

NOTICE OF DECISION



What:

Notice of Decision for an **Official Plan Amendment, Zoning By-law Amendment** and **Draft Plan of Vacant Land Condominium** (under Section 22, Section 34 and Section 51, respectively, of the *Planning Act, R.S.O. 1990, c. P.13*, as amended).

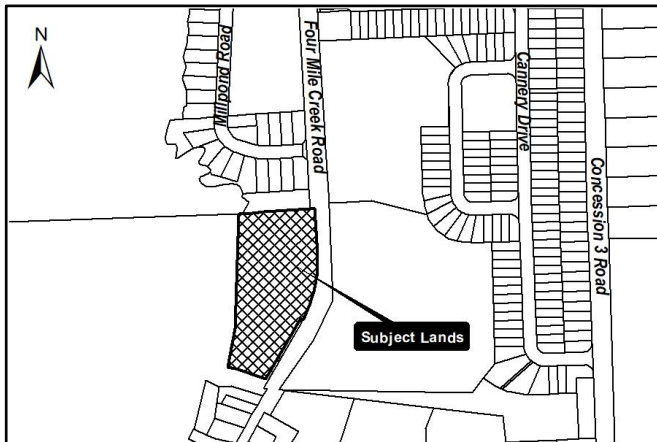
When:

Approved at the **July 30, 2024** Council Meeting

Regarding:

Official Plan Amendment 96 - By-law **2024-052** (File OPA-08-2023)
Zoning By-law Amendment - By-law **4316FQ-24** (File ZBA-18-2023)
Draft Plan of Vacant Land Condominium (File 26CD-18-23-01)
308 Four Mile Creek Road, Niagara-on-the-Lake

What is this?



Town Council for Niagara-on-the-Lake has considered written and oral submissions and approved an Official Plan Amendment, Zoning By-law Amendment and a Draft Plan of Vacant Land Condominium on the subject lands as follows (see the location map):

Official Plan Amendment 96

The Amendment designates portions of the lands to “Low Density Residential” to permit residential uses, refines the

“Conservation” designation boundary for environmental features, and designates a portion of the lands “Conservation (EX-CON-1)” to allow for a private road and private services, subject to approval from the Niagara Peninsula Conservation Authority.





