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# Memo

**To:** Susan Smyth, Manager, Community Planning & Design  
**From:** Jennifer Bernard, Manager, Civil Land Development  
**Date:** May 27, 2025  
**Re:** Elite Developments ZBA & DPS Re-submission Package Review

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A review has been completed of the re-submission package for the Zoning By-law Amendment and Draft Plan of Subdivision Applications for Elite Developments for the property located on the north side of West St (RR20) at South Grimsby Rd 6 (designated as Part Lot 4 on 30R-9485, Concession 9), prepared by Weston Consulting.

## Noise and Vibration Study

The previous version of the Preliminary Noise and Vibration Study, dated September 2024, noted that the outdoor living areas of the 3-Storey Townhouses required mitigation to reduce outdoor noise levels and the recommendation was to provide a warning clause registered on title. An explanation was provided as to why only a warning clause was required and not a noise barrier(s) which was acceptable to the Township.

The latest version of the study, dated May 2025, appears to include further modelling work and revised data. The recommendations now state that the outdoor noise levels are below the criteria for noise mitigation measures to be required. There is no mention of providing a warning clause.

A review of the new data shows noise levels for Blocks 1, 6 and 7 are within the range identified in Table 2 of the report that states a Barrier or Warning Clause Type "A" is required. The Township would like to understand why the recommendation for the warning clause has been removed. This item can be discussed and addressed as the application proceeds to detailed design submission.

## Stormwater Management Plan

Previous comments on the proposed servicing for stormwater have been revised as discussed, there are no further comments to provide at this time.

## Functional Servicing Report

Previous comments have been acknowledged and addressed, there are no further comments to provide at this time.

## Susan Smyth

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**From:** Taran Lennard <tlennard@npca.ca>  
**Sent:** May 28, 2025 2:41 PM  
**To:** Susan Smyth  
**Subject:** NPCA Response: Elite Development - Hwy 20 & South Grimsby Rd 6

Hi Susan,

At a high level, the NPCA is supportive of the application in principle. We do note the following and would like clarity on this aspect:

- The provided grading and servicing plans differ slightly from the plan from in the SWM Appendix. Please clarify / revise.
- The NPCA notes the SWM Report explains: *“The existing drainage feature in the middle of the site is regulated by the NPCA for various hazards including a Regional Floodline where NPCA records show the theoretical floodline encroaching various portions of the site. Once a topographic survey was completed for the site, based on the NPCA records, a conservative theoretical floodline elevation of 191.00”*
  - The NPCA does not regulate the Regional Storm.
  - The NPCA does not have floodplain mapping for the watercourse, could the applicant please provide further details regarding the reviewed NPCA records?

Upon clarity of the above, the NPCA would like to advise as well:

- Our Agency does not offer objections to the 50m Karst Buffer. We recognize development is slated to remain outside, and we are supportive of this limit.

Respecting Stormwater quantity controls:

- We note that maximum release rates have been established for the existing Municipal infrastructure. We do not offer objections.
- No objections to the emergency overland flow to the watercourse (greater than 100-year), and no objections to a general reduction in flows being directed to the watercourse.
  - Detailed design elements shall include erosion mitigation at this overland spill location. The NPCA will require permits for this work. A draft plan condition will be established to address this aspect.

If the applicant would kindly provide clarity on the flood aspects, the NPCA would be pleased to advise that our draft plan conditions will be:

- That the Developer provide detailed grading, construction sediment and erosion and sediment control drawings to the Niagara Peninsula Conservation Authority for review and approval. The Owner agrees that all Sediment and Erosion Control Measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized.
- That prior to the commencement of any works or site alterations on site, the Owner shall obtain Work Permits from the NPCA for any works associated with the construction of the proposed erosion protection for the overland spill. In support of the application, the following information will be required:
  - Detailed design plans which include erosion mitigation techniques.
  - Any other information as may be determined necessary by the NPCA.
- That Block 8 be zoned Environmental Protection, or similar protective zoning to preclude development, unless in accordance with the Policies of the NPCA, to the satisfaction of our Agency.

- That the Developer provide a 1.5 metre high (minimum) chain link fence along the rear lot lines of the residential lots (Blocks 4 and 2), along the Environmental Protection Block to the satisfaction of the Niagara Peninsula Conservation Authority.
- That Conditions 1 to 5 be incorporated into the Subdivision Agreement between the Developer 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.

Thank you.



