



DRAFT PLAN OF PROPOSED SUBDIVISION PART OF LOTS 23 & 24 CONCESSION 1 (GEOGRAPHIC TOWNSHIP OF HUMBERSTONE) CITY OF PORT COLBORNE REGIONAL MUNICIPALITY OF NIAGARA

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ADDITIONAL INFORMATION REQUIRED UNDER THE PLANNING ACT

NOTES
D. Residential
H. Piped water to be provided
I. Primarily clayey soil.
K. Sanitary and storm sewers to be provided

SURVEYOR'S CERTIFICATE
I hereby certify that the boundaries of the lands to be subdivided as shown on this plan, and their relationship to the adjacent lands are correctly and accurately shown.

OWNERS AUTHORIZATION
We, **SG REDHILLAND CORP.**, representing the registered owner of the registered lands hereby authorize **DESIGN PLAN SERVICES INC.** to prepare a draft plan of subdivision for submission and approval.

UNIT TABLE

Street Townhouses	Condo Townhouses	Semi-Attached	Archeological Area	Total
145	100	10	0.39	255

ROAD LENGTH
20 m R.O.W. 510.9 m
6 m Condo Road 916.2 m
TOTAL 1427.1 m



Scale	Date	Drawing Number	Rev.	Drawn	JD
1:1500	June 6, 2024	21211-8			Design

Conditions of Draft Plan Approval
563 Killaly Street East & VL to the South (File No. DPS D12-02-23)

The conditions of final approval and registration of the 563 Killaly Street East & VL to the South Plan of Subdivision by SG Real Estate Developments III LP (file: D12-02-23) in the City of Port Colborne are as follows:

DRAFT PLAN

1. This approval applies to the lands known as 563 Killaly Street East & VL to the South - Draft Plan of Subdivision, legally described as Part of Lots 23 & 24, Concession 1, Geographic Township of Humberstone, Regional Municipality of Niagara, now in the City of Port Colborne prepared by Design Plan Services Inc. dated June 6, 2024 depicting:
 - Blocks 1 and 6 for Condo Townhouses;
 - Blocks 2, 4 and 5 for Street Townhouses;
 - Block 3 for Stacked Condo Townhouses;
 - Block 7 for Semi-Detached Dwellings;
 - Block 8 for an Archaeological Area;
 - Block 9 for an Acoustic Barrier;
 - Block 10 for a Flood Storage Compensation Zone;
 - Block 11 for a Dry Stormwater Management Pond/Facility and Outlet; and
 - Block 12 for a Pedestrian Path to Friendship Trail.
2. Conditions are inserted for convenience only and shall not be used as a means of interpreting these draft plan conditions.
3. Unless stated otherwise, each condition shall apply to all phases, as applicable.

AGREEMENTS AND FINANCIAL REQUIREMENTS

4. The Developer shall provide three (3) paper copies and an electronic copy of the preregistration plan, prepared by an Ontario Land Surveyor, and a letter to the Planning Division stating how all the conditions imposed have been, or are to be fulfilled.
5. The Developer shall agree to pay to the City of Port Colborne all required processing and administration fees.
6. The Developer shall submit a Solicitor's Certificate of Ownership for the Plan of Subdivision of land to the Planning Division prior to the preparation of the Subdivision Agreement.

9. That the Subdivision Agreement between the Developer and the City of Port Colborne 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*.
10. That the Developer shall pay the applicable City of Port Colborne, Niagara Region, and Niagara District Catholic School Board development charges in place at the time of the Building Permit issuance.
11. That the Developer agrees in writing to satisfy all of the requirements, financial and otherwise, of the City of Port Colborne concerning the provision of roads, daylight triangles, lot reserves, road widenings, sidewalks, fire hydrants, streetlights, the extension and installation of services, stormwater management and drainage including the upgrading of services and the restoration of existing roads damaged during the development of the Plan of Subdivision.
12. That the subdivision, if phased, will be to the satisfaction of the Chief Planner or designate and the Director of Public Works.
13. That the Developer shall dedicate Block 11 to the City of Port Colborne, free and clear of any mortgages, liens and encumbrances as a stormwater management facility (retention pond).
14. That the Developer shall dedicate Block 12 to the City of Port Colborne, free and clear of any mortgages, liens and encumbrances as a pedestrian path to the Friendship Trail.
15. That the Developer shall provide street tree plantings in the boulevards abutting street townhouses and semi-detached dwellings or a suitable alternative on both sides of all roads at the rate of one tree per dwelling lot frontage, or at 15 metre intervals elsewhere, to the satisfaction of the Chief Planner.
16. That the Developer agrees that Blocks 1, 3 and 6 will require site plan control and/or additional draft plan of subdivision/condominium application(s), and that all ingress and egress will be via public or private laneways.
17. Prior to any site alteration, or final approval, the Developer 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 Director of Public Works, Chief Planner, and any other applicable authority.
18. 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 Developer 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.

