

Conditions of Final Subdivision Approval

Allanburg Estates Plan of Subdivision (File No. D12-02-2020)

The conditions of final approval and registration of the Allanburg Estates Plan of Subdivision by Allanburg Estates Ltd. (File No. D12-02-2020), City of Thorold are as follows:

DRAFT PLAN

1. This approval applies to the Allanburg Estates Draft Plan of Subdivision, PART OF UNIT 15, PLAN D-5, CITY OF THOROLD, REGIONAL MUNICIPALITY OF NIAGARA designed by Upper Canada Consultants on survey plans prepared by J.D. Barnes Ltd., dated July 27, 2020, proposing:
 - Lots 1-22 for single detached dwelling units;
 - Block 23 for a 0.3 m reserve; and
 - 'Anchor Road' for a public roadway
2. The headings inserted in these conditions are for convenience only and shall not be used as a means of interpreting the conditions.

AGREEMENTS AND FINANCIAL REQUIREMENTS

3. The Owner shall provide three (3) paper copies and an electronic copy of the pre-registration plans (59M and 59R), prepared by an Ontario Land Surveyor.
4. The Owner shall provide a letter to the Department of Public Works and Community Services stating how all the conditions imposed have been or are to be fulfilled.
5. The Owner shall agree to pay to the City of Thorold all required processing and administration fees and any outstanding taxes or fees associated with the subject lands.
6. The Owner shall submit a Solicitor's Certificate of Ownership for the Plan of Subdivision land to the Department of Planning and Development Services prior to the preparation of the Subdivision Agreement.
7. That the Subdivision Agreement between the Owner and the City of Thorold be registered by the Municipality against the lands to which it applies in accordance with the *Planning Act R.S.O. 1990, c. P.13*.

8. That the Owner shall pay the applicable City of Thorold, Niagara Region, District School Board of Niagara, and Niagara District Catholic School Board development charges in place at the time of the Building Permit issuance.
9. That the Owner agrees in writing to satisfy all of the requirements, financial and otherwise, of the City of Thorold concerning the provision of roads, daylight triangles, lot reserves, road widenings, sidewalks, fencing, fire hydrants, street lighting, the extension and installation of services (sanitary sewers, watermain, and storm sewers), stormwater management, and drainage, including the upgrading of services, and the restoration of existing roads damaged during the development of the Plan of Subdivision.
10. That the Subdivision, if phased, be to the satisfaction of the City. The Plan of Subdivision may be registered in phases with appropriate subdivision agreements, provided all applicable conditions have been satisfied for each phase.
11. That the Owner shall provide a 0.3 m wide reserve to the City, shown as Block 23 on the Draft Plan. These must be free and clear of any mortgages, liens and encumbrances.
12. Prior to any site alteration, or final approval, the Owner shall submit all supporting materials, prepared by a qualified professional, as required by the City or any applicable authority, and shall agree to implement the recommendations of the reports, studies and plans to the satisfaction of the City, and any other applicable authority.
13. This approval is for a period of three (3) years. Approval may be extended pursuant to Section 51 (33) of the *Planning Act R.S.O. 1990, c. P.13* but no extension can be granted once the approval has lapsed. If the Owner wishes to request an extension to the approval, a written explanation on why the extension is required, together with the resolution from the Region must be submitted for City Council's consideration, prior to the lapsing date.
14. If final approval is not given to this draft plan within three (3) years of the approval date, and no extensions have been granted, approval will lapse under Section 51 (32) of the *Planning Act R.S.O. 1990, c. P.13*.
15. It is the Owner's responsibility to fulfill the conditions of draft plan approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the City, quoting file number D12-02-2020 and referencing the conditions that are cleared.

LAND TRANSFERS AND EASEMENTS

16. That the Owner agrees to deed any and all easements that may be required for access for utility and drainage purposes be granted to the appropriate authorities and utilities.

