Township of West Lincoln be registered by the municipality against the land to which it applies.
20. That sidewalks be provided along one side of all roads within the development, public and private, to standard requirements of the Township of West Lincoln.
21. ~~That Spring Creek Road between South Grimsby Road 5, west to the CP Rail corridor, be constructed, and that the south portion of the road allowance, from the centre line, be constructed to an urban cross-section, to the satisfaction of the Director of Public Works, and that the appropriate road encroachments permits be applied for and approved. A best efforts clause will be contained within the Subdivision Agreement to obtain proportional cost recovery from any possible future development to the north.~~

That the subdivision agreement contain a clause requiring the owner to enter into a front ending agreement (subject to the approval of the Township Development Charge Bylaw) with the Township for the design, construction and urbanization of Spring Creek Road from South Grimsby Road 5 west to the CPKC Rail corridor and South Grimsby Road 5 from Spring Creek Road south to Regional Road 20, to the satisfaction of the Township, and that the appropriate road encroachment permits be applied for and approved.

- ~~22. That South Grimsby Road 5 between Spring Creek Road allowance south to the CP Rail Corridor be upgraded and constructed to an urban cross section, west of the centreline, including sidewalk, to the satisfaction of the Director of Public Works, and that the appropriate road encroachments permits be applied for and approved.~~
- ~~23. That sidewalks be provided as part of a full urban street cross-section along the west side of South Grimsby Road 5 and the south side Spring Creek Road from South Grimsby Road 5 to the rail trail connection, to the satisfaction of the Township of West Lincoln.~~
22. That a Traffic Calming Report be submitted to the Township containing recommendations for traffic calming measures along Spring Creek Road and South Grimsby Road 5 which may include traffic circle, chicanes, median islands and on-street parking. Recommended traffic calming measures which may be included in the Subdivision Agreement and on the engineering plans.
23. That the Subdivision Agreement include provisions for any necessary Township Road improvements required as a result of the recommendations of the Traffic Calming Report required in Condition 22 above.
24. That prior to final approval, it is to be determined that the existing capacity of the sewer lines and servicing to the site is adequate for this development by the Regional Public Works Department and the Township Public Works Department. If

existing capacity is not sufficient, the owner is required to provide the necessary upgrades to provide adequate sewer services to the development. Best efforts clauses will be included if the upgrades benefit additional developments.

25. That the Subdivision Agreement contain a clause that no Building Permits will be issued until any required upgrades to the water, storm and/or sanitary systems has been completed, including any required upgrades to the Streamside Sanitary Pumping station. If upgrades provide benefits to other developments in the Northwest Quadrant Secondary Plan Area, a best efforts clause will be included in the Subdivision agreement.
26. That the Owner agrees to include a clause in the Subdivision Agreement that sewer, water and stormwater capacity and allocation cannot be guaranteed until final registration of the plan of subdivision or the issuance of building permits.
27. That the Owner is to provide to the Township a drainage agreement between the Owner and the property owner(s) to the west, where stormwater from the site outlets onto private lands in order to ensure continuous and unimpeded stormwater discharge.
28. That the design drawings for the water, sanitary sewer and stormwater drainage system, including any proposed downstream sewer improvements, required to service this development be submitted to the Regional Public Works Department for review and approval.
29. That the stormwater facility and outlet be designed in such a way as not to impact or impede the ability of a future at grade rail crossing, as shown in the Northwest Quadrant Secondary Plan.
30. That prior to approval and registration of this plan or prior to servicing (through a pre-servicing agreement), the Owner obtain Ministry of the Environment Environmental Compliance Approval to the satisfaction of the Regional Public Works Department for the necessary servicing (watermains, sanitary sewers and stormwater management) for this development. Note: Any modifications to the stormwater management facility should be submitted directly to the Ministry of the Environment for approval and the issuance of an Environmental Compliance Approval.
31. That prior to approval of the final plan or any on-site grading, the Owner submit to the Regional Planning and Development Department and the Township of West Lincoln Public Works Department for review and approval two copies of a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the Ministry of the Environment documents entitled "Stormwater Management Planning and Design Manual", March 2003 and "Stormwater Quality Guidelines for New Development", May 1991:

- a. Detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site; and
- b. Detailed sediment and erosion control plans which show how exposed soils, sediments and eroded material will be retained on site during all phases of construction and how the infiltration function will be protected or maintained. Plans should include maintenance requirement for all employed devices.

Note: The Region may request the Niagara Peninsula Conservation Authority to review the stormwater management plan and other related plans on the Region's behalf and to submit comments to the Regional Planning and Development Department regarding the approval of this plan and the subsequent clearance of related conditions.

