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Alanna Riley
39T-09503/OZ-7698

FROM:	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION BY: SOUTHSIDE GROUP OF COMPANIES 3804 SOUTH WINDS DRIVE PUBLIC PARTICIPATION MEETING ON NOVEMBER 26, 2013 @ 4:15 P.M.

RECOMMENDATION

That, on the recommendation of the Senior Planner, Development Planning the following actions be taken with respect to the application of Southside Group of Companies relating to the property located at 3804 South Winds Drive:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on December 3, 2013 to amend the Official Plan to change the designation on Schedule A – Land Use from Environmental Review to Open Space; and to change the delineation on Schedule "B" – Flood Plain & Environmental Features from Potential Environmentally Significant Area (Potential ESA) to Environmentally Significant Area (ESA);
- (b) The Planning and Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for draft plan of subdivision of Southside Group of Companies relating to the property located at 3804 South Winds Drive;
- (c) Council **SUPPORTS** the Approval Authority issuing draft approval of the proposed plan of residential subdivision, submitted by Southside Construction Limited (File No. 39T-09503), prepared by Zelinka Priamo Ltd., drawing No. SSD/LON/05-01, as red-line amended, which shows 17 single detached lots, a park block, a park and open space block served by two local public streets, **SUBJECT TO** the conditions contained in the attached Appendix "C", and the adopted Official Plan amendment coming into effect;
- (d) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on December 3, 2013 to amend Zoning By-law No. Z.-1 (in conformity with the Official Plan, as amended above) to change the zoning of the subject lands **FROM** an Agricultural (AG1) Zone, a Holding Agricultural (h-2•AG1) Zone, an Environmental Review (ER) Zone, a Holding Open Space (h-2•OS4) Zone, and an Open Space (OS5) Zone **TO** a Holding Residential R1 Special Provision (h. h()h()•R1-14() Zone to permit single detached dwellings with a minimum lot area of 3000 square metres (32,292 sq.ft.) and to an Open Space (OS5) Zone to permit such uses as conservation lands, conservation works, passive recreation uses which include hiking trails and multi-use pathways, and managed woodlots. The Holding (h) Provisions are to ensure that there is orderly development through the execution of a subdivision agreement; to ensure the proposed stormwater management system servicing this subdivision is constructed and operational to the satisfaction of the City; to ensure private individual sanitary disposal systems on each lot are installed in accordance with applicable recommendations and in compliance with the overall servicing strategy for this subdivision to the satisfaction to the City; and to ensure private water wells on each lot are in compliance with the overall servicing strategy for this subdivision to the satisfaction of the City.
- (e) the applicant **BE ADVISED** that the Director of Development Finance has summarized claims and revenues information as attached in Appendix "D".

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PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose of this application is to permit the development of a residential plan of subdivision consisting of 17 single detached lots and two (2) new streets which includes the extension of South Winds Drive. Amendments to the Official Plan and Zoning By-law are required in conjunction with this application for the purpose of confirming the boundaries of the Dingman Creek Environmentally Significant Area (ESA) and the Open Space Zone, and defining the limits of development based on the Environmental Impact Study (EIS).

RATIONALE

1. The proposed development is consistent with the Provincial Policy Statement.
2. The draft plan, as revised, conforms with the Rural Settlement and Open Space designations in the Official Plan, and represents residential infilling within the limits of the Rural Settlement designation.
3. The proposed road and lot pattern is integrated with the existing subdivision to the south, with public road access provided by an extension of South Winds Drive.
4. There is no municipal water or sanitary sewers. The subdivision will be serviced by private individual on-site water and waste water treatment systems. The recommended zoning and conditions of draft approval will ensure that development of services occurs in an orderly manner.
5. The owner has agreed to dedicate Blocks 24 and 25 for Parkland and Open Space purpose which meets the requirement for parkland dedication.
6. The dedication of Block 25 will provide public access along the west side of Dingman Creek in the area and to the lands to the north in the future.
7. The proposed development represents good land use planning.