ZONING

17. That prior to final approval, the zoning by-law amendment application (File No. D14-10-2020), which reflects the layout of the Draft Plan of Subdivision has come into effect in accordance with the provisions of Section 34 of the *Planning Act R.S.O. 1990, c. P.13*.
18. The Owner shall submit to the Department of Planning and Development Services two (2) paper copies and an electronic copy of the proposed draft plan and a letter prepared by an Ontario Land Surveyor to confirm zoning compliance.

ROADS

19. That all roads within the Subdivision be conveyed to the City of Thorold as public highways.
20. That the streets be named to the satisfaction of the City of Thorold.
21. That the Owner provides detailed engineering design drawings for the roads, sidewalks and street lighting facilities required to service the subject lands to the City for review and approval.
22. That sidewalks be provided to the satisfaction of the Department of Planning and Development Services and the Department of Public Works and Community Services.
23. The Owner shall be responsible for the construction of all primary and secondary services, including sidewalks, boulevard plantings and sod.
24. That the Owner agrees to provide decorative street lighting to the satisfaction of the Department of Planning and Development Services and the Department of Public Works and Community Services.
25. That the Owner agrees to provide a detailed streetscape plan to the satisfaction of the Department of Planning and Development Services and the Department of Public Works and Community Services.

26. That the Owner agrees to install sidewalk and grade/sod boulevards within one month of occupancy or the closing date for individual homes on a per lot basis. Should the Owner wish to defer sidewalk installation and the grading/sodding of boulevards due to weather conditions or other circumstances, approval for the deferral must be obtained from the City.
27. That the Owner agrees to provide curbside parking to the satisfaction of the City.
28. That prior to any construction taking place within the City road allowance the Owner shall obtain a City of Thorold Occupancy Permit. Applications must be made through the Department of Public Works and Community Services.

MUNICIPAL SERVICES

29. That a Servicing Study Report indicating that the accepting servicing infrastructure (storm sewers, sanitary sewers, and water mains) can accommodate the additional flows and adequate fire flows are provided to the development be submitted to the City for review and to the satisfaction of the Department of Public Works and Community Services and the Fire Chief.
30. That the Owner will provide the City with the proposed site servicing plans for the subject property. The Department of Public Works and Community Services shall approve the plans prior to construction.
31. That the Owner submit for review and approval by the Department of Public Works and Community Services a Geotechnical Study, prepared by a qualified engineer that verifies the soil bearing capacity, recommends appropriate sewer pipe design, pipe bedding, backfill and roadway designs.
32. That the design of all municipal and public utility services for the Subdivision be coordinated with adjacent development.
33. That the design drawings for the sanitary sewer and stormwater drainage systems to service this development be submitted to the Department of Public Works and Community Services for review and approval. (Note: Any stormwater management facility that may be proposed for this development would require the direct approval of the Ministry of the Environment, Conservation and Parks, Toronto). The City of Thorold is responsible for the review and approval of watermains under the MOE Water License Program.
34. That prior to registration of this plan, the Owner must obtain Environmental Compliance Approval from the Ministry of Environment, Conservation and Parks for sewer and stormwater management works needed to service the proposed

development. Prior to installing the watermain to service the proposed development, the Owner must submit Ministry of Environment, Conservation and Parks 'Form 1' Record of Watermain.

35. At the end 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 drawing. Copies of the certification shall be provided to the to the Department of Public Works and Community Services.
36. That all foundation drainage be directed to a sump that will have a pump discharge to grade. Direct gravity or piped connections with sump pump to the storm sewer system are not permitted.

