

Special Conditions for 25T-201207 "Nebo Trail"

That these conditions apply to "Nebo Trail", 25T-201207, prepared by IBI Group, and revised July 2, 2014, and certified by S.D. McLaren, O.L.S., dated December 13, 2012, as redline revised, showing 5 blocks (Blocks 1 – 5) for industrial purposes, 2 blocks for road widening purposes (Blocks 6 & 7), two blocks for a 0.3m (1 foot) reserve (Blocks 8 & 9) and one new municipal street (Street 'A') attached as Appendix "B" to Report PED14192, subject to the owner entering into a standard Form Subdivision Agreement, as approved by City Council.

1. That, ***prior to registration of the final plan of subdivision***, the owner/applicant shall submit a Noise Feasibility Study/Noise Brief that outlines the minimum noise mitigation measures that would need to be implemented for the proposed industrial lots backing onto existing residential development. The above requirement shall be prepared by a qualified Professional Engineer and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning. Should a peer review of the Noise Feasibility Study/Noise Brief be warranted, all associated costs shall be borne by the owner/applicant and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning.
2. That, ***prior to grading of the final plan of subdivision***, copies of the lot grading and drainage plan, showing existing and final grades, must be submitted to Hydro One Networks Inc. in triplicate for review and approval. Drainage must be controlled and directed away from Ontario Infrastructure and Land Corporation / Hydro One Networks Inc. transmission corridor. The above requirement shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Hydro One Networks Inc.
3. That, ***prior to grading***, temporary fencing must be installed along the edge of the transmission corridor prior to the start of construction at the developer's expense. The above requirement shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Hydro One Networks Inc.
4. That, ***prior to registration of the final plan of subdivision***, permanent 1.5 metre fencing must be installed along the mutual property line, shared by 6075 Twenty Road East and the Hydro Corridor to the east of the 6075 Twenty Road East, after construction is completed at the developer's expense. The above requirement shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Hydro One Networks Inc.
5. That, ***prior to registration of the final plan of subdivision***, the owners of Blocks 1 – 5 shall be advised that Ontario Infrastructure and Land Corporation / Hydro One Networks Inc. transmission corridor is not to be used without the express written permission of Hydro One Networks Inc. on behalf of Ontario Infrastructure and Land Corporation. During construction there will be no storage of materials or mounding of earth, snow or other debris on the transmission

corridor. The proponent will be responsible for restoration of any damage to the transmission corridor or Hydro One Networks Inc. facilities thereon resulting from construction of the subdivision. The above requirement shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Hydro One Networks Inc.

6. That, **prior to registration of the final plan of subdivision**, owners of Blocks 1 – 5 shall be advised the costs of any relocation or revisions to Hydro One Networks Inc. facilities that are necessary to accommodate this subdivision will be borne by the developer. The above requirement shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Hydro One Networks Inc.
7. Some noise from the existing Transformer/Distribution Station, which is in close proximity, may interfere with the proposed development/site. **Prior to registration of the final plan of subdivision**, an acoustic assessment must be undertaken at the developer's expense. If noise abatement (eg. Walls, berms, etc.) are required to meet applicable Ministry of the Environment or Municipal criteria, the costs involved will be the sole responsibility of the developer/builder. Hydro One Networks Inc. will not be responsible for any costs involved. The above requirement shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Hydro One Networks Inc.
8. That, **prior to registration of the Final Plan of Subdivision**, the Owner covenants and agrees to provide evidence that satisfactory arrangements, financial and otherwise, have been made with Canada Post Corporation for the installation and activation of Community Mail Boxes (CMB) in locations satisfactory to the City of Hamilton, to the satisfaction of the Senior Director of Growth Management.
9. That, **prior to preliminary grading**, the Owner prepares a karst study to assess the hydrogeological and hydrological function and influence of karst sinkhole HC-4 and to determine the location of its outlet to the satisfaction of the Hamilton Conservation Authority and the City of Hamilton, Director of Planning and the Senior Director of Growth Management; or to receive from the Hamilton Conservation Authority and City of Hamilton, Director of Planning an exemption from this requirement based on satisfactory completion of an overall stormwater management plan for the property.
10. That, **prior to preliminary grading**, the Applicant must complete a vertical alignment review of Twenty Road for the intersection of Street 'A' to the satisfaction of the Manager, Geomatics and Corridor Management Section. The analysis must conform to Transportation Association of Canada standards for a design speed of +20 km/h over the posted 60 km/h rate of speed.