19. 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.
20. It is the Developer'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 D12-02-23 and referencing the conditions that are cleared.

LAND TRANSFERS AND EASEMENTS

21. That the Developer agrees to deed any and all easements that may be required for access utility and drainage purposes to the appropriate authorities and utilities.
22. The Developer 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.
23. The Developer shall agree that 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 Inc. at no cost.

ZONING

24. That prior to final approval, the Zoning By-law Amendment application (File No. ZBA D14-06-23), which reflects the layout of the draft plan of subdivision, has come into effect in accordance with the provisions of Section 34 and 35.1 (1) of the Planning Act R.S.O. 1990, c. P.13.
25. The Developer shall submit to the Planning Division three (3) paper copies and an electronic copy of the proposed draft plan and a letter prepared by an Ontario Land Surveyor to confirm zoning compliance.
26. That the Chief Planner be provided with a surveyor's certificate showing lot frontages and net lot area for the final Plan of Subdivision.

ROADS

27. That the Developer agrees that all streets within the subdivision be conveyed to the City of Port Colborne as public highways.
28. That the Developer agrees that the proposed streets be named to the satisfaction of the City of Port Colborne in accordance with the City's Road Naming Policy.
29. That the Developer provides detailed engineering design drawings for the roads, sidewalks and street lighting facilities required to service the subject lands to the Director of Public Works for review and approval.
30. The Developer shall be responsible for the construction of all primary and secondary services, including sidewalks, boulevard plantings and sodding/hydroseeding, in accordance with the City of Port Colborne Standards, or subsequent standards.
31. That the Developer agrees to provide street lighting to the satisfaction of the Director of Public Works.
32. That the Developer agrees to provide a detailed streetscape plan in accordance with the City of Port Colborne Standards, or subsequent standards, to the satisfaction of the Chief Planner and the Director of Public Works illustrating street trees, on-street parking and driveway entrances.
33. That the Developer agrees to install sidewalk and grade and sod boulevards in accordance with the requirements of the City of Port Colborne Standards, or subsequent standards. All sidewalks shall be deemed to be Secondary Services and shall be completed within six (6) months of occupancy of each dwelling, except between November 15th and April 15th at which time the sidewalks must be installed as soon as possible, at the locations shown on the Plans and in accordance with the approved Subdivision Grade Control Plan or as amended by the Director of Public Works. The sidewalks are to be constructed in their entirety in block long sections.

MUNICIPAL SERVICES

34. That a Functional Servicing Study report indicating that the accepting servicing infrastructure (storm sewers, sanitary sewers, and water mains) can accommodate the additional flows and that adequate fire flows are provided to the development, be submitted to the City of Port Colborne for review and to the satisfaction of the Director of Public Works and Fire Chief.

35. That the Developer will provide the City of Port Colborne with the proposed site servicing plans for the subject property. The Director of Public Works shall approve the plans prior to final approval of the subdivision.
36. That the Developer submit to the City of Port Colborne for review and approval, 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, to the satisfaction of the Director of Public Works.
37. That the design drawings for the sanitary sewer and stormwater drainage systems to service this development be submitted to the Director of Public Works.
38. Prior to installing the watermain to service the proposed development, the Developer must submit Ministry of Environment, Conservation and Parks 'Form 1' Record of Watermain.
39. 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 drawings. Copies of the certification shall be circulated to the City of Port Colborne and the Regional Municipality of Niagara.
40. That all sub-grade building foundation's drainage be directed to a sump pump(s) in each house discharging via storm laterals to the municipal storm sewer system. Foundation drains are prohibited from connecting to the sanitary sewer system.
41. Roof water drainage from any structure or building shall discharge onto splash pads (concrete or other suitable material) to grass surfaces via downspouts. These splash pads shall extend a distance at least 1.2 metres away from the structure and must direct the flow away from the building, not onto walks or driveways, and not towards adjacent property.

STORMWATER MANAGEMENT, GRADING, SEDIMENT AND EROSION CONTROL

42. That the subdivision agreement contains provisions whereby the Developer agrees to implement the approved Stormwater Management Plan required in accordance with Condition 44.
43. That the Developer 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 to be submitted to the City of Port Colborne, Regional Municipality of Niagara Development Services

Division, and the Niagara Peninsula Conservation Authority for review and approval.

