



THE CORPORATION OF THE TOWNSHIP OF WAINFLEET

NOTICE OF DECISION DRAFT PLAN OF CONDOMINIUM (VACANT LAND)

**Concession 4, Part Lot 30 RP 59R-4992 Part 1 except RP 59R-8241 Part 1
Daniel & Kandace Bunz (LandPRO Planning Solutions Inc.)
File No. P01/2021W**

Pursuant to subsection 51(31) of the *Planning Act*, the above-noted draft plan of condominium was approved by the Township of Wainfleet on July 13, 2021, subject to conditions listed in Schedule A. Unless otherwise noted, these conditions must be fulfilled prior to final approval of the plan. The draft plan comprises an area of approximately 3.7495 hectares and proposes to create six units for single detached dwellings and one block for a private road.

The approval lapses on July 13, 2024. The approval may be extended pursuant to subsection 51(33) of the *Planning Act*, but no extension can be granted once the approval has lapsed.

The subject land is also the subject of an application for a zoning bylaw amendment, File No. Z04/2021W.

APPEAL

The last date for filing an appeal to the Local Planning Appeal Tribunal in relation to this decision is August 4, 2021. A notice of appeal must be filed with the approval authority, must set out the reasons for the appeal, and must be accompanied by the appropriate filing fee paid by certified cheque or money order, in Canadian funds, payable to the Minister of Finance.

Any of the following may, at any time before the approval of the final plan of condominium, appeal any of the conditions imposed by the approval authority to the Local Planning Appeal Tribunal by filing a notice of appeal with the approval authority:

- the applicant;
- any public body that, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority;
- the Minister;
- the municipality in which the subject land is located, or the planning board in whose planning area it is located;
- if the subject land is not located in a municipality or planning area, any public body.

Only individuals, corporations or public bodies may appeal decisions in respect of a proposed plan of condominium to the Local Planning Appeal 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.

No person or public body shall be added as a party to the hearing of the appeal of the decision of the approval authority, including the lapsing provisions or the conditions, unless the person or public body, before the decision of the approval authority, made oral submissions at a public meeting or written submissions to the Council, or made a written request to be notified of changes to conditions or, in the Local Planning Appeal Tribunal's opinion, there are reasonable grounds to add the person or public body as a party.

NOTES REGARDING YOUR RIGHTS WITH RESPECT TO CHANGES TO CONDITIONS

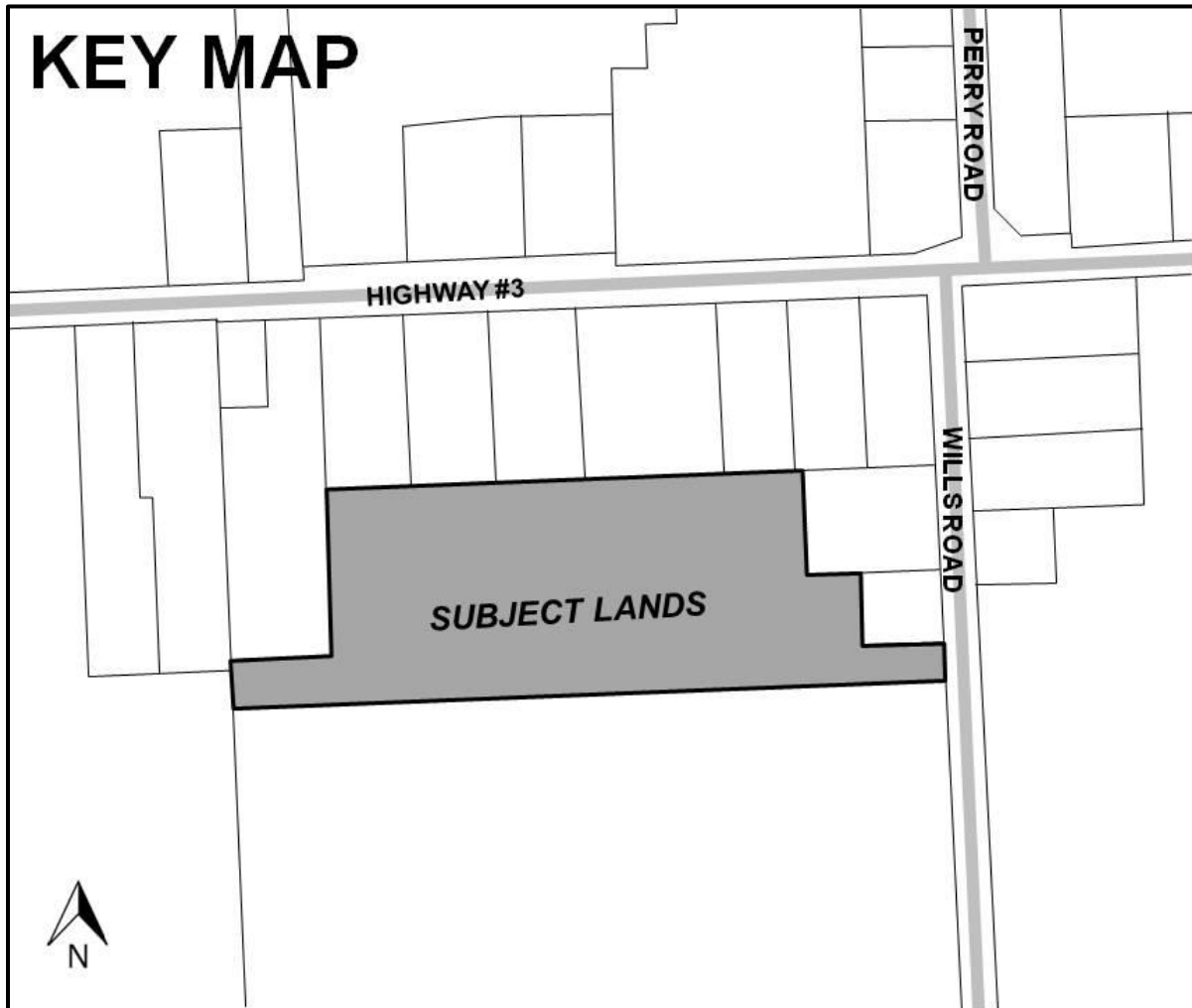
You will be entitled to receive notice of any changes to the conditions of approval of the proposed plan of condominium if you have made a written request to be notified of changes to the conditions.