**Taran Lennard**  
Watershed Planner II

**Niagara Peninsula Conservation Authority (NPCA)**  
3350 Merrittville Highway | Unit 9 | Thorold, ON L2V 4Y6

905.788.3135 ext. 277

[www.npca.ca](http://www.npca.ca)

[tlennard@npca.ca](mailto:tlennard@npca.ca)

For more information on Permits & Planning, please go to the Permits & Planning webpage at <https://npca.ca/administration/permits>.

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

To send NPCA staff information regarding a potential violation of Ontario Regulation 41/24 please go to the NPCA Enforcement and Compliance webpage at <https://npca.ca/administration/enforcement-compliance>

## Susan Smyth

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**From:** Taran Lennard <tlennard@npca.ca>  
**Sent:** June 3, 2025 3:42 PM  
**To:** Susan Smyth  
**Cc:** Mary Malhi; Ahmed Mahmoud; Steve Park; Martin Quarcoopome; Ian Male; Kevin Nunn; Gerrit Boerema  
**Subject:** RE: NPCA Response: Elite Development - Hwy 20 & South Grimsby Rd 6

Good Afternoon,

No further concerns from NPCA. The draft plan conditions in my email of May 28<sup>th</sup> can be included within the text of the Subdivision Agreement.

It should be noted that there is no floodplain on these lands. Any discussion of NPCA floodplains should be removed from any reports as is not applicable to this property.

Thank you.



**Taran Lennard**  
Watershed Planner II

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**Public Works Infrastructure Planning & Development**

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free: 1-800-263-7215

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**Via Email Only**

May 29, 2025

File Number: PLSD202401744, PLZBA202401747

Susan Smyth  
Senior Planner, Township of West Lincoln  
318 Canborough St., P.O. Box 400  
Smithville, ON L0R 2A0

Dear Ms. Smyth:

**Re: Regional and Provincial Comments**  
**Application Type(s): Zoning By-law Amendment and Draft Plan of Subdivision**  
**Town File Number(s): 2000-94-24, 1601-009-24**  
**Applicant: Elite Smithville Developments Inc.**  
**Location: South Grimsby 6 Road, Concession 9, Part Lot 11, Reference Plan 30R9485 (Roll No. 260203001232400), Township of West Lincoln**

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Regional Public Works Infrastructure Planning & Development staff have reviewed the revised submission of the Zoning By-Law Amendment and Draft Plan of Subdivision applications for the lands legally described as South Grimsby Concession 9, Part lot 11, Reference Plan 30R9485 (Roll No. 260203001232400) in the Township of West Lincoln ("subject lands").

The applicant is proposing to rezone the subject lands from *Agricultural (A)* and *Development (D)* to *Open Space (OS)*, *Environmental Protection (EP)*, *Development (D)* and *Residential Medium Density 3 (RM3-XXX)* with site-specific provisions to facilitate the development of nine blocks of townhouses consisting of 41 units and two six-storey apartment building consisting of approximately 176 units. A total of 217 total residential use are proposed.

A virtual pre-consultation meeting attended by the Applicant and Township and Regional staff was held on December 7, 2023 for the proposed development. At the meeting, staff noted that the Smithville Master Community Plan (OPA 63) is currently under appeal. Since the pre-consultation meeting OPA 63 was approved (with the exception of a portion of lands that remain under appeal) and, therefore, NOP Policy 4.1.9.2 no longer applies to the subject lands.

Regional staff provided comments in a letter dated April 9, 2025. At this time, Regional staff were unable to recommend deeming the application complete due to outstanding concerns pertaining to the environmental studies completed to date.

The following comments are provided to assist the Township in their review of the applications.

### **Planning Act Changes**

Staff advise pursuant to the Planning Act, as of March 31, 2025, Niagara Region became an upper-tier municipality without planning responsibilities. The council of an upper-tier municipality, on conditions agreed upon with the council of a lower municipality, may provide advice and assistance to lower-tier municipalities in respect of planning matters generally. Township Council approved entering into a service level agreement with Niagara Region ('Planning Services Agreement') to continue providing support and advice to the Township of West Lincoln for environmental planning matters.

Please be advised that through this change to the Planning Act, the *Niagara Official Plan, 2022* (NOP) is effectively an official plan of the Township of West Lincoln, which remains in effect until the Township revokes or amends it to provide otherwise. As such, Township staff should be satisfied that the application conforms to NOP policies.