Zoning By-law 4316FQ-24

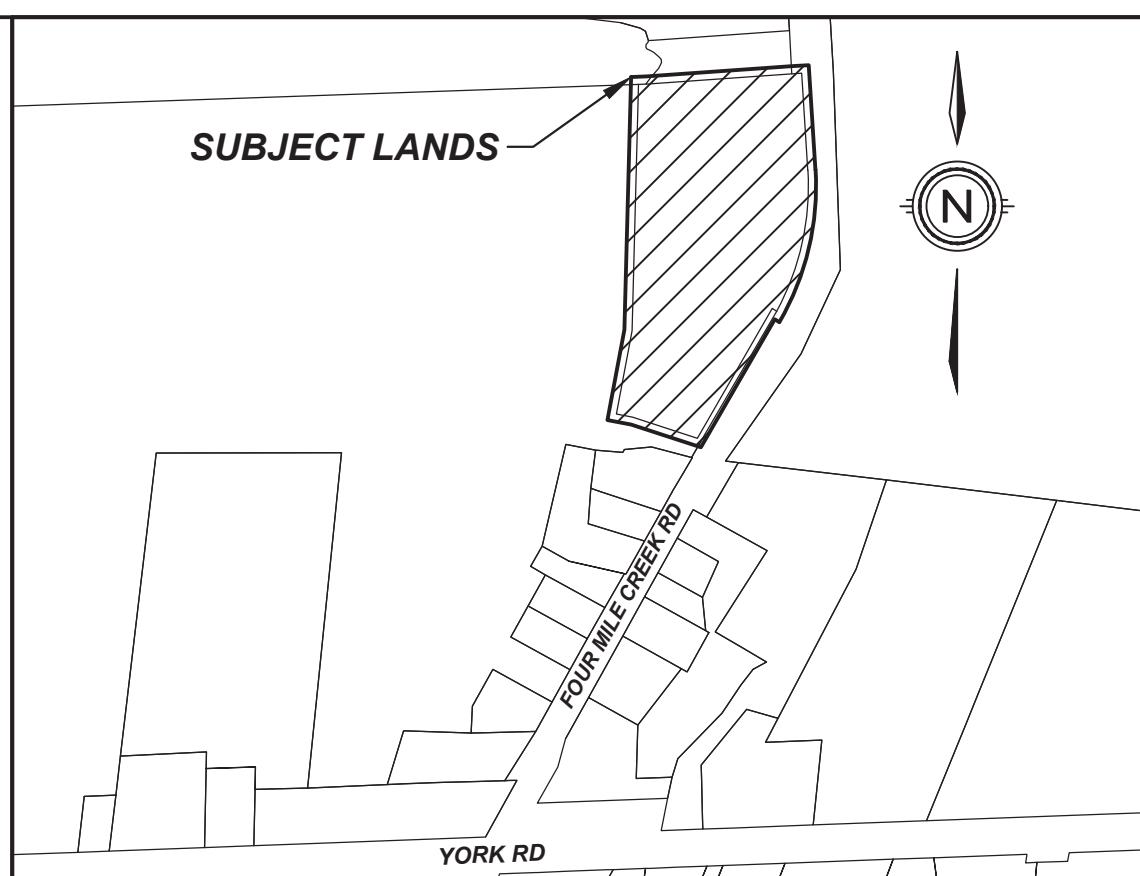
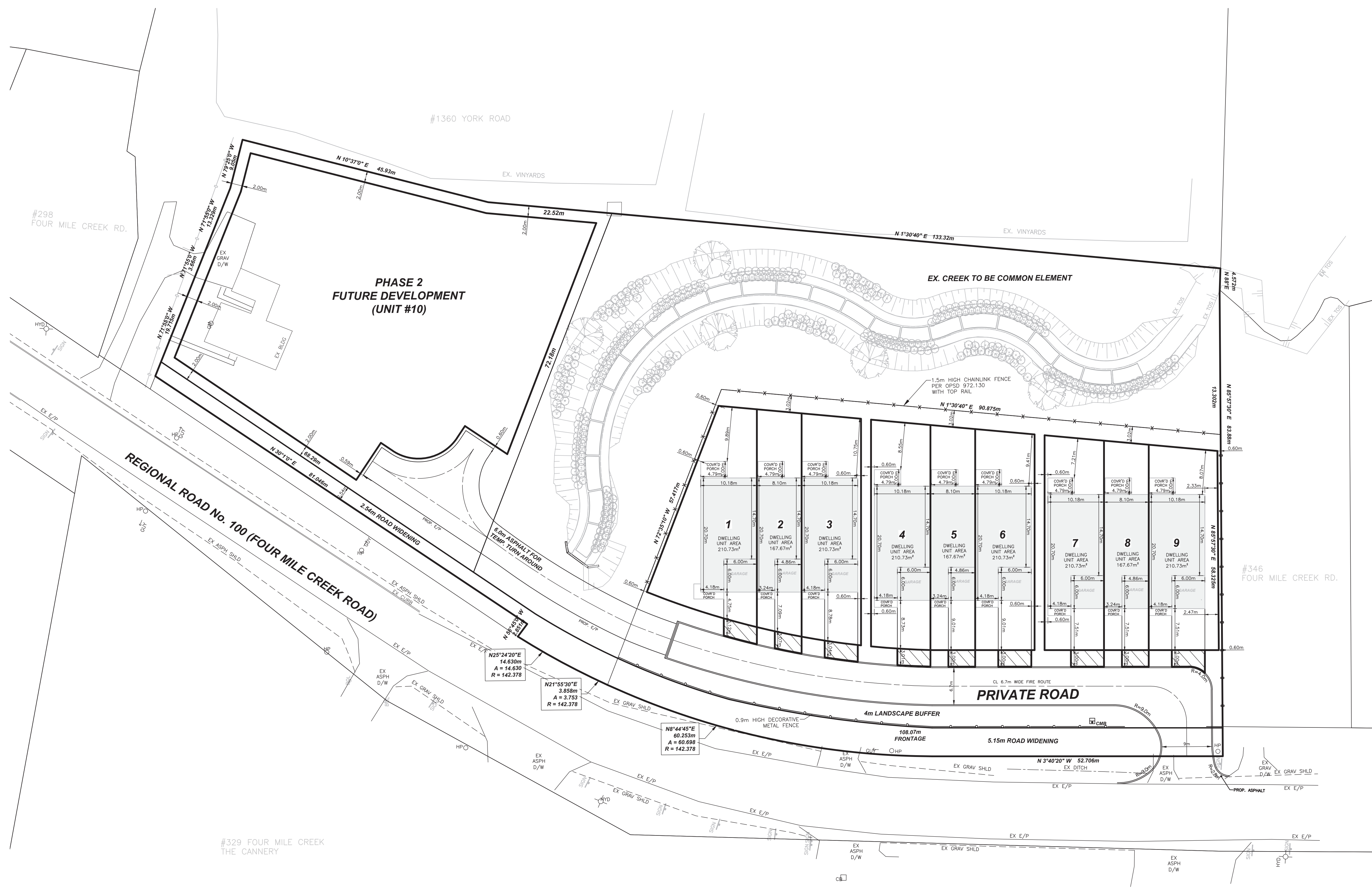
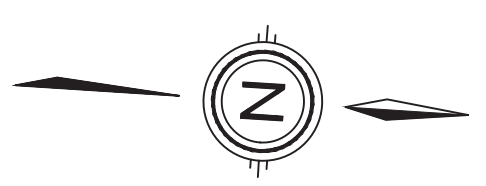
The By-law provides a “Residential Multiple (RM1-41-H) Site Specific Holding Zone”, and two “Open Space (OS-41) Site Specific Zones” to allow for the condominium development and to protect environmental features. The “Residential Multiple (RM1-41-H) Site Specific Holding Zone” contains provisions for front yard setback from a private road, rear yard setbacks, garage door width and garage setback from face of dwelling, interior side yard setback, distance between buildings on the same lot, and encroachment into front yards and rear yards for a porch, with the inclusion of a Holding (H) symbol to require the filing of a Record of Site Condition. The two “Open Space (OS-41) Site Specific Zones” contain provisions to protect environmental features and to allow for a private road and private infrastructure, subject to approval from the Niagara Peninsula Conservation Authority.