No person or public body shall be added as a party to the hearing of an appeal regarding any changes to the conditions of approval unless the person or public body, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority, or made a written request to be notified of the changes to the conditions or, in the Local Planning Appeal Tribunal's opinion, there are reasonable grounds to add the person or public body as a party.

Additional information relating to the draft plan of condominium is available at the Township of Wainfleet Municipal Office during regular office hours (8:30 a.m. – 4:30 p.m.). For further information contact Sarah Ivins, Planner, at 905-899-3463 ext. 225 or planning@wainfleet.ca.

Dated at the Township of Wainfleet this 15th day of July, 2021.

Meredith Ciuffetelli, Deputy Clerk
Corporation of the Township of Wainfleet
31940 Highway #3, PO Box 40
Wainfleet, ON L0S 1V0
Tel: 905-899-3463 Ext. 275
Email: mciuffetelli@wainfleet.ca



Schedule A – Draft Plan of Condominium (File No. P01/2021W)

The conditions of final approval and registration of the plan of condominium, File No. P01/2021W, in the Township of Wainfleet, are as follows:

DRAFT PLAN

1. That this draft approval applies to the Wills Gates Manor Draft Plan of Condominium, CON 4 PT LOT 30 RP 59R4992 PART 1 EXCEPT RP 59R8241 PART 1, Township of Wainfleet prepared by LandPRO Planning Solutions Inc. dated February 18, 2021.
2. That the headings inserted in these conditions of draft approval are inserted for convenience only and shall not be used as a means of interpreting these draft plan conditions.
3. That this draft approval is for a period of three (3) years. Draft 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 draft approval has lapsed. If the Owner wishes to request an extension to the draft approval, a written request with an explanation of why the extension is required must be submitted for Township Council's consideration, prior to the lapsing date.
4. That 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*.
5. That prior to final approval, the Owner shall provide three (3) paper copies and an electronic copy of the pre-registered plan, prepared by an Ontario Land Surveyor, and a letter to the Township of Wainfleet stating how all the conditions imposed have been or are to be fulfilled.
6. That it is the Owner's responsibility to fulfill the conditions of draft plan approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the Township, quoting file number **P01/2021W** and referencing the conditions that are cleared.

AGREEMENTS AND FINANCIAL REQUIREMENTS

7. That prior to final approval, the Owner shall enter into a suitable Condominium Agreement with the Township. The Condominium Agreement shall contain all matters set out as conditions of approval as deemed necessary in this decision and any other matters deemed appropriate by the Township to satisfy all requirements, financial or otherwise. The Condominium Agreement shall be registered against the lands to which it applies prior to registration of the plan of condominium and shall be completed at the Owner's expense.
8. That prior to final approval, the Owner shall submit a Solicitor's Certificate of Ownership for the Plan of Condominium land to the Township of Wainfleet prior to the preparation of the Condominium Agreement.
9. That prior to any site alteration, the Condominium Agreement between the Owner and the Township of Wainfleet shall be registered against the lands to which it applies in accordance with the *Planning Act R.S.O. 1990, c. P.13*.