Regional staff previously provided preliminary comments pertaining to Provincial and Regional Policies, Minimum Distance Separation Formulae, Archaeological Resources, and Noise Impacts in a letter dated January 14, 2025. These comments are included for information purposes only to assist Township staff in their review of the applications.

Under the Memorandum of Understanding for Engineering Review between the Township and the Region, the comments related to regional infrastructure are considered Regional requirements with respect to the Region's interests. These issues should be addressed as part of the current applications.

### **Planning Review**

#### **Provincial and Regional Policies**

Please refer to the comments provided in the preliminary comment letter dated January 14, 2025. These comments are provided for the Township's information purposes only and consideration at its discretion based on the Region's scoped planning review role.

#### **Minimum Distance Separation Formulae**

Please refer to the comments provided in the preliminary comment letter dated January 14, 2025. These comments are provided for the Township's information purposes only.

## **Archaeological Potential**

Please refer to the comments provided in the preliminary comment letter dated January 14, 2025. These comments are provided for the Township's information purposes only and consideration at its discretion based on the Region's scoped planning review role.

## **Noise Impacts**

Please refer to the comments provided in the preliminary comment letter dated January 14, 2025. These comments are provided for the Township's information purposes only and consideration at its discretion based on the Region's scoped planning review role.

## **Natural Environment System**

The subject lands are situated within the Master Community Plan area associated with the Smithville Expansion lands. Among the supporting studies prepared in support of the Master Community Plan is the Smithville Subwatershed Study (SWS), which delineates a comprehensive natural heritage system across the broader study area. Within the subject lands, the SWS identifies key environmental features, including a watercourse, headwater drainage features, and a designated ecological linkage. Additionally, the SWS outlines a potential Restoration Area and Karst feature, both of which are subject to a 50 metre buffer.

In accordance with the policies of the NOP, an Environmental Impact Study (EIS) was required to verify the extent of all natural heritage features and areas, apply mandatory buffer requirements, and evaluate the property for supporting features and areas, enhancement areas, as well as the size and location of the wildlife corridor.

Regional Environmental Planning staff have reviewed the Scoped EIS prepared by Palmer (dated August 30, 2024), along with the subsequent Technical Memorandum (dated May 16, 2025), which was prepared in response to Regional comments issued on January 14, 2025. The Technical Memorandum confirms the presence of several natural heritage features on the subject lands, including a permanent/intermittent stream, an 'Other Woodland', and candidate Significant Wildlife Habitat associated with bat maternity Colonies. The Site Plan has since been revised to address agency feedback, incorporating a designated restoration area and the integration of a trail within the development layout.

In summary, Regional Environmental Planning have no objection to the proposed Zoning By-law Amendment (ZBA) application, provided that all Natural Environment System (NES) features and associated buffers, including the extent of the Restoration Area, are zoned with an appropriately restrictive environmental designation. Upon review of the proposed ZBA Schedule, staff note that lands identified for Restoration have not been zoned appropriately. Accordingly, staff request that the schedule be revised and recirculated for confirmation that all environmental planning requirements have been properly addressed.

With respect to the proposed Draft Plan of Subdivision application, Regional staff recommend that the Landscape Plan be revised to increase the use of native, non-cultivar plant species throughout the Site. In addition, a dedicated Restoration Plan for the designated Restoration Area is recommended as a condition of approval. Subject to the implementation of these items and the following recommended conditions of approval, staff have no objection to the proposed Draft Plan of Subdivision.

We are available to meet with the Township and the applicant to discuss our comments, if desired. Please feel free to contact Adam Boudens, Senior Environmental Planner at 905-980-6000 ext. 3770 or [adam.boudens@niagararegion.ca](mailto:adam.boudens@niagararegion.ca) should you have any questions or like to arrange a meeting. Alternatively, please contact Cara Lampman, Manager, Environmental Planning at 905-980-6000 ext. 3430 or [cara.lampman@niagararegion.ca](mailto:cara.lampman@niagararegion.ca).

## **Urban Design**

The comments provided in the preliminary comment letter dated January 14, 2025 remain applicable. These comments are provided for the Township's information purposes only and consideration at its discretion based on the Region's scoped planning review role.

## **Regional Engineering Review**

### **Regional Road**

#### Road Allowance

The comments provided in the preliminary comment letter dated January 14, 2025 remain applicable.

#### Regional Road, Entrance and Permit Requirements

The comments provided in the preliminary comment letter dated January 14, 2025 remain applicable.