BACKGROUND

Date Application Accepted: August 25, 2009 Date Revised Plan of Subdivision Accepted: September 24, 2012	Agent: Zelinka Priamo Ltd.
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REQUESTED ACTION: Consideration of plan of subdivision with 17 single detached lots, served by two local streets terminating with temporary turning circles, temporary road easement blocks, and 0.3 metre (1 foot) reserve blocks. This request was accompanied by an application for an amendment to Zoning By-law Z.-1 to change the zoning from an Agricultural (AG1) Zone, a Holding Agricultural (h-2•AG1) Zone, an Environmental Review (ER) Zone, a Holding Open Space (h-2•OS4) Zone, and an Open Space (OS5) Zone to a Residential R1 (R1-14) Zone and an Open Space (OS5) Zone.

SITE CHARACTERISTICS:

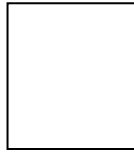
- **Current Land Use** – one single detached dwelling, cultivated fields, wooded ravines, and floodplain land
- **Frontage** – 20 metres (65.6 ft.) on South Winds Drive
- **Depth** – approx. 413 metres (1,355 ft.)
- **Area** – 10.93 hectares (27 acres)
- **Shape** - Irregular

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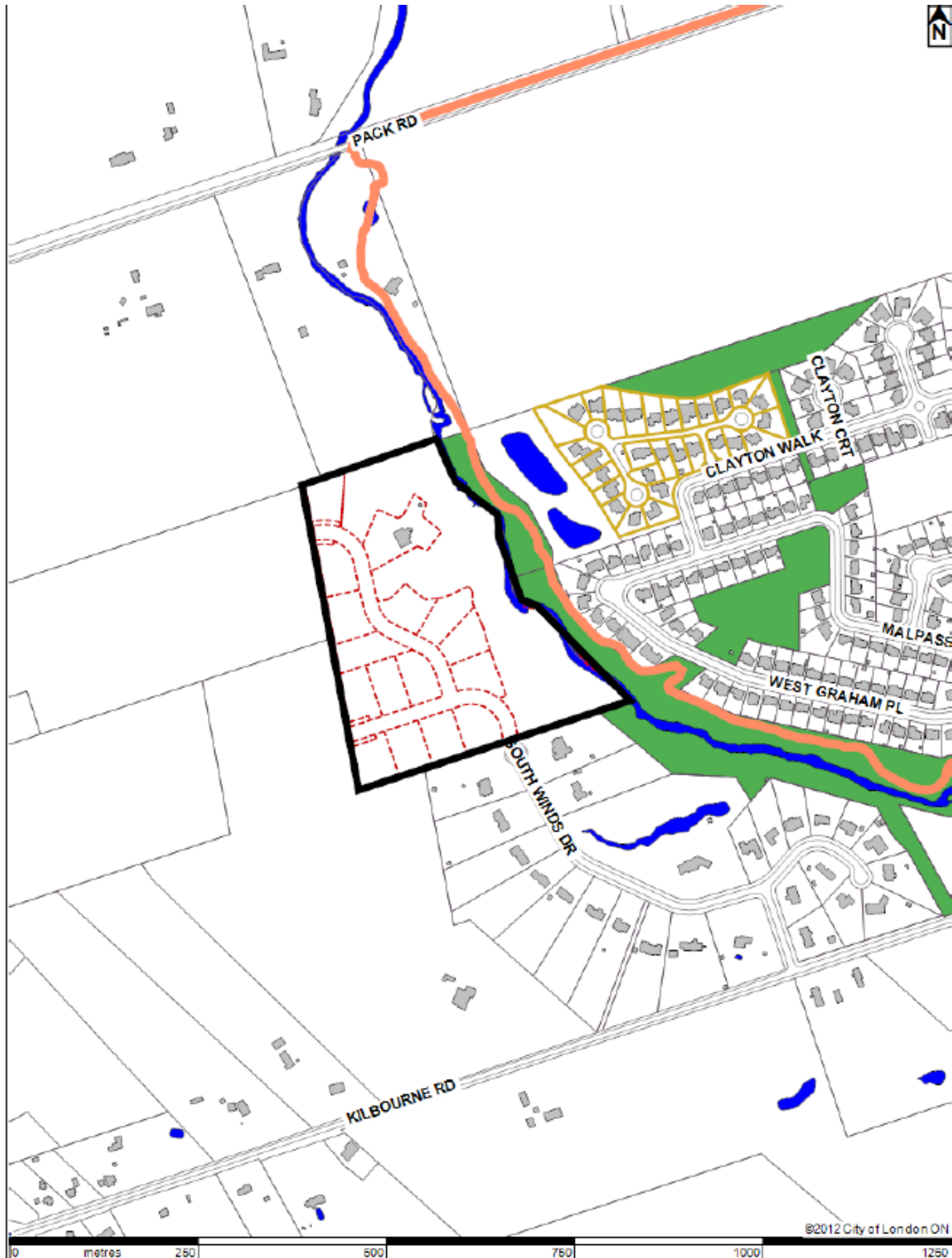
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SURROUNDING LAND USES:
<ul style="list-style-type: none"> • North – open space and agriculture • South – residential • East – open space and residential • West – agriculture
OFFICIAL PLAN DESIGNATIONS: (refer to map on pages 5 and 6)
<ul style="list-style-type: none"> • Rural Settlement • Open Space • Environmental Review
EXISTING ZONING: (refer to map on page 7)
<ul style="list-style-type: none"> • Agricultural (AG1) • Holding Agricultural (h-2•AG1) • Environmental Review (ER) • Holding Open Space (h-2•OS4) • Open Space (OS5)



