

## Special Conditions for Draft Plan of Subdivision Approval for 25T-201708

That this approval for the Draft Plan of Subdivision, 25T-201708, prepared by S. Llewellyn and Associates Limited and certified by S. Dan McLaren, O.L.S., dated March 11, 2020, consisting of three development blocks (Blocks 1-3), a Road Reserve Block (Block 4), Road Widening Blocks (Blocks 5-6) and a 0.3 metre reserve (Block 7) be received and endorsed by City Council with the following special conditions:

### Development Engineering

1. That Owner agrees to transfer Block 5 and Block 6 – Road Widening, as noted on the Draft Plan, to the City for future road widening purposes by certificate on the final plan, to the satisfaction of the Senior Director of Growth Management.
2. That the Owner shall submit the necessary transfer deeds to the City's Legal Services to convey Block 4 - Road Reserve, as noted on the Draft Plan, to the City of Hamilton to the satisfaction of the Senior Director of Growth Management. If it is determined that the potential future road is not required in accordance with TESR or any amendments to the satisfaction of the Ministry of Transportation and the Senior Director of Growth Management, Block 4 shall be returned to the developer at a nominal fee with any associated financial securities.
3. That the Owner agrees in writing to complete the surface asphalt works on the proposed roads no later than 3 years of installation of the binder asphalt, and to the satisfaction of the Senior Director of Growth Management.
4. That, **prior to registration of the final plan of subdivision**, the owner shall demonstrate that an addendum to the MTO Class EA document has been completed to reflect the proposed road alignment at their costs and that no Part II order has been filed with the Ministry, all to the satisfaction of the Senior Director of Growth Management.
5. That, **prior to registration of the final plan of subdivision**, the Owner agrees to submit a functional design for the future road to the north of Solar Drive extension, including the design of the future 'T' intersection and a bulb at the end of the street. The design shall provide for a truck movement in order to demonstrate feasibility of installation of the future street within subject lands and without negative impact on the adjacent City owned property, all to the satisfaction of the Senior Director of Growth Management.
6. That, **prior to registration of the final plan of subdivision**, the Owner agrees to provide a letter of credit to secure cost of the works for the future urbanization of the street to the north of Solar Drive extension, described as Block 4 on the Draft Plan. The amount for the letter of credit shall reflect the cost of works

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

within the limits of the draft plan, to the satisfaction of the Senior Director of Growth Management.

7. That, **prior to registration of the final plan of subdivision**, the Owner agrees to provide sufficient details to demonstrate that the proposed 26.0 m wide right-of-way can accommodate the typical road cross section complete with sidewalks and ditches, street furniture, utilities, etc. Furthermore, if during the detailed design stage it is identified that the road cross section cannot be accommodated within 26.0m wide right-of-way, the Owner agrees to dedicate additional lands to the City to facilitate the design and construction of the street, all to the satisfaction of the Senior Director of Growth Management.
8. That, **prior to servicing**, the Owner agrees in writing to provide a 4.5m wide access easement through Lot 2 to Street 'A; or Solar Drive extension in favour of the adjacent property at 39 Highway No. 5 West, to the satisfaction of the Senior Director of Growth Management.
9. That, **prior to servicing**, the Owner shall demonstrate that the proposed servicing concept for the subject lands fits into the ultimate servicing concept for the lands affected by the future cloverleaf interchange, i.e. re-alignment of watermain or sanitary sewer through the subject lands is accounted for, to the satisfaction of the Senior Director of Growth Management.
10. That, **prior to registration of the final plan of subdivision**, the Owner shows a separate block on the final plan of subdivision to provide for installation of a temporary turning circle at the east limit of Solar Drive extension, to the satisfaction of the Senior Director of Growth Management.
11. That, **prior to registration of the plan of subdivision**, the plan of subdivision shall include a block for a 0.3m reserve at the east limit of the proposed Solar Drive extension right-of-way to be dedicated to the City of Hamilton by the Owner's certificate on the plan to the satisfaction of the Senior Director, Growth Management.
12. That, **prior to registration of the final plan of subdivision**, the Owner shall demonstrate that the proposed location of Street 'A' is in accordance with the MTO Class EA document and shall obtain the MTO approval for the proposed intersection design with Highway No. 5, all to the satisfaction of the Senior Director of Growth Management.
13. That, **prior to preliminary grading**, the Owner shall submit a detailed stormwater management (SWM) report prepared by a qualified professional engineer to demonstrate how the stormwater quantity and Level 1 quality control will be handled for the proposed road drainage and provide the target criteria for