Draft Plan of Vacant Land Condominium 26CD-18-23-01

The Draft Plan of Vacant Land Condominium proposes the creation of nine (9) block townhouse dwelling units to be accessed via a private road, with common elements for landscaping, the private road, and environmental conservation area, and identifies a portion of the subject lands for future development (Phase 2). The portions of the land containing environmental features are to be protected, with permissions to allow for a private road and

	private infrastructure, subject to approval from the Niagara Peninsula Conservation Authority. The Draft Plan and Conditions of Approval are attached to this Notice.
	<p>The last date for filing a notice of appeal is August 20, 2024.</p> <p>A notice of appeal:</p> <ol style="list-style-type: none">must be filed with the Town Clerk;must set out the reasons for the appeal; andmust be accompanied by the fee required by the Ontario Land Tribunal. <p>Please refer to the Ontario Land Tribunal website at olt.gov.on.ca for more information.</p>
	<p>Further notice and appeal eligibility:</p> <p>Only individuals, corporations or public bodies may appeal decisions in respect of a proposed Official Plan Amendment, Zoning By-law Amendment and/or a Draft Plan of Vacant Land Condominium to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.</p> <p>Any of the Conditions of Approval may be appealed at any time before final approval of the plan of condominium by the applicant, public body, a specified person, the Minister and the Town by filing a notice of appeal with the Town Clerk. You will be entitled to receive notice of any changes to the conditions of approval of the proposed plan of subdivision if you have made a written request to be notified of changes</p> <p>No person or public body shall be added as a party to the hearing of the appeal of the decision of Town Council, unless the person or public body, before Town Council made its decision, made oral submissions at a public meeting or written submissions to Town Council, or, in the opinion of the Ontario Land Tribunal, there are reasonable grounds to add the person or public body as a party.</p> <p>Third party appeals are restricted for these applications as per Bill 185, <i>Cutting Red Tape to Build More Homes Act, 2024</i>. <i>Planning Act</i> appeals may be filed by the applicant, the Minister of Municipal Affairs and Housing, a “specified person” (as defined by the <i>Planning Act</i> 1(1)), and any “public body” (as defined by the <i>Planning Act</i> 1(1)).</p> <p>Dated at the Town of Niagara-on-the-Lake, July 31, 2024 Grant Bivol, Town Clerk (clerks@notl.com or 905-468-3266) Town Hall, 1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON L0S 1T0</p>

308 FOUR MILE CREEK ROAD (REGIONAL ROAD #100)
TOWN OF NIAGARA-ON-THE-LAKE



KEY PLAN
N.T.S.

LEGAL DESCRIPTION

PART OF TOWNSHIP LOT 89
(GEOGRAPHIC TOWNSHIP OF NIAGARA)
TOWN OF NIAGARA-ON-THE-LAKE
REGIONAL MUNICIPALITY OF NIAGARA

OWNER'S CERTIFICATE

BEING THE REGISTERED OWNER, I HEREBY
AUTHORIZE UPPER CANADA CONSULTANTS TO
PREPARE AND SUBMIT THIS DRAFT PLAN OF
SUBDIVISION TO THE TOWN OF
NIAGARA-ON-THE-LAKE FOR APPROVAL.

[Signature]

JUL. 13, 2023

HUMMEL PROPERTIES INC.

DATE

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF
THE LANDS TO BE SUBDIVIDED ARE
CORRECTLY SHOWN.