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LOCATION MAP

Subject Site: 3804 South Winds Drive
File Number: 39T-09503 (REVISED PLAN)

Planner: Alanna Riley
Date: 2012-09-17
Scale: 1:6300

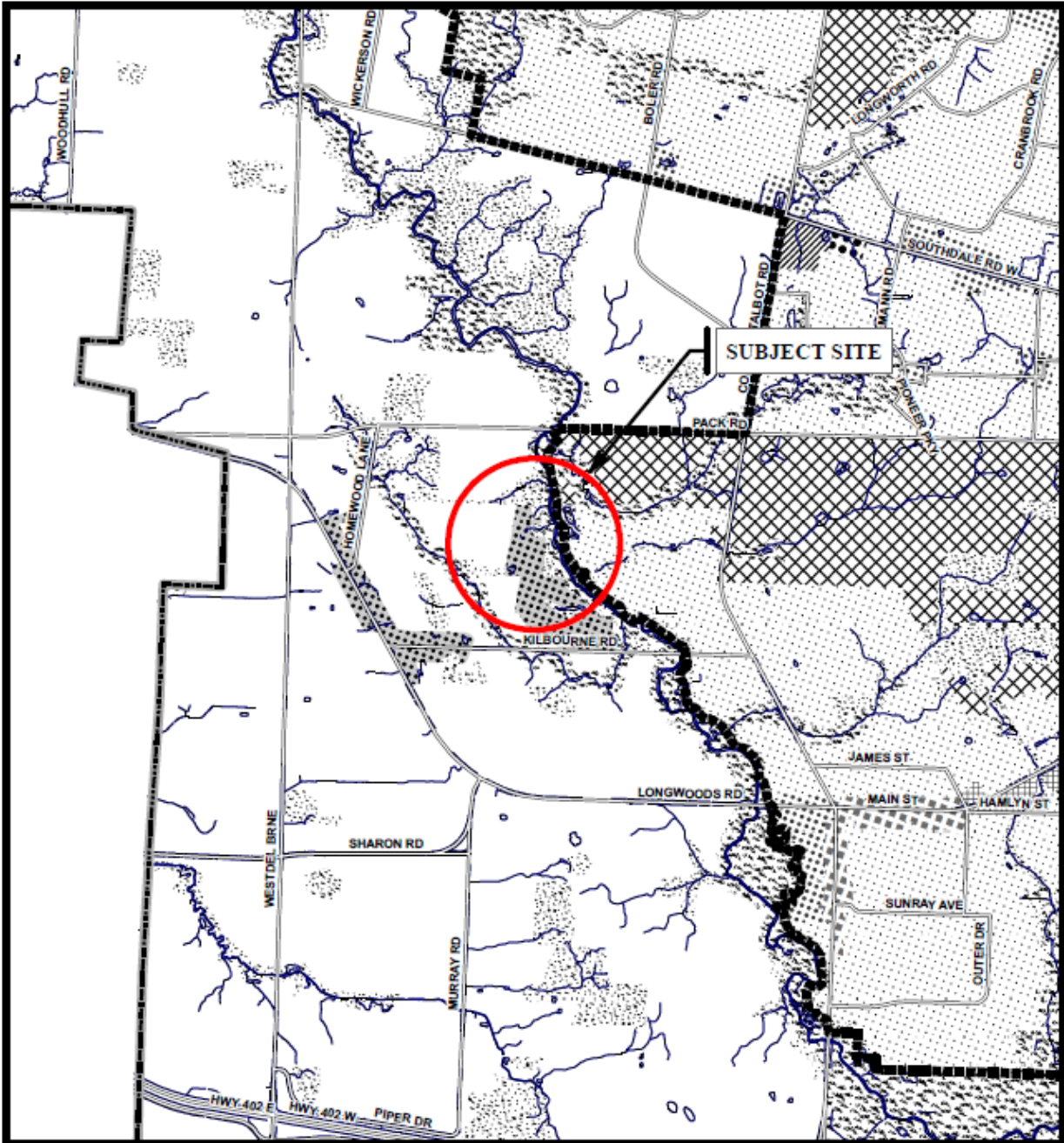
LEGEND

- Subject Site
- Parks
- Assessment Parcels
- Buildings
- Address Numbers

Corporation of the City of London
Prepared By: Planning and Development

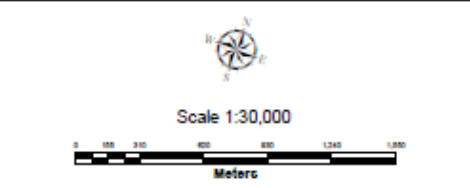


Alanna Riley
39T-09503/OZ-7698

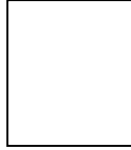


Legend	
	Downtown
	Enclosed Regional Commercial Node
	New Format Regional Commercial Node
	Community Commercial Node
	Neighbourhood Commercial Node
	Main Street Commercial Corridor
	Auto-Oriented Commercial Corridor
	Multi-Family, High Density Residential
	Multi-Family, Medium Density Residential
	Low Density Residential
	Office Area
	Office/Residential
	Office Business Park
	General Industrial
	Light Industrial
	Regional Facility
	Community Facility
	Open Space
	Urban Reserve - Community Growth
	Urban Reserve - Industrial Growth
	Rural Settlement
	Environmental Review
	Agriculture
	Urban Growth Boundary

