



November 13^h, 2024

UCC File No. 5331

Via E-mail to: david.schulz@portcolborne.ca

To: David Schulz, MCIP, RPP
Manager of Planning
City of Port Colborne
66 Charlotte Street
Port Colborne ON L3K 3C8

**Re: Request for One Year Extension to Draft Plan of Subdivision Approval
Rosedale Subdivision – 26T-87018 (East Side of Highway 58)**

We are writing to request an extension to Draft Plan of Subdivision Approval for the Rosedale Subdivision for a period of **one (1) year**. Draft Approval was extended for a one (1) year period by Denise Landry on December 8th, 2023 by delegated authority. The lapsing date for Draft Approval is **December 16th, 2024**.

As you are aware, Upper Canada Consultants has been actively working on securing the necessary approvals to develop housing on the Rosedale Site for many years. Application for a redline revision to the Draft Plan approved Rosedale Estate Subdivision was submitted. A Statutory Public Meeting under the *Planning Act* was held January 9, 2024 for the Draft Plan Redline Revision and Zoning By-law Amendment. To date Council has not decided on these applications.

Why the site has not developed

The owner, Rosedale Estates Ltd. (Robbie Khanna), is also part of the same ownership group of the lands to the east, known as the Meadow Heights Subdivision (Ray Khanna), which is fully approved and registered. It is advantageous that these adjacent lands have the same ownership group, as due to unforeseen changes that have occurred over the past few years, the Rosedale Estates Subdivision cannot advance prior to Meadow Heights Subdivision.

Benefits of the Same Ownership Group

The rules regarding road connections to Highway 58 have changed over time. The Ministry of Transportation no longer permits the road connection to Highway 58 as seen in the previously approved Rosedale Plan. Accordingly, there is a need for an alternative second road connection for the Rosedale Subdivision. This has created an interdependency with the Meadow Heights Subdivision immediately to the east, as Meadow Heights must be developed before Rosedale Estates, in order to secure a second road connection. Meadow Heights includes an extension of both Meadowlark Drive and Westfield Place that once fully constructed, will provide two more accesses to the Rosedale Subdivision. As development within Meadow Heights progresses along Meadowlark Drive and Westfield Place towards Rosedale Subdivision, the development in Rosedale Subdivision becomes more imminent.

As these abutting subdivisions have the same ownership group, they will be developed in tandem, which will decrease the cost of servicing. Throughout the development process resources will be shared, and



progress will continue swiftly, as the new owner would like to proceed with development as soon as possible.

What has been done to advance the development

Considerable work has been done over the years to advance the Rosedale Subdivision towards registration and to clear conditions of Draft Plan Approval. This has been done at a considerable expense to the previous owner. This work has included detailed civil design for the sanitary and storm systems. More recently an updated Traffic Impact Study has been completed and is included with the Zoning By-law Amendment application submission. Archeological work continues and should be completed by the end of summer 2025. Additional studies including a Land Use Compatibility Review and Noise Assessment are in progress to address conditions # 35, 36 & 42. Attached to this letter is an update regarding the status of each condition.

Due to changes to Provincial, Regional and Port Colborne policy over the years as well as the sale of the lands where the sewer outlet is located, these studies and the design of the subdivision needed to be updated. UCC has been retained to ensure the necessary requirements are completed, and approval is granted.

Our Request

We request a **one (1) year** extension to the Draft Plan Approval for the Rosedale Subdivision. This extension is required in order to permit the new redline Draft Plan of Subdivision, to implement the proposed development. This will allow conditions to be carried forward and to be cleared as per the updated plan.

We would appreciate a one (1) year extension, as it is extremely important to Mr. Robbie Khanna that the Rosedale Plan retains Draft Plan Approval as it moves forward through the redline revision process. A concerted effort has been shown, and since the lands have changed ownership significant progress has been made.

We look forward to working collaboratively working with City Staff to bring this Draft Approved plan to final registration. We thank you for your time and consideration of this request and look forward to proceeding with this development.