[Signature]

JULY 17, 2023

BRENT LAROCQUE, B.Sc., OLS, OLIP

DATE

REQUIREMENTS OF SECTION 51(17)
OF THE PLANNING ACT

- | | | |
|----------------|--------------------|-----------------|
| a) SEE PLAN | e) SEE PLAN | i) SILTY SAND |
| b) SEE PLAN | f) SEE PLAN | j) SEE PLAN |
| c) SEE PLAN | g) SEE PLAN | k) FULL SERVICE |
| d) RESIDENTIAL | h) MUNICIPAL WATER | l) SEE PLAN |

LAND USE SCHEDULE

AREA	ha	% COVERAGE
TOWNHOUSE DWELLINGS	0.177	12%
ROAD/DRIVEWAY/PARKING	0.127	8%
LANDSCAPING	0.239	16%
CREEK AREA (OPEN SPACE)	0.487	32%
FUTURE DEVELOPMENT UNIT #10	0.366	24%
ROAD WIDENING	0.110	7%
TOTAL	1.506	100%
UNITS		9
DEVELOPABLE AREA (EXCLUDING CREEK AREA & ROAD WIDENING)		0.909 ha
DENSITY (UNITS/DEVELOPABLE AREA)	16.59u/ha	(PHASE 1)

0	ISSUED FOR REVIEW	2023_07_13	JO
#	REVISION	DATE	INIT



DRAWING TITLE	DRAFTING	JO
	DATE	JULY 13, 2023
	PRINTED	JULY 14, 2023
	SCALE	1:400
DWG No.	REV	
1520-DP	1	

UNIT #	UNIT AREA	EXCLUSIVE USE AREA-DRIVEWAYS
1	210.73m ²	18.61m ²
2	167.67m ²	14.87m ²
3	210.73m ²	18.16m ²
4	210.73m ²	17.92m ²
5	167.67m ²	14.58m ²
6	210.73m ²	18.00m ²
7	210.73m ²	18.00m ²
8	167.67m ²	14.58m ²
9	210.73m ²	19.02m ²
10	2861.48m ²	N/A
TOTAL UNIT AREA	4628.87m ²	
TOTAL EXCLUSIVE USE (TOTAL DRIVEWAY AREA)	153.74m ²	
TOTAL COMMON ELEMENT AREA (INCLUSIVE OF NON-DEVELOPABLE)	9538.37m ²	
TOTAL AREA	14,167.24m ²	

File: 26CD-18-23-01
Draft Approval Date: _____
Lapse Date: _____

Town of Niagara-on-the-Lake
Conditions of Draft Plan Approval of Vacant Land Condominium

The conditions of Draft Plan Approval and Registration for lands municipally known as 308 Four Mile Creek Road and legally described as “FIRSTLY: PART TOWNSHIP LOT 89 NIAGARA, PART 1 PLAN 30R13725; SECONDLY: PART TOWNSHIP LOT 89 NIAGARA, PART 1 PLAN 30R14992; TOGETHER WITH AN EASEMENT OVER PART LOT 89 NIAGARA TOWNSHIP, PARTS 2, 3 & 4 PLAN 30R14992 AS IN NR362619; TOWN OF NIAGARA-ON-THE-LAKE” are as follows:

TOWN COMMUNITY AND DEVELOPMENT SERVICES

1. That this approval applies to the Draft Plan of Vacant Land Condominium prepared by Upper Canada Consultants, dated July 13, 2023, identified as Drawing Number 1520-DP, for lands municipally known as 308 Four Mile Creek Road, legally described as “FIRSTLY: PART TOWNSHIP LOT 89 NIAGARA, PART 1 PLAN 30R13725; SECONDLY: PART TOWNSHIP LOT 89 NIAGARA, PART 1 PLAN 30R14992; TOGETHER WITH AN EASEMENT OVER PART LOT 89 NIAGARA TOWNSHIP, PARTS 2, 3 & 4 PLAN 30R14992 AS IN NR362619; TOWN OF NIAGARA-ON-THE-LAKE”, showing nine (9) vacant land units for townhouse dwellings, and one (1) vacant land unit for future development (Phase 2), in addition to common elements for a private road, landscaping and environmental protection.
2. That the Owner enters into one or more agreements with the Town of Niagara-on-the-Lake (the “Town”) agreeing to satisfy all requirements, financial and otherwise, of the Town including but not limited to the provision of services, roads, signage, grading, drainage, trees, streetlighting and sidewalks. The agreement shall also specifically prohibit development on the lands, until such time as grading and services are adequately provided, to the satisfaction of the Town.