44. That prior to approval of the final plan or any on-site grading, the Developer submit to the City of Port Colborne for review and approval, two copies of a detailed Stormwater Management Plan for the subdivision and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the Ministry of the Environment, Conservation and Parks documents entitled "Stormwater Management Planning and Design Manual (March 2003)" and "Stormwater Quality Guidelines for New Development (May 1991)", and in accordance with the City of Port Colborne's Lot Grading and Drainage Policy, and the City of Port Colborne'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.
45. That detailed sedimentation and erosion control plans be prepared for review and approval by the Niagara Peninsula Conservation Authority and Niagara Region as detailed in their respective conditions.
46. 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 Region of Niagara for review and approval.
47. That prior to approval of the final plan, the Developer submit to the City of Port Colborne a detailed Stormwater Management Plan for the development completed by a qualified engineer and prepared in accordance with the "MOEE Stormwater Management Practices, Planning and Design Manual (June 1994)".

FENCING

48. That the Developer shall provide 1.5 m high black chain-link fencing where adjacent to the archaeological area in Block 8, unless otherwise stated by the City of Port Colborne or Niagara Region. This fencing should be indicated on all future Plans.
49. That the Developer shall provide 1.5 m high black chain-link fencing along the boundary of Block 11 (SWM pond), together with any required life-saving devices to the satisfaction of the City.

PUBLIC PARKLAND

50. The Developer shall convey land in the amount of 5% of the land included in the draft plan to the City of Port Colborne for park purposes as permitted in Section 51.1 of the Planning Act R.S.O. 1990, c. P.13. Alternatively, the City may accept cash-in-lieu of the conveyance and under the provisions of Section 51.1 (3) of the Planning Act R.S.O. 1990, c. P.13.

UTILITIES

51. The Developer shall coordinate the preparation of an overall utility distribution plan to the satisfaction of all affected authorities.
52. The Developer 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 Port Colborne. 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.

CANADA POST

53. The Developer shall include on all offers of purchase and sale, a statement that advises the prospective purchaser that:
- i) the home/business mail delivery will be from a designated Central Mail Box;
 - ii) the developer/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
54. The Developer agrees to 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 development;
- i) 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;
 - ii) 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;
 - iii) 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.

NIAGARA PENINSULA CONSERVATION AUTHORITY (NPCA)

55. That the Developer provide detailed grading, construction sediment, and erosion control drawings to the Niagara Peninsula Conservation Authority for review and approval.

56. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority for the proposed alterations to the floodplain as per the approved Hydraulic Analysis (prepared by exp. And dated July 24, 2024) prior to the commencement of any site alterations on site. As part of the Permit review process, the NPCA will require:

- a. Detailed cross sections/calculations of the proposed fill and revisions to the regulatory floodplain limits
- b. All digital floodplain modelling
- c. Any other details as determined by the NPCA to further the review of the work permit application.

57. The revised location of the floodplain hazard on these lands shall be placed in a Hazard zone category or similar to ensure protection to the floodplain lands which precludes further development activities or site alterations to those areas.

58. That conditions 55-57 are incorporated into the Subdivision Agreement between the Developer and the City of Port Colborne, to the satisfaction of the Niagara Peninsula Conservation Authority. The City shall circulate the draft Subdivision Agreement to the Niagara Peninsula Conservation Authority for its review and approval.

NIAGARA REGION PLANNING & DEVELOPMENT SERVICES

59. That following completion of the Modified Generic Risk Assessment and any further remediation work, if required, a Record of Site Condition (RSC) shall be filed on the Ministry of the Environment, Conservation and Parks' Environmental Site Registry in accordance with Environmental Protection Act and associated regulations as amended. Copies of the Environmental Site Assessment and site remediation reports as well as a copy of the Ministry of the Environment, Conservation and Parks' written acknowledgement of the filing of the RSC, together with a certification from a Qualified Professional (QP) that the development lands meet 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, in order to clear this condition.

60. That the Applicant/Owner receive acceptance from the Ministry of Citizenship and Multiculturalism (MCM) for the archaeological assessment reports titled Stage 1 & 2 Archaeological Assessment, prepared by Earthworks Archaeological Services Inc. (dated August 8, 2021) and Stage 1 & 2 Archaeological Assessment, prepared by Earthworks Archaeological Services Inc. (dated November 8, 2022), respectively. If the Ministry requires further archaeological work to be completed prior to acknowledging these report, these report(s) must also be submitted to and acknowledged by the Ministry, to the satisfaction of Niagara Region, prior to clearance of this condition.