STORMWATER MANAGEMENT, GRADING AND SEDIMENT AND EROSION CONTROL

37. That the Subdivision Agreement between the Owner and the City of Thorold contain provisions whereby the Owner agrees to implement the approved stormwater management plan.
38. That the Owner prepare a detailed subdivision grade control plan showing both existing and proposed grades and the means whereby major storm flows will be accommodated across the site be submitted to the Department of Public Works and Community Services and the for review and approval. The Owner will ensure that the Plan of Subdivision land will remain in a natural state until such time as the detailed subdivision grade control plan is approved.
39. That prior to final approval or any on-site grading, the Owner submit to the Department of Public Works and Community Services 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 Environment, Conservation and Parks documents entitled "Stormwater Management Practices Planning & Design Manual – March 2003" (Ministry of Environment, Conservation and Parks), or the latest revision, and "Environmental Guide for Erosion and Sediment Control During Construction of Highway Projects, February 2007" (Ministry of Environment, Conservation and Parks), or the latest revision, and in accordance with the City of Thorold's Lot Grading and Drainage Policy, and the City of Thorold's Stormwater Management Facility Standards:

- 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.
- 40. That detailed sedimentation and erosion control plans be prepared for review and approval by the Department of Public Works and Community Services. All sediment and erosion control 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.
- 41. That detailed lot grading 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 Department of Public Works and Community Services for review and approval.
- 42. That prior to final approval, the Owner submit to the Department of Public Works and Community Services a detailed stormwater management plan for the development completed by a qualified engineer and prepared in accordance with the "Stormwater Management Practices Planning & Design Manual – March 2003" (Ministry of Environment, Conservation and Parks), or the latest revision.

COMMUNITY BENEFITS AND PUBLIC PARK

- 43. That the Owner confirm satisfaction of Community Benefits and Parkland Dedication Requirements as permitted in Sections 37 and 51.1 of the *Planning Act R.S.O. 1990, c. P.13*.
- 44. That as the Owner is not conveying land in the amount of 5% of the land included in the plan to the City of Thorold for park purposes as permitted in Section 51.1 of the Planning Act R.S.O. 1990, c. P.13, the City will accept cash-in-lieu of the conveyance under the provisions of Section 51.1 (3) of the Planning Act R.S.O. 1990, c. P.13.
- 45. The Owner agrees to pay cash-in-lieu to the City of Thorold for the value of the land otherwise required to be conveyed (5% of the land included in the plan).

UTILITIES

- 46. That the Owner shall co-ordinate the preparation of an overall utility distribution plan to the satisfaction of all affected authorities.

47. That the Owner shall enter into any agreement as required by utility companies for installation of services, including street lighting, all in accordance with the standards of the City of Thorold. All utilities servicing the subdivision shall be underground. Upon installation and acceptance by the City, streetlights and streetlight electrical supply system will be added to the City's inventory.
48. That the Owner agrees to grant easements as may be required for utility purposes to the appropriate authority.

DEPARTMENT OF PUBLIC WORKS AND COMMUNITY SERVICES

49. The Owner shall be responsible for the urbanization of Barron Road adjacent to the subject lands, to the satisfaction of the Department of Public Works and Community Services.

DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES

50. The Owner shall be responsible for the installation of permanent fencing in accordance with the recommendations of the Environmental Impact Study. The fencing shall be designed as privacy fencing, shall not include gates, and shall be installed on private property. Details of the fencing shall be submitted to the City for approval.

BELL CANADA

51. The Owner shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.
52. The Owner agrees to contact Bell Canada during detailed design to confirm the provision of communication/telecommunication infrastructure needed to service the development.
53. The Owner agrees that prior to commencing any work, the Owner must confirm that sufficient wire-line communication/telecommunication infrastructure is available. In the event that such infrastructure is unavailable, the Owner shall be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure. If the Owner elects not to pay for the above noted connection, then the Owner will be required to demonstrate to the satisfaction of the Municipality that sufficient alternative communication/telecommunication will be provided to enable, at a minimum, the

effective delivery of communication/telecommunication services for emergency management services (i.e. 911 Emergency Services).