LAND TRANSFERS AND EASEMENTS

10. That prior to final approval, the Owner agrees to deed any and all easements that may be required for utility and drainage purposes be granted to the appropriate authorities, free and clear of all encumbrances.

TOWNSHIP – PLANNING

11. That prior to final approval, the zoning by-law amendment application (File No. Z04/2021W), which reflects the layout of the draft plan of condominium, has come into effect in accordance with the provisions of Section 34 of the *Planning Act R.S.O. 1990, c. P.13*.
12. That prior to final approval, the Owner shall submit to the Township of Wainfleet 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.
13. That the Owner pay 5% cash-in-lieu of parkland dedication in accordance with Section 51 of the *Planning Act*.

14. That prior to final approval, the Owner shall submit a landscape plan and streetscape plan of the private road illustrating the location of on-street parking, street trees, community mailbox locations, regulatory signage and street lighting to the satisfaction of the Planner and Manager of Operations.
15. That the private road within the development be named to the satisfaction of the Planner and Manager of Operations, in accordance with the road naming policies in the Township's Municipal Addressing Policy.
16. That the Condominium Agreement between the Owner and the Township contain provisions whereby the Owner agrees to include the following warning clause in all offers of purchase and sale or lease of each dwelling unit:

“The lands in the plan of condominium may be exposed to noise, odour and dust from nearby agricultural operations and agricultural-related traffic that may occasionally interfere with some activities of the owners who may occupy the lands.”

TOWNSHIP – OPERATIONS

17. That prior to final approval, 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 Environment documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to the Manager of Operations 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;
 - c. Detailed phasing of construction of the stormwater management facility to coincide with phasing of development of residential lands (internal and external to the condominium) planned to be serviced by the stormwater management facility;
 - d. Detailed costs to construct the stormwater management facility with benefitting area costs breakdown.

Note: The Township may require that such plans be peer reviewed by a qualified engineer at the Owner's expense.

18. That the Condominium Agreement between the Owner and the Township contain provisions whereby the Owner agrees to implement the approved plan(s) required in accordance with the approved Stormwater Management Plan.
19. That the Condominium Agreement between the Owner and the Township contain a clause indicating that all infrastructure within the development is private and owned by the condominium corporation.
20. That the Condominium Agreement between the Owner and the Township contain a clause that the Township's Operations Department will not provide any snow plowing and/or sanding within the condominium.
21. That the Owner provide sufficient space to accommodate snow storage within the development and the Condominium Agreement between the Owner and the Township shall contain a clause that the condominium corporation will not plow snow into the municipal road allowance.
22. That the Condominium Agreement between the Owner and the Township contain provisions whereby the Owner agrees 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 that all municipal roads adjacent to and in the vicinity of the development are kept clean of mud and debris.
23. That prior to final approval, the Owner shall submit detailed construction plans showing the entrance and private road design, to the satisfaction of the Manager of Operations.

24. That the Condominium Agreement between the Owner and the Township contain a clause requiring that the Owner grade the private road as close to the final elevation as possible, provide necessary field survey information and all approved cross sections, identifying all existing and proposed utility locations prior to the installation of utilities.
25. That prior to final approval, the Owner shall submit detailed design drawings for decorative street lighting facilities required to service the development to the satisfaction of the Manager of Operations. Street lighting shall be provided in such a way that minimizes light pollution on neighbouring properties.
26. That prior to any construction activities taking place within the Township road allowance (Wills Road), the Owner shall obtain a Temporary Works Permit from the Operations Department.
27. That the Condominium Agreement between the Owner and the Township contain a clause requiring the completion of apportionment agreements for the Big Forks Municipal Drain, to be completed by an engineer at the expense of the Owner.

TOWNSHIP – FIRE AND EMERGENCY SERVICES

28. That Condominium Agreement between the Owner and the Township contain provisions whereby the Owner agrees to grant emergency access easements within the private road, which meet Ontario Building Code requirements and are accessible at all times, to the satisfaction of the Fire Chief.
29. That prior to final approval, the Owner shall provide details regarding the provision of water for firefighting purposes, completed by a qualified engineer, to the satisfaction of the Fire Chief and Chief Building Official.

UTILITIES

30. That prior to final approval, the Owner shall submit a composite utility plan that allows for the safe installation of all utilities, including required separation between utilities, to the satisfaction of all affected agencies. The Owner shall enter into any agreements required by affected agencies.
31. That the Condominium Agreement between the Owner and the Township contain provisions whereby the Owner agrees to install and construct hydro electric, telephone, gas, television cables services and any other form of telecommunication services as underground facilities, as approved on the composite utility plan, to the satisfaction of the Township and all affected agencies.