Yours very truly,

Joseph M. Tomaino MCIP, RPP
Senior Planner
Upper Canada Consultants

CC: Robbie Khanna, Rosedale Estates Ltd.



Draft Plan of Subdivision Conditions (1988 with 2022 updates):

1. That this approval applies to the Rosedale draft plan of subdivision, part of Lot 30, Conc.3 (Former Twp. Of Humberstone), City of Port Colborne, prepared by W.A. Mascoe, O.L.S., dated April 29th, 1987, and revised on May 31,1988, showing 119 single family residential lots, two blocks of land for access reserve purposes and one block of land each for commercial, multiple family residential and park purposes, respectively.

A redline revision has been requested, therefore, minor modifications have been made to the original Rosedale Draft Plan of Subdivision. An M-Plan and R-Plan will be included in the final approval submission.

2. That the road allowances within the draft plan be dedicated as public highway.

A Draft M-Plan prepared by JD Barnes Ltd. for the dedication of the road allowances will be included in the final approval submission.

3. That the proposed streets be named to the satisfaction of the City of Port Colborne.

A Draft M-Plan prepared by JD Barnes Ltd. illustrating the proposed street names to the satisfaction of the City of Port Colborne will be included in the final approval submission.

4. That any dead end streets and open sides of road allowances within the draft plan be terminated in 0.3m (1ft) reserves to be conveyed to the City of Port Colborne.

As per the redline draft plan and change in ownership, there are no longer any dead end street or open sides of road allowances, this will be illustrated in the Draft M-Plan prepared by JD Barnes Ltd.

5. That a temporary point of ingress to an egress from the plan site be provided to the satisfaction of the City of Port Colbornes until such time as adjacent residential lands are developed.

The adjacent residential lands are to be serviced in tandem with this proposed development and the adjacent development (Meadow Heights) provides the accesses into Rosedale Estates, therefore a temporary point of ingress and egress are not required.

6. That all easements required for utility or drainage purposes be granted to the appropriate authority.

All easements required for utility or drainage purposes will be included on the Draft R-Plan prepared by JD Barnes and included in the the final approval submission.

7. That the owner dedicate those lands shown as Block 'B' on the revised draft plan to the City of Port Colborne for park purposes pursuant to the provisions of Section 50(5)(a) of the Planning Act, 1983.



The M-Plan prepared by JD Barnes will include the lands to be dedicated to the City of Port Colborne for access to adjacent parkland and will be included in the final approval submission.

8. That the final plan may incorporate minor design revisions requested by the City of Port Colborne which may result in changes to the width or area of some lots but which shall not include a change in the total number shown on the draft approved plan.

This condition is acknowledged.

9. That development of the subdivision be phased to the satisfaction of the City of Port Colborne and that provision for such phasing be included in the subdivision agreement between the owner and the City.

This condition is acknowledged and a clause is to be included in the Draft Subdivision Agreement prepared by the City.

10. That the owner agrees in writing to satisfy all requirements, financial or otherwise, of the City of Port Colborne concerning the provision of roads, installation of services, drainage, and all other matters related to the development of the subject site.

This condition is acknowledged and a clause is to be included in the Draft Subdivision Agreement prepared by the City.

11. That the subdivision agreement between the owner and the City of Port Colborne be registered by the municipality against the land to which it applies as provided for pursuant to Section 50(6) of the Planning Act, S.O. 1983.

This condition is acknowledged and a clause is to be included in the Draft Subdivision Agreement prepared by the City.

12. That the design for the water distribution system intended to service the draft plan area be submitted to the City of Port Colborne for review and approval.

The Engineering Drawing Set has been completed to City standards by Upper Canada Consultants. This Set will be included in the final approval submission.

13. 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 Ministry of the Environment, Conservation and Parks (MECP). Compliance Approval under the Transfer of Review Program.

Note: Under the MECP Transfer of Review Program, general sanitary and storm systems are reviewed. Any specialized systems and/or stormwater management will require direct application to the MECP office in Toronto. Please note that any additional approvals required from any other agency (NEC, NPCA, MTO, etc.) as part of the application must be obtained prior to submission of the ECA application. The developer should discuss any items with an engineering consultant.