#### Regional Entrance / Construction Permits

The comments provided in the preliminary comment letter dated January 14, 2025 remain applicable.

#### Region Sign Permits

The comments provided in the preliminary comment letter dated January 14, 2025 remain applicable.



## **Legal Agreement**

The comments provided in the preliminary comment letter dated January 14, 2025 remain applicable.

## **Protection of Survey Evidence**

The comments provided in the preliminary comment letter dated January 14, 2025 remain applicable.

## **Servicing**

The comments provided in the preliminary comment letter dated January 14, 2025 remain applicable.

## **Regional Sewage Pumping Station**

The comments provided in the preliminary comment letter dated January 14, 2025 remain applicable.

## **Stormwater Management**

Regional staff noted that the updated *Stormwater Management (SWM) Report* prepared by EXP Services Inc. (dated May 2025), removes pumping discharge from the underground stormwater cistern. The Subdivision Blocks 3 and 4 (i.e., the northwest and southwest corner of the property) are considered as the existing land use (undeveloped) in the SWM plan. Future development of the two blocks shall demonstrate it will not adversely affect the Karst area.

Overall, staff have no objection to the SWM plan, however, the following details shall be addressed with engineering design prior to clearing the Region's SWM conditions (included in the attached Appendix):

- Staff note that water quality treatment for Catchment 201B (i.e., building A & B area) is missing.
- It must be confirmed that the SWM cistern within the underground parking is variable and ensure the cistern's location and invert are consistent among the Architectural site plan, the Servicing plan, and the SWM Report 'storage-discharge table'.
- The SWM Report is required to fix typos and discrepancies in context and tables, storage-discharge curves in modelling, and the warning 'Storage-discharge table was exceeded'. Staff recommend minor and major flow be added to Table 3 'peak flow summary' to compare with the allowable rates clearly.

May 29, 2025

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## Waste Collection

The comments provided in the preliminary comment letter dated January 14, 2025 remain applicable.

## Conclusion

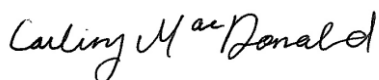
Regional Public Works Infrastructure Planning & Development staff offer no objection to the Zoning By-law Amendment application, provided that all Natural Environment System (NES) features and associated buffers, including the extent of the Restoration Area, are zoned with an appropriately restrictive environmental designation. As noted above, staff request that the revised zoning schedule be recirculated for confirmation that all environmental planning requirements have been properly addressed.

With respect to the proposed Draft Plan of Subdivision application, staff recommend that the Landscape Plan be revised to increase the use of native, non-cultivar plant species throughout the site. Additionally, staff advise that the proposed subdivision will be required to design and build the last leg of the recently reconstructed roundabout.

Please be advised that through this change to the Planning Act, the *Niagara Official Plan, 2022* (NOP) is effectively an official plan of the Township of West Lincoln, which remains in effect until the Township revokes or amends it to provide otherwise. As such, Township staff should be satisfied that the application conforms to NOP policies.

Please send copies of the staff report and notice of the Township's decision on these applications. If you have any questions related to the above comments, please contact me at [carling.macdonald@niagararegion.ca](mailto:carling.macdonald@niagararegion.ca).

Kind regards,



Carling MacDonald  
Development Planner, Niagara Region

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning, Niagara Region  
Josh Wilson, P.Eng., Manager of Development Engineering, Niagara Region  
Adam Boudens, MSc, Senior Environmental Planner  
Maggie Ding, P.Eng., Stormwater Management Engineer, Niagara Region  
Khaldoon Ahmad, Manager of Urban Design, Niagara Region  
Philippe Biba, Development Approvals Technician, Niagara Region

**Appendix 1**  
**Regional Conditions of Draft Plan Approval**  
**South Grimsby Concession 9, Part Lot 11, Reference Plan 30R9485**  
**(Roll No. 260203001232400), Township of West Lincoln**

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**Planning Conditions (provided for information purposes only at the Township's discretion)**