CANADA POST

54. The Owner shall complete to the satisfaction of the Department of Public Works and Community Services and Canada Post:

- a. Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - i. that the home/business mail delivery will be from a designated Centralized Mail Box.
 - ii. 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.
- b. The Owner further agrees to:
 - i. 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.
 - ii. install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.
 - iii. 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.
 - iv. determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
- c. Canada Post's multi-unit policy, which requires that the Owner/Developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense,

will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

CN RAIL

55. Safety setback of habitable buildings from the railway rights-of-way to be a minimum of 15 metres in conjunction with a safety berm. The safety berm shall be adjoining and parallel to the railway rights-of-way with returns at the ends, 2.0 metres above grade at the property line, with side slopes not steeper than 2.5 to 1. A site plan clearly indicating the positioning and the height of the berm along the property line shared with CN Rail shall be submitted.
56. The Owner shall install and maintain a chain link fence of minimum 1.83 metre height along the mutual property line. The fencing is to be included on the aforementioned site plan.
57. Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the CN Railway.
58. The mitigation measures with regards to noise and vibration report must be to the satisfaction of the CN Railway.
59. The Owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that the safety berm, fencing and vibration isolation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of CN.
60. The Owner shall enter into a Development Agreement with CN.
61. An environmental easement shall be registered on title to the satisfaction of CN.
62. Warning clauses should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300 m of the railway right-of-way.

DISTRICT SCHOOL BOARD OF NIAGARA

63. That sidewalks be constructed within the subdivision to facilitate student travel to the school/bus stop locations.

HYDRO ONE

64. Prior to HONI providing its final approval, the Owner must make arrangements satisfactory to HONI for lot grading and drainage. Digital PDF copies of the lot grading and drainage plans (true scale), showing existing and proposed final grades, must be submitted to HONI for review and approval. The drawings must identify the transmission corridor, location of towers within the corridor and any proposed uses within the transmission corridor. Drainage must be controlled and directed away from the transmission corridor.
65. Any development in conjunction with the site plan must not block vehicular access to any HONI facilities located on the transmission corridor. During construction, there must be no storage of materials or mounding of earth, snow or other debris on the transmission corridor.
66. At the Owner's expense, temporary fencing must be placed along the transmission corridor prior to construction, and permanent fencing must be erected along the common property line after construction is completed.
67. The costs of any relocations or revisions to HONI facilities which are necessary to accommodate this site plan will be borne by the Owner. The Owner will be responsible for restoration of any damage to the transmission corridor or HONI facilities thereon resulting from construction of the site plan.
68. The transmission lines abutting the subject lands operate at either 500,000, 230,000 or 115,000 volts. Section 188 of Regulation 213/91 pursuant to the Occupational Health and Safety Act, require that no object be brought closer than 6 metres (20 feet) to an energized 500 kV conductor. The distance for 230 kV conductors is 4.5 metres (15 feet), and for 115 kV conductors it is 3 metres (10 feet). It is the Owner'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 conductors can raise and lower without warning, depending on the electrical demand placed on the line.

NIAGARA REGION PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

69. That the Owner agrees to include the following warning clauses in all Agreements of Purchase and Sale or Lease or Occupancy for all Units, and that they also be included in the Subdivision Agreement between the Owner and the City of Thorold:

"The lands in the plan of subdivision may be exposed to noise, reduced air quality, odour, dust or vibrations from nearby and future industrial operations and

associated operations (i.e. traffic) that may interfere with some activities of the Owners/tenants who occupy these lands.”

“These lands in the plan of subdivision are in proximity to lands currently in agricultural production. The lands may be subject to noise, odour, and/or dust from nearby agricultural operations, which may interfere with some activities of the dwelling occupants.”

70. That the Subdivision Agreement contain provisions whereby the Owner agrees to implement the recommendations of the approved *Environmental Noise Feasibility Study* by Valcoustics Canada Ltd. (dated October 9, 2020).
71. That the Subdivision Agreement contain provisions whereby the Owner agrees to implement the recommendations of the approved *Railway Vibration Study* by Valcoustics Canada Ltd. (dated October 9, 2020).
72. That the following clauses shall be included in the Subdivision Agreement between the Owner and the City of Thorold:

“Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.”

“In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.”