The Engineering Drawing Set has been prepared by Upper Canada Consultants. Design has been being completed per Ministry, Region and City standards, and will be included in the final approval submission. Upon City's acceptance of these drawings, an ECA application will be submitted for final ECA approval.

14. That prior to approval of the final plan or any on-site grading, the owner submit to the Regional Planning and Development Services Department (Development Services Division) 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 documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991:
- 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; and,
 - b. Detailed erosion and sedimentation control plans.

The Engineering Drawing Set has been prepared by Upper Canada Consultants which includes the detailed lot grading, servicing and drainage plans, as well as the detailed erosion and sedimentation control plans.

15. That the owner enters into an agreement with the Regional Municipality of Niagara and assumes their portion of the cost to construct the sanitary sewer to the Industrial Pumping station as a result of this development.

This condition is acknowledged and a clause is to be included in the Draft Subdivision Agreement prepared by the City.

16. That a 7.6 meter (25 foot) setback be maintained from the top of the bank of the escarpment for all structural development on Lots 98 and 99 to the satisfaction of the Niagara Peninsula Conservation Authority. For this purpose the Authority has defined the 184 metre (G.S.C.) contour as being the top of the bank.

This condition is acknowledged and The Engineering Drawing Set prepared by Upper Canada Consultants will show this setback.

17. That a 7.6 meter (25 foot) setback be maintained from the top of the bank of the escarpment for all structural development on Lot 100 to the satisfaction of the Niagara Peninsula Conservation Authority. For this purpose the Authority has defined the rear lot line for Lot 100 as shown on the revised draft plan as being the top of the bank.

This condition is acknowledged and The Engineering Drawing Set prepared by Upper Canada Consultants will show this setback.

18. That a 7.6 meter (25 foot) setback be maintained from the top of the bank of the escarpment for all structural development on Lots 101 to 106 inclusive, to the satisfaction of the Niagara



Peninsula Conservation Authority. For this purpose Authority has defined the 189 meter (G.S.C.) contour as being the top of the bank.

This condition is acknowledged and The Engineering Drawing Set prepared by Upper Canada Consultants will show this setback.

19. That a 7.6 meter (25 foot) setback be maintained from the toe of the escarpment for all structural development on Lots 80 to 83 inclusive, to the satisfaction of the Niagara Peninsula Conservation Authority.

This condition is acknowledged and The Engineering Drawing Set prepared by Upper Canada Consultants will show this setback

20. That the owner submit a grading plan showing existing and final contours and erosion controls to be undertaken where necessary to the Niagara Peninsula Conservation Authority for their review and approval.

The Engineering Drawing Set has been prepared by Upper Canada Consultants which includes the grading plan and erosion controls. This Set is to be included in the final approval submission that is to be circulated to the appropriate agency for review and approval.

21. That the subdivision agreement between the owner and the City contain wording whereby the owner agrees to undertake the development setback and grading requirements of the Niagara Peninsula Conservation Authority as specified above, to the satisfaction of the agency.

Acknowledged. The Subdivision Agreement prepared by the City will include the appropriate wording required by the NPCA regarding undertakign the development setback and grading requirements.

22. That the owner provides a written acknowledgement to the Regional Planning and Development Services Department (Development Service Division) that draft approval of this subdivision does not include a commitment of servicing allocation by the Regional Municipality of Niagara as this servicing allocation will be assigned at the time of final approval of the subdivision for registration purposes.

The required written acknowledgment, signed by the property owner, will be included in the final approval submission.

23. That the owner shall provide the Regional Planning and Development Services Department (Development Services Division) with a written undertaking stating that all offers and agreements of purchase and sale, which may be negotiated prior to registration of the subdivision, shall contain a clause that servicing allocation will not be assigned until the plan is granted final approval for registration, and a similar clause be inserted in the subdivision agreement between the owner and the City of Port Colborne.

The required written undertaking, signed by the propoerty owner, will be included in the final approval submission.