11. That, ***prior to registration of the final plan of subdivision***, a 9.14 metre by 9.14 metre daylight triangle be established on the final plan of subdivision at the widened intersection of Twenty Road East and Street 'A' to the satisfaction of the City of Hamilton, Senior Director of Growth Management.
12. That, ***prior to registration of the final plan of subdivision***, the Owner dedicates sufficient land necessary to the City to establish an ultimate road allowance of 30.48 metres on Twenty Road East, and shall revise the draft plan to reflect this variation along the frontage of the subject lands, to the satisfaction of the City of Hamilton, Senior Director of Growth Management.
13. That, ***prior to registration of the final plan of subdivision***, the Owner shall revise Street 'A' of the draft plan to reflect the City's minimum industrial roadway standard for culs-de-sac, to the satisfaction of the City of Hamilton, Senior Director of Growth Management.
14. That, ***prior to servicing***, the Owner prepare a Water Servicing Study demonstrating how residential and fire flow demands will be accommodated based on field information and hydraulic modeling in order to support the application, to the satisfaction of the City of Hamilton, Senior Director of Growth Management. The report shall focus on the following issues:
 - a) Tabularize the expected occupancy;
 - b) Generate water demand estimation related to close nodes;
 - c) Calculate needed fire flow (via FUS, 1999);
 - d) Provide Water Quality Plan prior to Completion of Development (interim Period) for dead end of Street "A"; and
 - e) Utilize some 200mm watermains in proposed watermain layout especially for the extensions of existing watermains.
15. That, ***prior to servicing***, the Owner shall submit a Hydrogeological Report to the City, prepared by a qualified professional, to assess impacts, identify any significant recharge and discharge zone, provide recommendations to mitigate the groundwater impacts during servicing within the subdivision, and to undertake any mitigative works, as recommended, including monitoring, to the satisfaction of the City of Hamilton, Senior Director of Growth Management. The report shall include a groundwater contingency plan to ensure that an appropriate mitigation strategy is available to be implemented in the case whereof:
 - a) an aquifer is breached during construction;
 - b) nearby water supply and sewage disposal systems, and any surface and groundwater related infrastructure, are negatively impacted; and
 - c) verify that there will not be a negative impact on Karst within adjacent lands.
16. That, ***prior to servicing***, the Owner shall include in the engineering design and cost schedules provision for the minor (storm sewer/ditch) and major conveyance systems, to the satisfaction of the City of Hamilton, Senior Director of Growth Management.

17. That, **prior to servicing**, the Owner shall include in the engineering design and cost schedules a provision for the installation, at the Owner's expense, of sanitary sewer and watermain on Twenty Road East, to the satisfaction of the City of Hamilton, Senior Director of Growth Management.
18. That, **prior to servicing**, the Owner shall include in the engineering design and cost schedules, to the satisfaction of the City of Hamilton, Senior Director of Growth Management:
 - a) a storm conveyance system for storm runoff from external lands located west of Blocks 1, 4 and 5 to the outlet located at the south property limit of Block 4; and,
 - b) a storm conveyance system to Block 3, from the outlet located within the Twenty Road East right-of-way.
19. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate schedule provision for the reconstruction of the existing 600 mm diameter CSP culvert located within the Twenty Road East right-of-way including all restoration works at their expense, to the satisfaction of the City of Hamilton, Senior Director of Growth Management
20. That, **prior to registration of the final plan of subdivision**, the Owner agrees to convey suitable easements over Blocks 1, 4, and 5, to provide adequate conveyance of storm runoff from the external lands located to the west of the subdivision development and submits the necessary transfer deeds to the City's Legal Services Division, to the satisfaction of the City of Hamilton, Senior Director of Growth Management.
21. That, **prior to registration of the final plan of subdivision**, the Owner agrees, to convey a suitable easement over Block 2, to provide adequate conveyance of storm runoff from Block 3 to the outlet on Twenty Road East and shall submit the necessary transfer deeds to the City's Legal Services Division, to the satisfaction of the City of Hamilton, Senior Director of Growth Management.
22. That, **prior to registration of the final plan of subdivision**, the owner agrees to include a clause in all agreements of purchase, sale, or lease, and provide to the satisfaction of the City of Hamilton, Senior Director of Growth Management, advising:
 - a) That per the Ontario Water Resource Act the purchaser is advised that each Block within the subject lands requires an individual Environmental Approval (ECA) for on-site stormwater infrastructure, normally acquired at the Site Plan stage of development when the site design is finalized; and
 - b) That the Purchaser will be responsible for the construction, operation and maintenance of any on-site stormwater management infrastructure, in accordance with the terms and conditions outlined in the Environmental Compliance Approval issued by the Ministry of the Environment.