32. That the Subdivision Agreement between the Owner and the Township of West Lincoln contain provisions where by the Owner agrees to implement the approved stormwater management plan required in accordance with Condition 31 above.
33. That the Owner agrees to maintain all stormwater management and erosion and sedimentation control structures in good repair and operating order throughout all phases of construction. The Owner will revegetate or otherwise restore all disturbed areas immediately following the completion of on-site grading and servicing to the satisfaction of the Niagara Peninsula Conservation Authority.
34. That the Subdivision Agreement between the Owner and the Township of West Lincoln contain a clause requiring that the noise attenuating infrastructure recommended in the report completed by dBA Acoustical Consultants dated August 28, 2018, including the berm, sound walls and fencing be completed prior to occupancy of the units.
35. That prior to final approval a final noise study be submitted to the Township which speaks to impacts, if any, on existing dwellings on Northridge Drive caused by this development and the spillage berms and fences to be constructed for this development.
36. That prior to final approval the Owner pays to the Township of West Lincoln any outstanding invoices relating to all associated planning and engineering reviews undertaken by the Township.
37. That a full Urban Design Report be submitted and approved to the Township for approval identifying how this development meets the objectives of the Township Urban Design Manual and how it creates good public form and an attractive pedestrian streetscape. It is expected that a higher standard of design be achieved

on units which are highly visible from public streets. Units with side or rear yards facing a public or private street should be designed to be attractive from the street.

38. That the Subdivision Agreement between the Owner and the Township of West Lincoln contain the following clause:

"If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the Niagara Regional Police Service and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C.

<https://www.niagararegion.ca/projects/archaeological-management-plan/default.aspx>"

39. That the following warning clauses shall be included in the Subdivision Agreement and inserted in all offers and agreements of purchase and sale or lease for each dwelling unit:

"The lands in the plan of subdivision may be exposed to noise, odour, and dust from nearby agricultural operations and agricultural-related traffic that may occasionally interfere with some activities of the owners who may occupy these lands."

40. That the Owner provides a written acknowledgement to Niagara Region Planning Services Department stating that draft approval of this subdivision does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the Owner.
41. That the Owner provides a written undertaking to the Niagara Region Planning and Development Services Department stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision shall contain a clause indicating that servicing allocation for the condominium will not be assigned until the plan is registered, and a similar clause be inserted in the subdivision agreement between the Owner and the Township of West Lincoln.
42. That the Owner provide a detailed servicing study which shall include, overall servicing strategy for the developments in the area, detailed plan and profiles drawings and required Regional costs analysis information, to ensure that all development in the area can be serviced by gravity to the trunk sewer or by gravity to the Streamside Pumping Station. The servicing study shall be reviewed and approved by the Niagara Region prior to the design of Regional pumping station upgrades.

43. That the Owner complies with the Regional Design standards for the upgrades of the Streamside Sewage Pumping Station, engage Regional staff in the design works and receive Niagara Regional approval prior to submitting applications for Environmental Compliance Approvals to the Ministry of Environment Conservation and Parks.
44. That the Owner submits a complete Ministry of Environment, Conservation and Parks (MECP) Transfer of Review application with detailed drawings and calculations to Niagara Region for review and approval of the proposed sanitary and storm sewer piping systems for the development and receive the appropriate MECP compliance Approvals. If a direct submission to the MECP is completed for all services the Niagara Region will require a copy of the application letter and final ECA prior to clearance of this condition.
45. That the Owner enters into a legal agreement with the Niagara Region to implement and pay for all upgrades required for their development to allow the Streamside Sewage Pumping Station to accommodate the flows. If the upgrades provide benefits to other developments, best efforts clauses will be inserted in the Subdivision Agreement.
46. That prior to the approval of the final plan of subdivision or the undertaking of any on-site grading or storm servicing, the Owner shall submit a detailed stormwater management plan and associated engineering drawings (stamped and signed by a qualified professional engineer in accordance with the Ministry of Environment Conservation and Parks 'Stormwater Management Planning and Design Manual' (2003) and the Niagara Peninsula Conservation Authority's 'Stormwater Management Guidelines' (2010)) to the Niagara Region Planning and Development Services Department for review and approval. The required stormwater management engineering submission shall include (but not be limited to):
 - a. 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;
 - b. Detailed erosion and sedimentation control plans; and
 - c. Detailed phasing of construction of the stormwater management facility to coincide with phasing of development of residential lands (internal and external to the subdivision) planned to be serviced by the stormwater management facility.
47. That the Subdivision Agreement between the Owner and the Township contain provisions whereby the Owner agrees to implement the approved plan(s) required in accordance with the condition above.