1. That the following warning clause is included in the Subdivision Agreement between the Owner and Township of West Lincoln to protect for any potential archaeological resources that may be encountered during construction activities:
  - *"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 police 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 (Available at: <https://www.niagararegion.ca/culture-and-environment/pdf/archaeological-management-plan.pdf>)."*
2. That a Detailed Noise Study prepared by an acoustical engineer be submitted at the site plan stage when final building plans are available. The site plan agreement shall include a clause requiring the owner to implement the recommendations of the Detailed Noise Study.
3. That the owner agrees to have all final architectural drawings stamped by an acoustical engineer to ensure that the noise control measures recommended in the Detailed Noise Study (required by Condition 1) have been incorporated and NPC-300 indoor sound level criteria has been addressed to the satisfaction of the Township.
4. That the subdivision agreement includes provisions requiring the owner to implement all mitigation measures and recommendations outlined in the Scoped Environmental Impact Study (EIS) and Technical Memorandum prepared by Palmer (dated August 30, 2024 and May 16, 2025, respectively). These measures shall include, but are not limited to, the following:
  - a) Vegetation removals shall be conducted between October 1 and March 14, outside of both the breeding bird nesting period and the active bat season. Should vegetation removal or site alteration be proposed during the restricted period, a survey for active bird nests shall be completed no more than 48 hours prior to the commencement of such activities.

- b) Construction activities taking place during the active bat season (April 1 to September 30) shall be limited to daylight hours only. The use of artificial lighting during this period shall be avoided to minimize disturbance to rare bat species.
  - c) All exterior lighting incorporated into building designs shall be directed downward and/or oriented away from adjacent woodland areas (i.e., directed southward), to the extent feasible, in order to minimize light pollution and impacts to wildlife.
  - d) Bird-friendly design principles shall be incorporated into residential building designs. These may include strategies consistent with the City of Toronto's Best Practices for Bird-Friendly Glass and Best Practices for Effective Lighting, or equivalent guidelines.
  - e) Construction materials, equipment, and staging areas shall not be located, even on a temporary basis, within identified natural features or their associated buffers.
5. That an Erosion and Sediment Control (ESC) Plan be prepared for review and approval by the Town of West Lincoln. The plan should incorporate the recommendations found in the Scoped EIS prepared by Palmer dated August 30, 2024. All ESC measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized. Muddy water shall not be allowed to leave the site.
6. That a Grading Plan be provided to the satisfaction of the Town of West Lincoln, that demonstrates that no grading within the natural heritage features and/or their buffers will occur. The Grading Plan shall designate specific locations for stockpiling of soils and other materials which will at a minimum be outside of the natural heritage features and their buffers.
7. That a Tree Preservation Plan (TPP) be provided to the satisfaction of the Town of West Lincoln. The TPP shall be prepared by a qualified professional, preferably by a Certified Arborist or qualified member of the Ontario Professional Foresters Association, in accordance with Region's Woodland Conservation By-law.
8. That a revised Landscape Plan be prepared and submitted for review and approval by the Town of West Lincoln. The revised plan shall increase the proportion of native, non-cultivar species plant species, with the objective of enhancing local biodiversity and promoting long-term ecological resilience.
9. That permanent fencing be installed between the development limit and NES features. A no-gate bylaw is recommended to reduce human encroachment and limit the movement of pets into the adjacent natural areas.
10. That the Owner prepare an information package for new homeowners outlining the importance of the adjacent natural heritage features and steps they can take

to protect the natural environment. This information package is to be reviewed and approved by the Town of West Lincoln. The package should be provided as an appendix to all offers of purchase and sale for properties within the subdivision development.

11. That a Restoration Plan be prepared to the satisfaction of the Town of West Lincoln. The plan should include, at a minimum, the following elements:
  - a) Native plantings will be installed in the 'Restoration Area' (identified on Figure 3 of the Technical Memorandum) incorporating a diversity of trees and shrubs.
  - b) Removal of invasive species within the NES and associated buffers.
  - c) Restoration planting areas will be treated as 'natural, self-sustaining vegetation' (no mow).
  - d) Removal of litter and debris within the NES and Restoration Area.
12. That the developer provide securities to the Town of West Lincoln in the form of a Letter of Credit in the amount of the estimated cost as approved by the Town for the restorative plantings required in accordance with the above conditions and that the subdivision agreement include provisions whereby the developer agrees that the Town may draw on the Letter of Credit, if required, to ensure installation of the plantings.
13. That an Ecological Monitoring Plan be prepared to the satisfaction of the Town of West Lincoln. At a minimum the plan should assess the success of the restorative plantings and invasive species removals. The Report should be submitted to the Town of West Lincolns planning department by September 1st of years 1 through 3. The Report should also include photographs and advise actions necessary to address any deficiencies.