24. That in order to provide for Regional curbside collection of waste the owner shall comply with any applicable Regional policies relating to the collection of waste and ensure that all streets and development blocks can provide a through access.

A Waste Collection Plan will be included within the final approval submission which confirms that Regional waste collection services can be provided.

25. That a 7.6 meter (25 foot) setback be maintained from the top of the bank of the escarpment for all structural development on Lots 98 and 99 to the satisfaction of the Niagara Peninsula Conservation Authority. For this purpose the Authority has defined the 184 meter (G.S.C.) contour as being the top of the bank.

This condition is acknowledged and The Engineering Drawing Set prepared by Upper Canada Consultants will show this setback.

26. That a 7.6 meter (25 foot) setback be maintained from the top of the bank of the escarpment for all structural development on Lot 100 to the satisfaction of the Niagara Peninsula Conservation Authority. For this purpose the Authority has defined the rear lot line for Lot 100 as shown on the revised draft plan as being the top of the bank.

This condition is acknowledged and The Engineering Drawing Set prepared by Upper Canada Consultants will show this setback.

27. That a 7.6 meter (25 foot) setback be maintained from the top of the bank of the escarpment for all structural development on Lots 101 to 106 inclusive, to the satisfaction of the Niagara Peninsula Conservation Authority. For this purpose the Authority has defined the 189 meter (G.S.C.) contour as being the top of the bank.

This condition is acknowledged and The Engineering Drawing Set prepared by Upper Canada Consultants will show this setback.

28. That a 7.6 meter (25 foot) setback be maintained from the toe of the escarpment for all structural development on Lots 80 to 83 inclusive, to the satisfaction of the Niagara Peninsula Conservation Authority.

This condition is acknowledged and The Engineering Drawing Set prepared by Upper Canada Consultants will show this setback.

29. That the owner submit a grading plan showing existing and final contours and erosion controls to be undertaken where necessary to the Niagara Peninsula Conservation Authority for their review and approval.

The Engineering Drawing Set has been prepared by Upper Canada Consultants which includes the grading plan and erosion controls. This Set is to be included in the final approval submission that is to be circulated to the appropriate agency for review and approval.



30. That the subdivision agreement between the owner and the City contain wording whereby the owner agrees to undertake the development setback and grading requirements of the Niagara Peninsula Conservation Authority as specified above, to the satisfaction of that agency.

Acknowledged. The Subdivision Agreement prepared by the City will include the appropriate wording required by the NPCA regarding undertaking the development setback and grading requirements.

31. That prior to approval of the final plan, the owner prepare and submit to the satisfaction of the Ministry of Transportation a traffic report indicating anticipated peak hour turning volumes at the Highway 58 access to the subdivision site.

No Access provided to Highway 58 from the Subdivision.

32. That prior to approval of the final plan, the owner enter into a legal agreement with the Ministry of Transportation whereby the owner agrees to be responsible for all costs associated with improvements which may be required to Highway 58 and its intersection with the public road access to the subdivision site.

No Access provided to Highway 58 from the Subdivision.

33. That the owner convey a 0.3m (1ft) reserve to the Ministry of Transportation along the Highway 58 frontage of the subdivision site to the satisfaction of that agency.

This condition is acknowledged and a clause is to be included in the Draft Subdivision Agreement prepared by the City and shown on the prepared R-Plan.

34. That prior to approval of the final plan, the owner prepare and submit to the Ministry of Transportation for review and approval a drainage plan and report outlining the intended treatment of the calculated run-off from the plan site insofar as it may affect the Highway 58 right-of-way.

The Functional Servicing Report and SWM Plan/Report has been prepared by Upper Canada Consultants which includes the drainage plan and report. This is to be included in the final approval submission that is to be circulated to the Ministry of Transportation for review and approval.

35. That prior to approval of the final plan, the owner shall submit to the Regional Planning and Development Services Department (Development Services Division) for the review and approval a detailed noise impact study assessing potential noise impacts from Highway 58 and the adjacent Loyalist Industrial Park for the proposed development and recommending mitigation measures to meet the applicable MECP noise guidelines.

Noise Assessment in progress.