48. That the Owner submit a Stormwater Management Report, to the satisfaction of the Niagara Region Planning and Development Services Department, that includes the required information to meet the Stormwater Quality and Quantity requirements for the development.
49. That the Owner agrees in the Subdivision Agreement that in order to receive Regional Waste collection that the plan is in accordance with the Regional Municipality of Niagara Policy regarding Requirement for Commencement of Collection for New and Redevelopments. Note: for any development phasing, the developer shall create appropriate temporary waste collection turnaround(s), per the Niagara Region Corporate Waste Collection Policies, at the end of each dead end street(s) during any development phasing that will permit Regional waste collection or confirm that waste collection will be the developer's responsibility.
50. Prior to any construction taking place within the Regional road allowance the owner shall obtain a Regional Construction Encroachment and/or Entrance Permit. Applications must be made through the permits Section of the Niagara Region Public Works Department (Transportation Services Division).
51. That the Subdivision Agreement between the Owner and the Township contain a provision whereby the Owner agrees to obtain a certificate from an Ontario Land Surveyor stating that all existing development and new survey evidence is in place at the completion of the development.
52. That the Owner obtain a work permit from the Niagara Peninsula Conservation Authority prior to beginning any work related to the stormwater outlet. In support of the Work Permit application the following information will be required:
 - a. Detailed design plans; and
 - b. Any other information as may be determined at the time of Work Permit application is submitted to the Niagara Peninsula Conservation Authority.
53. That Condition 52 above be incorporated into the Subdivision Agreement between the Owner and the Township of West Lincoln, to the satisfaction of the Niagara Peninsula Conservation Authority. The Township of West Lincoln shall circulate the draft Subdivision Agreement to the Niagara Peninsula Conservation Authority for its review and approval.
54. That Niagara Peninsula Energy confirm that satisfactory arrangements, financial and otherwise, have been made with Niagara Peninsula Energy for any Niagara Peninsula Energy facilities servicing this draft plan of subdivision which are required by the Municipality; a copy of such confirmation shall be forwarded to the Municipality.

55. That the Owner provide a Letter of Credit to Niagara Peninsula Energy for all costs associated with the electrical servicing for the development. The amount of the Letter of Credit will be confirmed once the electrical design has been approved by the Municipality.
56. That Bell Canada, and/or any other applicable telecommunication company, confirm that satisfactory arrangements, financial and otherwise, have been made with Bell Canada, or any other applicable telecommunication company, for any telecommunication facilities serving this draft plan of subdivision which are required by the Municipality to be installed underground; a copy of such confirmation shall be forwarded to the Municipality.
57. That the Owner shall agree in the Subdivision Agreement, in words satisfactory to Bell Canada, and/or any other applicable telecommunication company to grant to Bell Canada and/or any applicable telecommunication company, any easements that may be required for telecommunication services. Note: Easements may be required prior to final approval.
58. That the following clause shall be included in the Subdivision Agreement and inserted in all offers and agreements of purchase and sale or lease for each dwelling unit:

“The prospective purchaser is advised that the home/business mail delivery will be from a designated centralized mail box and that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.”

59. That the Owner agrees to:
 - a. Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision;
 - b. Install a concrete pad in accordance with the requirements of an in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes;
 - c. Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision;
 - d. Determine the location of all centralized mail receiving facilities in cooperation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans; and

- e. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
60. That the Owner agrees to Canada Post's multi-unit policy, which requires that the Owner provide the centralized mail facility (lock Box Assembly) at their own expense (less than 100 units will require a front loading Lock Box Assembly and more than 100 units will require a rear loading Lock Box Assembly which will require a mail room) will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.
61. That the following warning clauses shall be included in the Subdivision Agreement and inserted in all offers and agreements of purchase and sale or lease for each dwelling unit:
- “Purchasers/tenants are advised that sound levels, due to the increasing rail traffic on the nearby CP Railway, may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality's and Ministry of the Environment's noise criteria. Purchasers/Tenants are also advised that the Railway will not be responsible for complaints or claims arising from the use of its facilities and/or operations.”
- “Purchasers/tenants are advised that any berm, fence or vibration isolation features implemented are not to be tampered with or altered, and further that the owner shall have the sole responsibility for and shall maintain these features.”
62. 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 & PUBLIC WORKS DEPARTMENT** for Conditions 1 – 37 inclusive.
- **The REGIONAL NIAGARA PUBLIC WORKS & DEVELOPMENT DEPARTMENT** for Conditions 13, 27 to 51.
- **NIAGARA PENINSULA CONSERVATION AUTHORITY** for Conditions 13, 31, 33, 46, 52 – 53.

- **BELL CANADA of other applicable telecommunications company** for Conditions 54 – 57.
- **NIAGARA PENINSULA ENERGY** for Conditions 54 – 55.
- **CANADA POST** for Conditions 58 – 60.

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) 957-5138
Email – btreble@westlincoln.ca

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

Ms. Jennifer Bernard
Public Works Engineering Coordinator
318 Canborough Street
P.O. Box 400
Smithville, Ontario
L0R 2A0
Telephone – (905) 957-3346 ext. 6732
Email – jbernard@westlincoln.ca

- (c) With respect to the requirements of the Region of Niagara contact:
Development Approvals
devtplanningapplications@niagararegion.ca

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

Mr. David Deluce
3350 Merrittville Highway
Unit 9
Thorold, Ontario
L2V 4Y6
Telephone – (905) 788-3135
Email – ddeluce@npca.ca

- (e) With respect to the requirements of Bell Canada contact:

Ms. Janice Young
Manager, Right of Way
Floor 3 – 100 Borough Drive
Scarborough, Ontario
M1P 4W2
Telephone – (416) 296-6291

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.