3. That if final approval is not given to this plan within three (3) years of the draft approval date and no extensions have been granted, draft approval shall lapse. If the owner wishes to extend the draft approval, a complete application form and written explanation of the request must be received by the Town prior to the lapsing date.
4. That the Condominium Agreement between the Owner and the Town of Niagara-on-the-Lake be registered by the municipality against the lands to which it applies, pursuant to the provisions of the *Planning Act*.
5. That the Owner agrees in the Condominium Agreement between the Owner and the Town of Niagara-on-the-Lake that any outstanding taxes will be paid prior to the registration of the final plan.
6. That the Owner provides a preliminary Condominium Description, in accordance with Ontario Regulation 49/01 under the *Condominium Act, 1998, S.O. 1998, c. 19*, and a letter to the Director of Community and Development Services stating how all conditions of Draft Plan Approval have been satisfied at the time of request for condition clearance.
7. That the Owner receives final approval for an Official Plan Amendment to implement the “Conservation – EX-CON-1” designation to permit a private road and private infrastructure subject to approval from the Niagara Peninsula Conservation Authority, and to refine the boundary of the “Conservation” designation on the subject lands in accordance with the development limit for the realigned watercourse completed through Niagara Peninsula Conservation Authority Permit No. 201900660.
8. That the Owner receives final approval to a Zoning By-law Amendment to provide land use regulations for the development of the subject lands.
9. That the Owner pays 5% cash-in-lieu of parkland dedication to the Town pursuant to the provisions of the *Planning Act* based on the total value of the subject lands as determined by

an appraisal prepared by a qualified person and approved by the Town. All costs associated with obtaining an appraisal are the responsibility of the Owner.

10. That the Owner receives final approval from the Director of Community and Development Services for a Site Plan to implement the requirements of the Draft Plan of Vacant Land Condominium.
11. That the Owner submits a Landscape Plan and Planting Plan that includes native species and which is in accordance with the recommendations set out in the Arborist Report, prepared by Beacon Environmental Ltd. (dated April 2023), in addition to proposed dwelling elevations for the future Site Plan application for review and approval, to the satisfaction of the Director of Community and Development Services.
12. That the Owner agrees in the Condominium Agreement between the Owner and the Town of Niagara-on-the-Lake to grant to the Town any required easements for services or utilities free and clear of any mortgages, liens or encumbrances.
13. That the private road within the development be named to the satisfaction of the Town, in accordance with the Town's Municipal Street Naming Policy.
14. That the Owner agrees in the Condominium Agreement between the Owner and the Town of Niagara-on-the-Lake that during the construction of the development site that the site will be kept in a reasonably tidy condition so that the raising of dirt and dust is kept to a minimum and further that all roads adjacent to and in the vicinity of the development are kept clean of mud and debris as per Town's Street Cleaning Policy for new developments (Policy CDS-PLG-005).
15. That the Owner agrees in the Condominium Agreement between the Owner and the Town of Niagara-on-the-Lake that, prior to the issuance of a building permit, each dwelling within the Plan of Condominium will be subject to the review and approval of the Director of Community

and Development Services respective urban design considerations in accordance with the St. Davids Urban Design Guidelines.

16. That the Owner agrees to include the following warning clause in all Agreements of Purchase and Sale or Lease or Occupancy, and that it is also included in the Condominium Agreement between the Owner and the Town of Niagara-on-the-Lake:

“These lands are in proximity to lands designated for agricultural uses. 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.”

TOWN URBAN FORESTRY

17. That the Condominium Agreement between the Owner and the Town of Niagara-on-the-Lake contain wording wherein the Owner agrees to implement the following:

(a) The Owner agrees to implement the recommendations outlined in the Arborist Report, prepared by Beacon Environmental Ltd. (dated April 2023), including but not limited to the recommendations set out in Section 5 of the Arborist Report, which specify proper precautions and protection measures for implementation in advance of site preparation and construction.

(b) That the Owner agrees to the following clauses in order for the Town to issue permits to injure the two (2) Black Walnut trees on the abutting property to the north, as identified in the Arborist Report prepared by Beacon Environmental Ltd (dated April 2023):

i. “That the injuring be carried out by, or under the direct supervision of a Certified Arborist following approved industry standards. In advance of any work proceeding on the subject lands, including but not limited to site grading, the Certified Arborist shall confirm in writing that the trees on the adjacent property can be safely retained

following the injuring of the trees.

ii. That the recommendations of the Tree Protection Plan submitted as part of the Arborist Report be implemented with respect to injuring trees on the adjacent property to the north of the subject lands.

iii. The Certified Arborist which carries out or supervises the work, shall submit a report to the Town's Urban Forestry By-law Enforcement Officer, which clearly identifies and documents the process carried out. Hydrovac or air spading and root pruning must be documented with photographs.

iv. Tree protection fencing shall be installed and inspected by Town staff prior to any work proceeding on the subject lands.

v. The Owner agrees to pay the required intent to injure permit fees, to be paid in accordance with Town By-law No. 5139-19."

(c) That the Owner agrees to pay the required fees set out by the Town's Urban Forestry By-law Enforcement Officer for the replacement of any trees removed from the subject lands, in advance of any site preparation or construction occurring.

TOWN DRAINAGE AND IRRIGATION

18. That the Owner, at their own expense, enter into a Reapportionment Agreement for assessment of future maintenance of the municipal drain, subject to the approval of the Drainage Superintendent.