73. That the Subdivision Agreement contain wording wherein the Owner agrees to implement the mitigation measures and recommendations found in Section 5.0 of the *Environmental Impact Study*, prepared by Beacon Environmental Ltd., (dated December 9, 2020), including but not limited to:

- a. That vegetation removals be undertaken between October 1st and March 14th, outside of both the breeding bird nesting period and active bat season.

A survey for active bird nests should be conducted prior to any vegetation removal or site alteration planned to occur during this window.

- b. That any security lighting to be installed on buildings should be downward facing and directed away from natural areas to minimize ambient light exposure to the adjacent natural areas.
- c. That permanent rear-lot fencing be provided adjacent to the natural heritage features, along the rear of lots 1 through 12, to the satisfaction of the Niagara Region. A no-gate bylaw is recommended to reduce human encroachment and limit the movement of pets into the adjacent natural areas.
- d. That an Erosion and Sediment Control (ESC) Plan be prepared for review and approval by the Niagara Region. 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.
- e. That the applicant/Owner submit a Tree Saving Plan to the Niagara Region for review and approval as required under Regional Official Plan Policy 7.B.1.19. The Tree Saving Plan shall generally be prepared in accordance with Section 1.36 of the Region of Niagara Tree and Forest Conservation By-law (By-law 30-2008).

74. That the Owner provides a written acknowledgement to the Niagara Region stating that draft approval of this subdivision does not include a commitment of servicing allocation by the 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.

75. That the Owner provides a written undertaking to the Niagara Region 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 City.

76. That prior to final approval for registration of this plan of subdivision, the Owner shall submit the design drawings [with calculations] for the sanitary and storm drainage systems required to service this development and obtain the Ministry of the Environment, Conservation and Parks Environmental Compliance Approval under the Transfer of Review Program.

77. 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 for review and approval:
- 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. That prior to final approval for registration of this plan of subdivision, the Owner shall submit the design drawings [with calculations] for the stormwater management facility required to service this development and obtain the necessary Ministry of the Environment Compliance Approval.
78. That the Subdivision Agreement between the Owner and the City contain provisions whereby the Owner agrees to implement the approved plan(s) required in accordance with the condition above.
79. That the Owner ensure that all streets and development blocks can provide an access in accordance with the Niagara Region's Corporate Waste Collection Policy, and by-laws relating to the curbside collection of waste.
80. That in order to accommodate Regional Waste Collection service, a temporary easement will be required on the abutting lands for the construction of the proposed road for waste collection.

FINAL APPROVAL

Subject to the conditions set forth herein, this Draft Plan is approved under Section 51 (31) of the *Planning Act R.S.O. 1990, c. P.13*. Final approval shall be granted by the City.

CLEARANCE OF CONDITIONS

Prior to granting final approval, the City of Thorold requires written notice from the following agencies indicating that their respective conditions have been satisfied:

<u>Agency</u>	<u>Conditions</u>
Bell Canada	51-53
Canada Post	54
CN Rail	55-62
District School Board of Niagara	63
Hydro One	64-68
Niagara Region Planning and Development Services Department	69-80

Agency Contacts

<u>Agency</u>	<u>Contact</u>	<u>Address</u>	<u>Email/Phone</u>
Bell Canada	Meaghan Palynchuk	-	planninganddevelopment@bell.ca 905-540-7254
Canada Post	Andrew Carrigan	955 Highbury Avenue London, ON N5Y 1A3	andrew.carrigan@canadapost.ca 226-268-5914
CN Rail	-	-	proximity@cn.ca
District School Board of Niagara	Sue Mabee, MCIP, RPP	191 Carlton Street St. Catharines, ON L2R 7P4	sue.mabee@dsbn.org 905-641-1550 ext. 54225
Hydro One	Dennis De Rango	P.O. Box 4300 Markham, ON L3R 5Z5	dennis.derango@hydroone.com 905-946-6237

Niagara Region Planning and Development Services Department	Lindsay Earl, MCIP, RPP	1815 Sir Isaac Brock Way, P.O. Box 1042 Thorold, ON L2V 4T7	lindsay.earl@niagararegion.ca 905-685-4225 ext. 3387
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