- That the Applicant/Owner submit a site-specific Stage 3 archaeological assessment for site AfGT-329 (and any required subsequent archaeological assessments), as required by the licensed archaeologist or Ministry, to the Ministry of Citizenship and Multiculturalism (MCM) and receive an acknowledgement letter from the MCM (copied to Niagara Region) confirming that all archaeological resource concerns have met licensing and resource conservation requirements prior to any development on the site. The licensed archaeologist must engage with the appropriate First Nations and Indigenous community of closest cultural affiliation for the recommended site-specific Stage 3 Archaeological Assessment (and any subsequent recommended Stage 4 assessment), in accordance with the Standards and Guidelines for Consulting Archaeologists and NOP policies 7.11.1.5. It should be noted that subsequent Stage 4 study may be recommended to mitigate any adverse impacts to significant archaeological resources found on the site through preservation or resource removal and documentation. If the licensed archaeologist or the Ministry recommends/requires further Stage 4 Archaeological Assessments, these report(s) must also be submitted to and acknowledged by the Ministry, to the satisfaction of Niagara Region, prior to clearance of this condition. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the MCM through Niagara Region confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

61. That the following warning clause is included within the Subdivision Agreement to protect for any potential archaeological resources that may be encountered during construction activities.

- “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 Citizenship and Multiculturalism (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, the Ministry of Citizenship and Multiculturalism 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.

62. The Owner agrees to implement the recommendations of the Noise and Vibration Impact Study, prepared by RWDI (dated July 26, 2023), as well as any other recommendations that may occur as a result of further acoustical review by a Qualified Professional at the time of that detailed design for the development is available.

63. That future Agreements of Offers of Purchase and Sale or Lease or Rental include the following warning clauses:

All Dwelling Units

- *"Purchasers/tenants are advised that due to the proximity of the adjacent industrial/commercial land-uses, noise from the industrial/commercial land-uses may at times be audible."*

Phase One Block Townhouse Units along Killaly Street East

- *"This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment."*

64. That the Owner provides a written acknowledgement to Niagara Region Growth Strategy and Economic Development Department stating that draft approval of this subdivision does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.

65. That the Owner provides a written undertaking to Niagara Region Growth Strategy and Economic Development Department stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision shall contain a clause indicating that servicing allocation for the 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.

66. 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 to the Region to confirm capacity in the Regional

Infrastructure and obtain approval through the City's Consolidated Linear ECA and Drinking water licence for the new municipal infrastructure.

67. That the Subdivision Agreement between the Owner and the City 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.

68. That the Subdivision Agreement between the Owner and the City contain a provision whereby the Owner agrees to include the following warning clauses within future Purchase and Sale or Lease Agreement:

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).

69. In order to be eligible for internal Regional curbside collection a Plan must be submitted showing the appropriate number of waste collection pads, labelled with the required unit numbers and pad dimensions along with turning templates for the trucks.

70. That the following clause be included in the Subdivision Agreement and inserted into all offers and agreements of Purchase and Sale or Lease for each of the affected dwelling units:

Purchasers/Tenants of townhouse units which require the use of collection pads, are advised that in order to accommodate Regional Waste Collection Services, waste and recycling containers will need to be brought to the designated waste collection pads on the required collection day.

Clearance of Conditions

Prior to granting final approval, the City of Port Colborne 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 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 submitted 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 local municipality. The local municipality is also responsible for circulating a copy of the draft agreement, and the Region is unable to provide a final clearance letter until the draft agreement is received. 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 local municipality.

CITY OF PORT COLBORNE FIRE DEPARTMENT

71. Fire break lot(s) shall be outlined on the final plan as necessary.
72. During construction streets shall be left clear in conformance with the requirements of the Ontario Building Code (i.e. minimum 6 m width and a minimum 12 m centreline turning radius). Streets are to be hard surfaced (first layer of asphalt) prior to construction above ground to ensure that they will accept the weight of fire fighting vehicles and provide emergency access at all times and under all weather conditions.
73. Access for fire department vehicles shall be maintained to new buildings, construction trailers and material storage areas at all times during construction.
74. Fire hydrants are to be in place, operational and secured prior to construction above ground. The water supply for fire fighting purposes must be kept accessible and operational at all times.
75. A detailed site plan, noting all services / hydrant locations shall be submitted for review and comment.
76. Construction waste material is not to accumulate on site in quantity or locations so as to create a fire hazard.
77. Open burning is not permitted.
78. When hot work is being utilized portable fire extinguishers shall be on site and accessible.
79. The owner agrees that conditions 71-78 will be included as conditions within the future Subdivision Agreement.

Clearance of Conditions

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 plan approval, the Planning Division requires written notice from applicable City Departments and the following agencies indicating that their respective conditions have been satisfied:

- Bell Canada – Condition 22
- Enbridge Gas – Condition 23
- Canada Post – Conditions 53-54
- NPCA – Conditions 55-58
- Niagara Region Planning & Development Services – Conditions 59-70
- City of Port Colborne
 - Public Works – Conditions 12, 27-47
 - Unless otherwise specified, all other conditions shall be to the satisfaction of the Planning Division.
 - Fire Department – Conditions 71-79