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

each development block in accordance with the City of Hamilton Comprehensive Development Guidelines and Borer's Creek Drainage Design-Phase II report (Totten Sims Hubicki Associates, 1985). The SWM design report shall consider the following:

- i) A minor and major system storm conveyance within the right-of-way to Borer's Creek outfall to convey the 100-year uncontrolled post development flows from each block including any external drainage along the perimeter of the subject land at Owner's cost;
- ii) An appropriate Low Impact Development (LID) technique within the proposed ROW limit to provide Level 1 quality control for the road drainage;
- iii) A treatment train system to provide Level 1 quality control for each block proposed within the subject land;

All to the satisfaction of the Senior Director of Growth Management.

14. That, **prior to servicing**, the Owner agrees to be responsible to maintain, develop and implement a compliance and performance monitoring plan for all LID systems proposed within the right-of-way limit, for a minimum of 5 years or until full buildout, whichever comes first; and to provide \$50,000 post securities for its operation and maintenance, all to the satisfaction of the City of Hamilton, Senior Director of Growth Management.

15. That, **prior to registration of the final plan of subdivision**, the Owner agrees to include the following warning clauses in all agreements of purchase, sale, or lease agreements:

- a. That per the *Ontario Water Resources Act* the purchaser is advised that each block within the subject lands requires an individual Environmental Compliance 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 onsite stormwater management infrastructure in accordance with the terms and conditions outlined in the Environmental Compliance Approval issued by the Ministry of Environment Conservation and Park (MECP);

All to the satisfaction of the City of Hamilton, Senior Director of Growth Management.

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

16. That, **prior to preliminary grading**, the Owner agrees to complete and submit to the City a local door-to-door water well survey within the expected radius of influence or within 500m of the property (whichever is greater), and shall post an adequate security deposit to be used to address any negative impact on the existing water wells due to the construction to the satisfaction of the Manager of Hamilton Water and, Senior Director of Growth Management.
17. That, **prior to preliminary grading**, the Owner shall obtain the MTO's approval to establish a construction access for the site from Highway No. 5 at their cost, to the satisfaction of the Senior Director of Growth Management.
18. That, **prior to servicing**, the Owner shall obtain permission from the adjacent property to the east (North Wentworth Arena) to construct the storm sewer outlet for the draft plan lands at their cost and to the satisfaction of the Senior Director of Growth Management.
19. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate schedule provision for removal of the existing temporary turning circle at the end of Solar Drive, to the satisfaction of the Senior Director of Growth Management.
20. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate schedule provision for construction of a temporary turning circle at the east limit of the Solar Drive extension, at their expense. Alternatively, in event the lands for installation of a permanent turning circle become available, the owner agrees to include in the engineering design and cost estimate schedules provision to complete the road works, to the satisfaction of the Senior Director of Growth Management.
21. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate schedule provision for installation of all required works within the intersection of Highway No. 5 West and Street 'A', including but not limited to pavement widening, street lighting, signs, pavement markings, traffic lights, etc., all at the owner's expense, to the satisfaction of the Senior Director of Growth Management.
22. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate schedule provision for installation of sidewalks on both sides of Street 'A' and Solar Drive extension at the owner's expense, to the satisfaction of the Senior Director of Growth Management.
23. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate schedule provision for installation of a 1.5m high chain link fence

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

adjacent to Borer's Creek at the owner's expense, to the satisfaction of the Senior Director of Growth Management.