TOWN OPERATIONS

19. That detailed design drawings with calculations for the watermain system, including required

fire flows and existing system flows, be submitted to the Operations Department for its review and approval.

20. That detailed design drawings with calculations for the sanitary sewer system and stormwater drainage systems required to service this proposal be submitted to the Town's Operations Department for its review and approval.
21. That prior to the approval of the final plan and registration of the Condominium Agreement between the Owner and the Town of Niagara-on-the-Lake, the owner submits detailed construction plans showing the entrance, and internal road designs to the Town's Operations Department for its review and approval.
22. The Owner agrees to consult with the Town's Operations Department to determine suitable permanent locations for the community mailboxes, if required, which shall be included on appropriate servicing plans.
23. That the Owner agrees to the following in the Condominium Agreement between the Owner and the Town of Niagara-on-the-Lake:
 - (a) That on street parking is prohibited, and that the Owner is responsible for the purchase and installation of all required regulatory and street signage.
 - (b) That the Condominium Agreement includes a clause that the Town's Operations Department will not provide any snow plowing and/or sanding within the Condominium Corporation lands, and that the Owner must provide sufficient space to accommodate snow storage within the development lands.
 - (c) That the Condominium Agreement include a statement that the private sanitary and stormwater management systems may be subject to periodic inspections by the Operations Department and shall be maintained by the Condominium Corporation and if not maintained, after receiving written notice, the Town's Operations Department has the

authority to enter the private lands, carry out the required repairs and charge the Condominium Corporation accordingly.

- (d) That the Owner will be required to post the standard securities and cash deposits relating to primary and secondary services for both on-site and of-site works, plan reviews, site inspections (based on working days), signs and barricades and road clean up prior to commencing the installation of any services.
- (e) That the owner installs a sidewalk of 1.5m in width along the entire subject property's frontage along Four Mile Creek Road, which shall connect to the existing sidewalk terminating approximately 23 metres north of the subject property's northern limit, the cost of which shall be wholly borne by the Owner.
- (f) That all infrastructure works will be constructed to current Town specifications.
- (g) That all construction plans and supporting reports will be subject to a peer review at the Owner's cost.
- (h) That all proposed infrastructure will be subject to the Town's inspection at the Owner's expense including qualitative and quantitative tests made of any materials used in the construction of any works.
- (i) That a Street Lighting Design/Plan is submitted to the Town's Operations Department for review and approval.
- (j) That a Streetscape Plan of the internal streets illustrating the location of street trees, pavement markings, community mailbox(s) locations, hydrants, regulatory and no parking signs and street lighting is submitted to the Town's Operations Department for review.
- (k) That a Landscape Plan and Planting Plan be submitted, separate from the Streetscape

Plan, to the Town's Operations Department for review and approval.

- (l) That all sanitary sewer, watermain and storm sewer construction will be in accordance with current Town Specifications and subject to the Town's Operations Department for approvals.
- (m) That a comprehensive Stormwater Management Report be submitted to the Town's Operations Department for review and approval.
- (n) That the Owner is required to submit an overall Lot Grading Plan for review and approval to the Town's Operation Department noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site.
- (o) That a Sediment Control Plan is submitted to the Town's Operations Department for review and approval.
- (p) That the private internal water system shall be subject to annual inspections and maintenance by the Operations Department and that the costs associated with those inspections and maintenance will be borne by the Condominium Corporation.
- (q) That any future proposed works and/or maintenance on the private internal water system proposed to be completed by the Condominium Corporation be subject to the review and approval of the Town's Operations Department prior to any such works taking place.
- (r) That the internal private watermain system be metered in a chamber at the property line inside the Condominium Corporation lands, and further that the Condominium Corporation shall be responsible for the monetary difference between the amount of metered water entering the development and the total amount of water individually billed to each unit on an annual basis.
- (s) That the Owner conduct flow testing on all installed on-site hydrants, and that the Owner

install the appropriate colour-coded discs, to be completed at the time of watermain commissioning. Such flow testing results shall be provided to the Town.

REGIONAL MUNICIPALITY OF NIAGARA

24. That a Letter of Reliance for the Noise Feasibility Study, prepared by HGC Engineering (dated July 7, 2023) shall be submitted to Niagara Region to indicate that, despite any limitations or qualifications included in the submitted reports/documents, the Region is authorized to rely on all information and opinions provided in the reports submitted.
25. That the Condominium Agreement between the Owner and the Town contain a provision whereby the owner agrees to implement the noise mitigation measures and ensure the required warning clauses are included in all offers and agreements of purchase and sale or lease for each dwelling unit in accordance with the Noise Feasibility Study required in the condition above. The following clauses shall be included in the Condominium Agreement:

“Type A: Purchasers/tenants are advised that sound levels due to increasing road traffic on Four Mile Creek Road may occasionally interfere with some activities of the dwelling unit occupants as the sound levels exceed the Municipality’s and the Ministry of the Environment, Conservation, and Parks’ noise criteria.