23. That, ***prior to registration of the final plan of subdivision***, the Owner agrees to include a clause in all agreements of purchase, sale, or lease advising that adequate stormwater services are not available for individual lots until a suitable design is approved at the Site Plan stage demonstrating compliance with the overall approved stormwater management strategy and targets for water quality control, water quantity control, erosion control and water balance volume outlined within the approved Stormwater Management Report for 6075 Twenty Road East (Plan of Subdivision 25T-201207), to the satisfaction of the City of Hamilton, Senior Director of Growth Management.
24. That, ***prior to registration of the final plan of subdivision***, the Owner shall pay the proportionate share for the future urbanization of Twenty Road East based on the City's "New Roads Servicing Rate" in effect at the time of payment, in accordance with the City's financial policies, to the satisfaction of the City of Hamilton, Senior Director of Growth Management.
25. That, ***prior to preliminary grading***, the Owner shall submit an overall subdivision grading plan that shows how the individual Blocks will be graded and drained in the interim development condition (post servicing but prior to Site Plan) such that they drain independently and not adversely affect adjacent Blocks, private lands, or municipal infrastructure (Street A, Twenty Road, and the Twenty Road outlet). Further, each block shall have at least one (1) dedicated outlet to the municipal system, which must meet minimum vertical requirements (i.e. 1.2m depth of cover), to the satisfaction of the Senior Director, Growth Management.
26. That, ***prior to registration of the final plan of subdivision***, the owner shall agree in the Subdivision Agreement, to advise purchasers of Blocks 1 – 5, that these blocks are ineligible for municipal collection of Garbage, Recycling, Organics, and Leaf and Yard Waste. Collection of Garbage, Recycling, Organics, and Leaf and Yard Waste must be provided through a Private Waste Hauler(s). Recycling is strongly encouraged.
27. That, ***prior to registration of the final plan of subdivision***, the owners of Blocks 1 – 5 shall acknowledge that the transmission lines abutting this subdivision operate at 500,000, 230,000 or 115, 000 volts. Section 188 – Proximity – of the Regulations for Construction Projects in the Occupational Health and Safety Act, require that no object be brought closer than 6 metres (20 feet) to an energized 500 kV conductor. The distance for 230 kV conductors is 4.5 metres (15 feet), and for 115 kV conductors it is 3 metres (10 feet). It is the proponent's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand place on the line.
28. That, ***prior to servicing of the final plan of subdivision***, in the absence of a Noise Feasibility Study/Noise Brief (Special Condition 1) and the implementation

of the recommended mitigation, due to the application of Special Condition No. 29, the owner shall include in the engineering design and cost schedules provisions to construct and maintain privacy fencing, to the satisfaction of the Senior Director of Growth Management, along the northern lot line of Block 1 and Block 2, until such time as the noise fencing is established for each individual lot at the Site Plan stage. The owner agrees to have the privacy fencing completed within 1 year of registration of the first phase of the plan of subdivision.

Further, the owner/applicant shall, prepare and submit for a typical noise barrier / privacy fence detail for the said lots. The detail shall be prepared by a qualified professional and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning.

29. That, ***prior to registration of the final plan of subdivision***, the Owner shall make provisions to amend approved conditions of the draft plan of subdivision including amending of the subdivision agreement should any conditions of draft plan be approved for deferral to the Site Plan process, to the satisfaction of the Director of Planning.

Note:

1. Pursuant to Section 51(32) of the Planning Act, draft approval shall lapse if the plan is not given final approval within 3 years. However, extensions will be considered if a written request is received before the draft approval lapses.