### Transportation Planning

24. As a condition of approval **prior to servicing**, the applicant/owner shall include in the engineering design and cost estimates, provision to install a 1.5 metre municipal sidewalk along both sides of the proposed municipal right-of-way on Street 'A', Solar Drive extension and the proposed North-South extension from Solar Drive; to the satisfaction and approval of the Manager of Transportation Planning.
25. As a condition of approval prior to servicing, the owner/applicant shall undertake the engineering design and a cost estimate schedule provisions to construct the signalization at the intersection of Street 'A' & Highway 5 West and further that:
  - a) The design will include the ultimate cross-section of Street 'A' and Highway 5 West;
  - b) All costs associated with these works, including but not limited to the design and construction, will be at the expense of the applicant; and,
  - c) All to the approval and satisfaction of the Manager of Transportation Planning.
26. As a condition of approval prior to registration, Transportation Planning requires a 26.0 metre right-of-way along Solar Drive from the existing right-of-way of Solar Drive on the adjacent property, to Street 'A' as indicated in the Draft Plan of Subdivision; to the satisfaction of the Manager of Transportation Planning.
27. As a condition of approval prior to registration, Transportation Planning requires conceptual pavement markings and traffic sign plan in accordance with the City of Hamilton Traffic Signal and Pavement Marking Design Manual to be submitted to the satisfaction and approval of the Manager of Transportation Planning.
28. As a condition of approval prior to registration, the owner/applicant shall provide a 4.5 metre wide access and servicing easement in favour of the property at 39 Highway No. 5 West. The easement must be clearly identified and illustrated on the Draft Plan to the satisfaction of the Manager of Transportation Planning.

### Ministry of Transportation

29. That, **prior to registration of the final plan of subdivision**, 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.

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

30. That, **prior to registration of the final plan of subdivision**, the owner shall submit to the Ministry of Transportation for review and approval a traffic impact study to assess site impacts on the highway.
31. That, **prior to registration of the final plan of subdivision**, the owner shall submit to the Ministry of Transportation for their review and approval the internal road construction plans, as well as the detailed design plans for the new municipal road connection to Highway 5.
32. That, **prior to registration of the final plan of subdivision**, the owner will dedicate as public highway on the owner's certificate on the final plan the required road widening as determined by the Ministry of Transportation.
33. That, **prior to registration of the final plan of subdivision**, the owner shall enter into a legal agreement with the Ministry of Transportation whereby the owner agrees to assume financial responsibility for the design and construction of all highway improvements associated with this proposal.

#### **Hamilton Conservation Authority**

34. That, **prior to preliminary grading**, the applicant submit and receive approval for a full (final) Stormwater Management Report and associated engineering drawings (grading drainage, servicing).

#### **Bell Canada**

35. The Owner 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.

#### **Union Gas**

36. That the owner/developer provide to Union the necessary easements and/or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Union.

#### **Forestry and Horticulture**

37. That the applicant submit and receive approval for a Tree Management Plan to the satisfaction of the Manager of Forestry and Horticulture.

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

38. That the applicant submit and receive approval of a Landscape Plan to the satisfaction of the Manager of Forestry and Horticulture.

### **Development Planning, Heritage and Design**

39. That, **prior to preliminary grading**, the owner provide a Verification Tree Protection Letter provided by a tree management professional (i.e. certified arborist, registered professional forester, or landscape architect) relating to the approved Tree Management Plan to the satisfaction of the Director of Planning and Chief Planner.

### **NOTES TO DRAFT PLAN APPROVAL**

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 two months before the draft approval lapses.

### **Recycling and Waste Disposal:**

2. This property is ineligible for municipal waste collection service based on the City's Solid Waste Management By-law 09-067, as amended.

### **Transportation Planning**

3. The applicant shall satisfy all conditions of the Ministry of Transportation Ontario (MTO) and the City of Hamilton prior to the registration of the Draft Plan of Subdivision.

### **Development Engineering:**

4. If it is determined that the access easement required by Condition #8 is no longer required as an alternative access has been secured, the City agrees the owner may seek to have the easement discharged;
5. The provision of Securities in the amount of \$50,000 required by Condition #14 will be identified on the Cost Estimate Schedules and withheld from the initial Securities as required by Condition #10; and,
6. Should the owner agree to design and construct the permanent turning circle pursuant to condition #20, the cost estimate schedule shall identify the maximum financial contribution for the owners share which shall not exceed the incremental cost to design and construct the temporary turning circle at the east limit of the Solar Drive extension within the limits of the draft plan.

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*