Type B: This dwelling unit has been fitted with a forced air heating system and the ducting etc., was sized to accommodate central air conditioning. Installation of central air conditioning will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality’s and the Ministry of the Environment, Conservation, and Parks noise criteria. (Note: The location and installation of the outdoor air conditioning device should be done so as to minimize the noise impacts and comply with criteria of MECP publication NPC-300).

Type C: The lands in the Plan of Vacant Land Condominium may be exposed to noise, odour and dust from nearby agricultural operations and agricultural-related

traffic, industrial operations and industrial/commercial traffic that may occasionally interfere with some activities of the owners who may occupy the lands.”

26. That the following clause be included in the Condominium Agreement:

“Should deeply buried archaeological remains/resources be found on the property during construction activities, all activities impacting archaeological resources must cease immediately, notify the Archaeology Programs Unit of the Ministry of Citizenship and Multiculturalism (MCM) (416-212-8886) and a licensed archaeologist is required 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, MCM 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.”

27. That following completion of any remediation and/or risk assessment work (if required), a Record of Site Condition (RSC) shall be filed on the Ministry of the Environment, Conservation and Parks’ (MECP) Environmental Site Registry in accordance with *Environmental Protection Act* and associated regulations, as amended. Finalized copies of the Environmental Site Assessments, site remediation reports, MECP written acknowledgement of the filing of the RSC, and certification from a Qualified Professional (QP) outlining that the property meets the applicable standard(s) of the intended land uses, shall be submitted to Niagara Region. A reliance letter from a QP shall also be submitted to Niagara Region to indicate that, despite any limitations or qualifications included in the above submitted reports/documents, the Region is authorized to rely on all information and opinions provided in the reports submitted to clear this condition.

28. That the Condominium Agreement contain wording wherein the Owner agrees to implement the recommendations outlined in the Arborist Report, prepared by Beacon Environmental Ltd. (dated April 2023).
29. That the Condominium Agreement contain wording wherein the Owner agrees to implement the following:
- 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 a no-gate bylaw be included in the agreement to reduce human encroachment and limit the movement of pets into the adjacent natural areas.
30. 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.
31. That a Grading Plan be provided to the satisfaction of Niagara Region 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.
32. That the Preliminary Landscape Plan, prepared by James McWilliam Landscape Architect, dated July 2023, be updated to the satisfaction of the Niagara Region to include lands located between the 15 metre watercourse buffer and the outer extent of residential development. The area should be planted with native trees, shrubs and groundcover that

complements the adjacent vegetation communities.

33. That the Condominium Agreement contain wording wherein the owner agrees to implement the approved Erosion and Sediment Control Plan, Grading Plan and Landscape Plan.
34. That the Owner dedicate the required widening across the frontage of the property along Regional Road 100 (Four Mile Creek Road).
35. That prior to any construction within the Regional Road 100 (Four Mile Creek Road) road allowance, the Owner shall obtain the required Regional Construction Encroachment and/or Entrance Permits from Niagara Region's Transportation Services Division, Public Works Department.
36. That revised engineering drawings to address transportation engineering comments and required urbanization be submitted for review and approval by Niagara Region.
37. That the applicant submit payment of the Region's 'Minor Urban Design Review' fee, as per the Council-approved Schedule of Rates and Fees.
38. That the Owner is responsible for the design and the construction costs to urbanize Four Mile Creek Road along the frontage of the development and enter into a legal agreement with Niagara Region for such work.
39. That prior to approval of the final plan or any on-site grading, the Owner shall submit a detailed stormwater management plan for the condominium 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 successor, 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.

40. That the Condominium Agreement between the owner and the Town contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the above condition.

41. That prior to final approval for registration, the Owner shall submit engineering drawings showing all servicing crossings of the Regional watermain and forcemain, as well as plan and profile drawings for the storm sewer, for review and approval by Niagara Region.

42. That the Owner submit Regional waste collection truck turning templates for review and approval.

43. That the Owner comply with the requirements of Niagara Region's Corporate Waste Collection Policy and complete the required Indemnity Agreement and commencement of collection form prior to Regional waste collection services commencing on-site.

44. That the condominium agreement between the owner and the Town contain a provision whereby the Owner agrees to include the following warning clause within future Purchase and Sale or Lease Agreement:

a. Purchasers are advised that a properly executed Indemnity Agreement must be submitted from the private property owner(s) or property management company with signing authority to Niagara Region in order to maintain waste collection services on private roadway(s) and/or property(ies).