NIAGARA REGION PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

32. That the Condominium Agreement contain provisions whereby the owner agrees to implement the recommendations of the Hydrogeological Assessment, prepared by Terra Dynamics Consulting Inc. (dated October 29, 2020), including that water be supplied by cistern for each unit, and that both the cistern and the private sewage system meet Ontario Building Code (OBC) and Niagara Peninsula Conservation Authority (NPCA) setbacks, including a recommended setback from the entirety of the external condominium boundary.
33. That a full soil sampling analysis, as required by a Phase Two Environmental Assessment (ESA), in accordance with the Environmental Protection Act and associated regulations, as amended, outlining the levels of all contaminants in the applicable Site Conditions Standards, be submitted to the satisfaction of Niagara Region. A reliance letter from a Qualified Professional (QP) 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, in order to clear this condition.
34. If levels of contamination exceeding the applicable Site Condition Standards are found, any necessary remediation and/or risk assessment work, or Record of Site Condition (RSC) if required by the Environmental Protection Act and associated regulations as amended, shall be completed, filed on the Ministry of the Environment, Conservation and Parks' Environmental Site Registry, and submitted to Niagara Region with a certification from a Qualified Professional that the development lands meet the applicable standard(s) of the intended land uses. If required, a copy of the Ministry of Environment, Conservation and

Parks' written acknowledgement of the filing of the RSC shall also be submitted in order to clear this conditions.

35. The owner/developer shall comply with the requirements of Niagara Region's Corporate Waste Collection Policy, and prior to waste collection services commencing, the owner must complete the Application for Commencement of Collection and Indemnity Agreement with Niagara Region.
36. That prior to final approval, the Township of Wainfleet 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.
37. That prior to final approval for registration, a copy of the executed Condominium 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 Niagara Region in accordance with the Memorandum of Understanding, which stipulates that requests for formal clearance of conditions are to be received and circulated to Niagara Region by the local municipality. The local municipality is also responsible for circulating a copy of the draft agreement, and Niagara Region is unable to provide a final clearance letter until the draft agreement is received. Niagara Region is committed to reviewing submission related to individual conditions prior to receiving the formal request for clearance; however only one formal clearance letter will be issued. In this regard, studies and reports (one hard copy and a PDF digital copy that is AODA compliant) can be sent directly to Niagara Region with a copy provided to the local municipality.

CANADA POST

38. That the owner shall complete, to the satisfaction of the Township of Wainfleet and Canada Post,:
 - a. 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 Centralized Mail Box.
 - ii. The developers/owners are responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
 - b. The owner further agrees to:
 - i. Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the condominium.
 - ii. Install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.
 - iii. Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of condominium.
 - iv. Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
 - c. Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

BELL CANADA

39. 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.

40. 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.

MINISTRY OF TRANSPORTATION

41. That prior to final approval, the Owner shall submit to the Ministry of Transportation for their review and approval, a stormwater management report indicating the intended treatment of the calculated runoff.

42. That prior to final approval, the Owner shall submit to the Ministry of Transportation for their review and approval, detailed grading, servicing and internal road construction plans.

43. That the Condominium Agreement between the Owner and the Township contain a clause requiring Ministry Building and Land Use Permits for individual building lots within 180m from the centre point of Highway #3 and Wills Road, and 45m from all Ministry property limits. Ministry permits are required prior to any site grading being undertaken.

Clearance of Conditions

Prior to granting final approval for the subdivision plan, the Planning Department will require written notification from the following agencies that their respective conditions have been met satisfactorily.

Department or Agency	Conditions
Township Planning Department	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 31
Township Operations Department	14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 31
Township Fire & Emergency Services	28, 29
Niagara Region	32, 33, 34, 35, 36, 37
Canada Post	38
Bell Canada	39, 40
Ministry of Transportation	41, 42, 43

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

Department or Agency	Contact Name	Phone	Email
Township Planning Department	Sarah Ivins, Planner	905-899-3463 ext. 225	planning@wainfleet.ca
Township Operations Department	Richard Nan, Manager of Operations	905-899-3463 ext. 234	rnan@wainfleet.ca
Township Fire and Emergency Services	Morgan Alcock, Fire Chief	905-899-3463 ext. 274	firechief@wainfleet.ca
Niagara Region	Amy Shanks, Development Planner	905-980-6000 ext. 3264	amy.shanks@niagararegion.ca
Canada Post	Andrew Carrigan, Delivery Services Officer	226-268-5914	andrew.carrigan@canadapost.ca
Bell Canada	Ryan Courville, Manager Planning & Development	-	planninganddevelopment@bell.ca
Ministry of Transportation	Ted Lagakos, Senior Project Manager	416-268-3932	ted.lagakos@ontario.ca