



**SOUTHWOODS CONDITIONS OF DRAFT PLAN
APPROVAL
(COUNCIL DENIED)
(OLT APPROVE WITH MODIFICATIONS TO CONDITIONS)
(JANUARY 6, 2022)**

1. That the Owner enter into a Site Plan Agreement with the City.
2. That the Owner enter into a Condominium Assumption agreement with the City.
3. That no grading or on-site works commence prior to the registration of a site plan agreement on the property.
4. That all necessary easements required for utility purposes be granted to the appropriate Authority, free and clear of all encumbrances.
5. That the Owner pay 5% cash-in-lieu of parkland dedication in accordance with City policy, or in accordance with any subsequent community benefits charges.
6. The end of Sparrow Drive shall be completed to urban standards including curbing and sod work to finalize the development. The land on which the existing cul-de-sac sits shall be deeded to the City of Welland.
7. That the Provincially Significant Wetland (PSW) and its associated 15 metre buffer be zoned Environmental Protection or other similar zone category that achieves the same level of protection, to the satisfaction of the Niagara Peninsula Conservation Authority.
8. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority prior to beginning any work related to realigning and crossing the watercourse.
9. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority for any stormwater outlets into Drapers Creek.
10. That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval a buffer restoration plan. Implementation of the restoration plan will require a Work Permit from the Niagara Peninsula Conservation Authority.

11. That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval, detailed grading and construction sediment and erosion control plans.
12. That the Developer install limit of work fencing along the 15 metre buffer and portions where construction encroachments are less than 15 metres, to the satisfaction of the NPCA. The limit of work fencing is to be shown on the detailed grading and construction sediment and erosion control plans, to the satisfaction of the NPCA. Any construction encroachments into the 15 metre buffer require a Work Permit from the Niagara Peninsula Conservation Authority.
13. That the Developer provide 1.5 metre high chain link fencing along the boundary of the 15 metre buffer, to the satisfaction of the Niagara Peninsula Conservation Authority.
14. That the following clauses shall be included in the Condominium Agreement between the owners and the City of Welland:

“Should previously undocumented archaeological resources be discovered on the property during construction activities, construction and alteration of the site shall immediately cease and the owner shall notify the Ministry of Tourism, Culture and Sport (Culture Program Unit) in London (51-675-6898) and engage a licensed consulting archaeologist to carry out archaeological fieldwork in compliance with section 48(1) of the Ontario Heritage Act.”

“As on virtually any property in Southern Ontario, it is possible that Aboriginal or Euro-Canadian burials could be present within the development area. In the event that human remains are encountered during construction activities, construction shall immediately cease and the proponent shall notify the Niagara Regional Police, the local coroner, the Ministry of Tourism, Culture and Sport (Culture Program Unit, London office), and the Registrar, Cemeteries Regulation Unit of the Ontario Ministry of Consumer Services in Toronto (416-326-8392).”

15. That Block 1, which includes the wetland and its 15m buffer, be zoned Environmental Protection Area (EPA) or similar zoning which achieves the same level of protection.
16. That the agreement contain wording wherein the owner agrees to implement the mitigation measures and recommendations found in the EIS, including but not limited to:

- a. Culvert and channel re-alignment design and associated mitigation measures to ensure no impacts to fish or fish habitat as approved by Fisheries and Oceans Canada (DFO);
 - b. Vegetation removals be undertaken between September 1 and mid-March, outside of the core breeding bird nesting period.
17. That an Erosion and Sediment Control (ESC) Plan be provided for Regional staff approval. The ESC Plan shall include, but not be limited to, details to protect the wetland during construction and limit downstream impacts during channel realignment and culvert replacement in accordance with DFO approval, as well as details regarding dust suppression and topsoil storage.
18. That a Landscape/Buffer Planting Plan, prepared by a full member of the Ontario Association of Landscape Architects (OALA) or other qualified professional, be provided for Regional staff approval. The Planting Plan should identify and illustrate the location of native trees, shrubs, and groundcover within the recommended 15m wetland buffer.
19. That the agreement contain wording wherein the owner agrees to implement the approved ESC Plan and Landscape/Buffer Planting Plan.
20. That permanent fencing be provided along the length of the wetland buffer as illustrated on the Preliminary Site Servicing Plan (Upper Canada Consultants, May 27, 2019) or updated plans, as applicable. That the Site Plan Agreement identifies that no gates will be permitted to access the Provincially Significant Wetland.
21. 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 documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to the 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;

- 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.
22. That the Development Agreement between the owner and the City contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the approved Stormwater Management Plan.
23. That the owner submit a written undertaking to the Niagara Region (Development Services Division) that draft approval of this condominium 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 registration and any pre-servicing will be at the sole risk and responsibility of the owner.
24. That the owner submit a written undertaking to the Niagara Region (Development Services Division) that all offers and agreements of Purchase and Sale, which may be negotiated prior to registration of this condominium, shall contain a clause indicating that a servicing allocation for this condominium will not be assigned until the plan is registered, and a similar clause be inserted in the development agreement between the owner and the City.
25. That prior to final approval for registration of this plan of condominium, the owner shall submit the design drawings (with calculations) for sanitary and storm drainage systems required to service this development and obtain Ministry of the Environment Compliance Approval under the Transfer of Review Program.
26. That the applicant dedicates a 3.05 metre road widening to the Regional Municipality of Niagara along the frontage of Regional Road 36 (South Pelham Road), and 4.5 x 4.5 metre daylight triangle prior to the issuance of a building permit, to the satisfaction of Niagara Region.
27. That the condominium agreement between the owner and the City of Welland 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.
28. Prior to any construction taking place within the Regional road allowance, the owner shall obtain a Regional Construction Encroachment and/or Entrance Permit.

Applications must be made through the Permits Section of the Niagara Region Public Works Department (Transportation Services Division).

29. That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the applicant for units 9-13 and 80-85. The waste collection pads shall be in accordance with the Niagara Region's Corporate Waste Collection Policy.

30. That the following warning be included in the Condominium Agreement and inserted in all offers and agreement of purchase and sale or lease for units 9-13 and 80-85:

"That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the applicant for units 9-13 and 80-85. The waste collection pads shall be in accordance to the details outlined in the Niagara Region's corporate waste collection policy."

31. Include on all offers of purchase and sale, a statement that advises the prospective purchaser:

- a. That the home/business mail delivery will be from a designated Centralized Mail Box.
- b. That the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.

32. The owner further agrees to:

- a. work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
- b. 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.
- c. 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.
- d. 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.

33. 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.

34. That the following warning clause shall be included in the Condominium Agreement and inserted in all offers of purchase and sale or lease for 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.”

35. That prior to granting approval for the Final Plan of Subdivision, City of Welland Planning Division will require written notice from the following upon their respective Conditions of Draft Plan Approval have been met satisfactorily:

Niagara Peninsula Conservation Authority Conditions: 6, 7, 8, 9, 10, 11, 12, 13

Region of Niagara Conditions: 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30

Canada Post Conditions: 31, 32, 33

Town of Pelham Conditions: 34

36. That if Final Approval is not given to this Plan within three (3) years of the approval date, and no extensions have been granted, Draft Approval shall lapse. If the Owner wishes to request extension of Draft Plan Approval, a written request with reasons why the extension is required and the applicable application fee, must be received by the City prior to the lapsing date; and

THAT Welland City Council authorizes the Mayor and Clerk to sign the Draft Approval and Final Approval Plans and agreements once all conditions have been satisfied.