Note. The monitoring should take place upon the initiation of any development and/or site alteration and continue up to and including 3 years from full build out.
14. That the subdivision agreement contain wording wherein the Owner agrees to implement the approved Erosion and Sediment Control Plan, Grading Plan, Tree Preservation Plan, Landscape Plan, Restoration Plan and Ecological Monitoring Plan.

### **Regional Conditions of Draft Plan Approval**

1. That the owner dedicates to the Regional Municipality of Niagara, free and clear of mortgages, liens and other encumbrances, and agree to pay for all associated cost related to the following:
  - i. Irregular widening along the frontage of Regional Road 20;
  - ii. Land required to accommodate the last leg of the roundabout at Regional Road 20 and South Grimsby Road 6; and
  - iii. 0.3 metre (1ft) reserve along the frontage of Block 1 and Block 4.

2. That detailed engineering drawings for the last leg of the roundabout are submitted to Niagara Region for review and approval.
3. 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 Niagara Region Public Works Department (Permits Section, Transportation Services Division). Road cuts required as part of the development into a recently reconstructed Regional Road 20 must be "as good as" or "better than" condition, at the completion of the works and all costs associated with curb cuts and road replacement will be at the owner's expense.
15. That the owner enters a legal agreement with Niagara Region, to pay for the required road works associated with the addition of the last leg of the roundabout at Regional Road 20 and South Grimsby Road 6 to the satisfaction of the Niagara Region.
16. That the owner enters a legal agreement with Niagara Region, to pay for the required road works associated with the addition of the last leg of the roundabout at Regional Road 20 and South Grimsby Road 6 to the satisfaction of the Niagara Region.
17. That the owner provides a written acknowledgement to Niagara Region Public Works Growth Management and Planning Division 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.
18. That the owner provides a written undertaking to Niagara Region Public Works Growth Management and Planning Division 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 subdivision 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.
19. That prior to final approval for registration of this plan of subdivision, the owner shall submit the design drawings [with calculations] for any new municipal sanitary and storm sewers, and stormwater management facilities required to service this development. The capacity in the Regional system is to be confirmed and copies of the approved CLI ECA forms and final drawings must be forwarded to Niagara Region.
20. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed Stormwater Management Plan for the subdivision and the

following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment, Conservation and Parks documents entitled *Stormwater Management Planning and Design Manual March 2003* and *Stormwater Quality Guidelines for New Development, May 1991*, or their successors, to Niagara Region Public Works Department for review and approval:

- 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.
  - Detailed erosion and sedimentation control plans.
21. 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 approved Stormwater Management Plan.
22. That the owner provide revised engineering drawings to address the comments provided in the proposed servicing within the newly constructed roundabout for review and approval by Regional staff.
23. That the agreement between the owner and the Township contain a condition that the owner agrees to comply with the requirements of Niagara Region's Corporate Waste Collection Policy and enters into an Indemnity Agreement with Niagara Region for the purpose of entering the subject property to provide waste collection services.
24. That the owner/developer ensure, throughout all phases of development, that all streets and development blocks can provide an access in accordance with the Niagara Region's Corporate Policy and By-laws relating to the curbside collection of waste and recycling. Where a through street is not maintained, the owner/developer shall provide a revised draft plan to show an appropriate temporary turnaround to permit Regional waste collection services.
25. That the 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 and new survey evidence is in place at the completion of the development.

### **Clearance of Conditions**

Prior to granting final approval, the Township of West Lincoln must be in receipt of written confirmation that the requirements of each condition have been met satisfactorily and that all fees have been paid to the satisfaction of Niagara Region.

### **Subdivision Agreement**

Prior to final approval for registration, a copy of the executed Condominium/Subdivision Agreement for the proposed development should be submitted to Niagara Region for verification that the appropriate clauses have been included. Niagara Region recommends that a copy of the draft agreement be provided in order to allow for the incorporation of any necessary revisions prior to execution.

**Note:** Clearance requests shall be circulated to the Region in accordance with the Memorandum of Understanding, which stipulates that requests for formal clearance of conditions are to be received and circulated to the Region by the Area Municipality. The submission shall include: the required review fee; a letter which outlines how each condition has been met, accompanied by the necessary supporting documents; and a copy of the draft agreement prepared by the Area Municipality. The Region is committed to reviewing submissions related to individual conditions prior to receiving the formal request for clearance. In this regard, studies and reports (one hard copy and a PDF digital copy) can be sent directly to the Region with a copy provided to the Area Municipality.