36. That the subdivision agreement between the owner and the City of Port Colborne contain provisions whereby the owner agrees to implement the approved mitigation measures recommended by the noise impact study referred to in the condition above.

Acknowledged. The Subdivision Agreement prepared by the City will include the appropriate wording required incorporating the recommended noise mitigation measures.

37. That prior to any grading or construction on the subdivision site, the owner carry out an examination of the site to the satisfaction of the Ministry of Natural Resources to ascertain if previous drilling activity for gas resources poses a potential hazard to existing and subsequent land owners.

This Condition is acknowledged confirmation will be provided to the Ministry by a licensed well contractor.

38. That prior to any grading or construction on the subdivision site, the owner identify and if necessary replug any gas wells on the site to the satisfaction of the Ministry of Natural Resources and Forestry.

This Condition is acknowledged and confirmation will be provided to the Ministry by a licensed well contractor

39. That prior to approval of the final plan, the owner demonstrate to the satisfaction of the Ministry of Natural Resources that adequate provisions have been made for the elimination of any on-site hazards related to any abandoned gas wells within the subdivision site.

This Condition is acknowledged and confirmation will be provided to the Ministry by a licensed well contractor.

40. That prior to approval of the final plan, the owner shall submit to the Regional Planning and Development Services Department (Development Services Division) for review and approval a Stage 1 Archaeological Assessment to address the registered archaeological sites on the subject lands. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter of compliance from the Ministry of Tourism, Culture and Sport through the Regional Planning and Development Services Department (Development Services Division) conforming that all archaeological resource concerns have met licensing and resource conservation requirements."

The Stage 1 & 2 Archaeological Assessment prepared by Detritus Consulting Ltd. will be included in the final approval submission for review and approval.

41. That prior to approval of the final plan, the owner submit a Stage 3 Archaeological Assessment, prepared by a licensed archaeologist (and if required, Stage 4 archaeological assessment) to the Ministry of Citizenship and Multiculturalism (MCM) and receive an acknowledgement letter from 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. No demolition, grading or other soil disturbances shall take place on the subject property



prior to the issuance of the letter from the Ministry through Niagara Region confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

A Stage 3 Archaeological Assessment has commenced and will be provided once complete.

42. That prior to approval of the final plan, the owner shall submit to the Region's Planning and Development Services Department a land use compatibility study, prepared in accordance with the Ministry of the Environment, Conservation and Parks (MECP) D-Series Guidelines and endorsed by a qualified professional for review and approval. The study should assess existing and potential land use compatibility issues between the development and the Loyalist Industrial Park and Port Colborne West Transshipment Terminal Employment Area, as identified in the Niagara Official Plan. The land use compatibility study may be subject to peer review, at the sole expense of the owner.

Land Use Compatibility Study to commence in the next 30 days.

43. That prior to the approval of the final plan, Conditions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 35, 36 have been carried out to the City's satisfaction.

The clearance letter from the municipality shall include a brief and complete statement for each condition indicating how each has been satisfied or carried out.

Acknowledged.

44. That prior to the approval of the final plan, the City of Port Colborne is to be satisfied that Conditions 12, 13, 14 and 15 have been met.

Acknowledged.

45. That prior to the approval of the final plan, the City of Port Colborne is to be advised by the Niagara Peninsula Conservation Authority that Conditions 16, 17, 18, 19, 20 and 21 have been carried out to its satisfaction.

Acknowledged.

46. That prior to the approval of the final plan, the City of Port Colborne is to be advised by the Ministry of Transportation that Conditions 31, 32, 33 and 34 have been carried out to its satisfaction.

Acknowledged.

47. That prior to the approval of the final plan, the City is to be advised by the Ministry of Natural Resources that Conditions 37, 38 and 39 have been carried out to its satisfaction.

Acknowledged.



48. That if final approval is not given to this plan within four years of the draft approval date, and no extensions have been granted, draft approval shall lapse. If the owner wishes to request an extension to the draft approval period, a written explanation is required, together with a resolution from the local municipality which must be received by the Region prior to the lapsing date.

Acknowledged.