45. That the Condominium Agreement between the Owner and the Town 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.

NIAGARA PENINSULA CONSERVATION AUTHORITY

46. That the Owner provide detailed grading, storm servicing, and construction sediment and erosion 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.
47. That the Owner submit detailed drawings and plans for the proposed private road and private infrastructure to the Niagara Peninsula Conservation Authority for review and approval.
48. That the Owner provide a 1.5-metre-high chain-link fencing along the rear and side lot lines, along the creek block. The applicable Engineering Drawings and the Condominium Agreement are to clearly indicate that chain link fencing is not to have any gates for the lots.
49. That the above Conditions set out by the Niagara Peninsula Conservation Authority be incorporated into the Condominium Agreement between the Owner and the Town of Niagara-on-the-Lake, to the satisfaction of the Niagara Peninsula Conservation Authority. The Town of Niagara-on-the-Lake shall circulate the Draft Condominium Agreement to the Niagara Peninsula Conservation Authority for its review and approval.

BELL CANADA

50. That the Condominium Agreement between the Owner and the Town include the following clauses:

- (a) *“That the Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.*
- (b) *That the Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.*
- (c) *That the Owner is to provide Bell Canada with servicing plans/CUP at their earliest convenience to planninganddevelopment@bell.ca to confirm the provision of communication/telecommunication infrastructure needed to service the development. It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada’s existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure. If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.”*

ENBRIDGE GAS INC.

51. That the Condominium Agreement between the Owner and the Town include the following clauses:

- (a) *“That the applicant shall use the Enbridge Gas Get Connected tool to determine gas availability, service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping and/or asphalt paving.*
- (b) *If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phased construction, all costs are the responsibility of the applicant.*

- (c) *In the event that easement(s) are required to service this development, and any future adjacent developments, the applicant will provide the easement(s) to Enbridge Gas at no cost.*
- (d) *The applicant will contact Enbridge Gas Customer Service at 1-877-362-7434 prior to any site construction activities to determine if existing piping facilities need to be relocated or abandoned.”*

NIAGARA ESCARPMENT COMMISSION

52. That the Niagara Escarpment Commission is circulated on the Site Plan Approval application, and is consulted in the review of Conditions 27, 31, 32, 39 and 46.

Clearance of Conditions

Prior to granting final approval for the condominium plan, the Town of Niagara-on-the-Lake Community and Development Services Department requires **written notification** from the following agencies that their respective conditions have been met satisfactorily.

Department or Agency	Conditions
Town Community & Development Services	1-16
Town Urban Forestry	17
Town Drainage and Irrigation	18
Town Operations	19-23
Niagara Region	24-45
Niagara Peninsula Conservation Authority	46-49
Bell Canada	50
Enbridge Gas	51
Niagara Escarpment Commission	52

Clearance of the conditions of final approval should be coordinated with the following contacts:

Department or Agency	Contact Name	Address	Phone	Email
Town Community and Development Services	Kirsten McCauley, Director of Community & Development Services	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	(905) 468-3266	kirsten.mccauley@notl.com
Town Operations Department	Darren MacKenzie, Manager of Public Works	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	(905) 468-3266	darren.mackenzie@notl.com
Town Fire and Emergency Services	Jay Plato, Fire Chief	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	(905) 468-3266	jay.plato@notl.com
Town Corporate Services Department	Grant Bivol, Town Clerk	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	(905) 468-3266	clerks@notl.com
Town Urban Forestry	Harry Althorpe, Urban Forestry By-law Enforcement Officer	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	(905) 468-3266	Harry.Althorpe@notl.com
Town Drainage and Irrigation	Brandon Enns, Drainage and Irrigation Superintendent	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	(905) 468-3266	Brandon.Enns@notl.com
Niagara Region	Amy Shanks, Senior Planner	1815 Sir Isaac Brock Way, P.O. Box 1042, Thorold, ON, L2V 4T7	(905) 980-6000	amy.shanks@niagararegion.ca
Niagara Peninsula Conservation Authority	Taran Lennard, Watershed Planner 2	250 Thorold Road West, 3rd Floor, Welland, ON, L3C 3W	(905)-788-3135	tlennard@npca.ca
Enbridge Gas	Willie Cornelio, Sr Analyst Municipal Planning	500 Consumers Road, North York, ON M2J 1P8	(416)-495-6411	municipalplanning@enbridge.com
Bell Canada	Juan Corvalan, Senior Manager, Municipal Liaison		(416) 570-6726	planninganddevelopment@bell.ca
Niagara Escarpment Commission	Janet Sperling, Acting Senior Strategic Advisor	1450 7th Ave. East I Owen Sound, ON N4K 2Z1	(226)-668-5247	Janet.Sperling@ontario.ca

Review of Conditions

Should any of the conditions appear unjustified or their resolution appear onerous, requests to revise or remove conditions may be presented by the owner to the Committee of the Whole. The Committee will consider requests to revise or delete conditions, subject to ratification by Town Council.