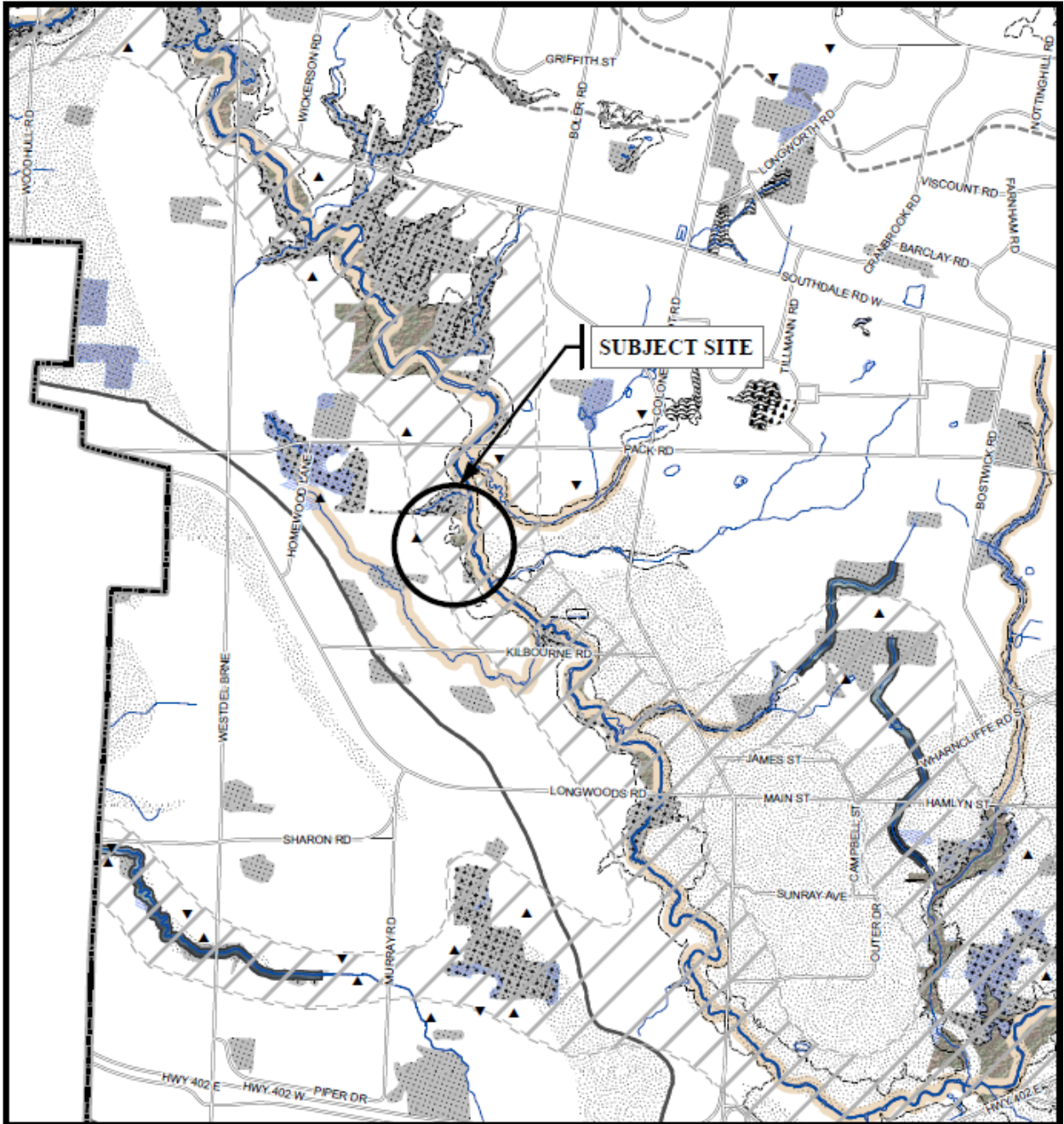
CITY OF LONDON
 Department of
 Planning and Development
OFFICIAL PLAN SCHEDULE A
- LANDUSE -
 PREPARED BY: Graphics and Information Services



FILE NUMBER: 39T-09503 / Z-7698
 PLANNER: AR
 TECHNICIAN: JTS
 DATE: November 11, 2013



Alanna Riley
39T-09503/OZ-7698



NATURAL HERITAGE SYSTEM

- ESAs
- Potential ESAs
- Significant Woodlands
- Woodlands
- Unevaluated Vegetation Patches
- Significant River, Stream, and Ravine Corridors
- Unevaluated Stream and Ravine Corridors
- Provincially Significant Wetlands
- Locally Significant Wetlands
- Unevaluated Wetlands
- Potential Naturalization Areas
- Potential Upland Corridors
- Ground Water Recharge Areas

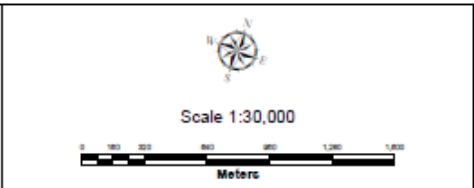
NATURAL HAZARDS

- Maximum Hazard Line
- NOTE 1: Hazard Lines shown on this map are approximate. The precise delineation of hazard line mapping available from the Conservation Authority having jurisdiction.
- NOTE 2: Flood Fringe mapping for certain areas of the city is available from the Upper Thames River Conservation Authority.

Base Map Features

- Railways
- Water Courses/Ponds
- Streets (refer to Schedule "C")
- Conservation Authority Boundary
- Subwatershed Boundary
- Big Picture Meta-Cores and Meta-Corridors

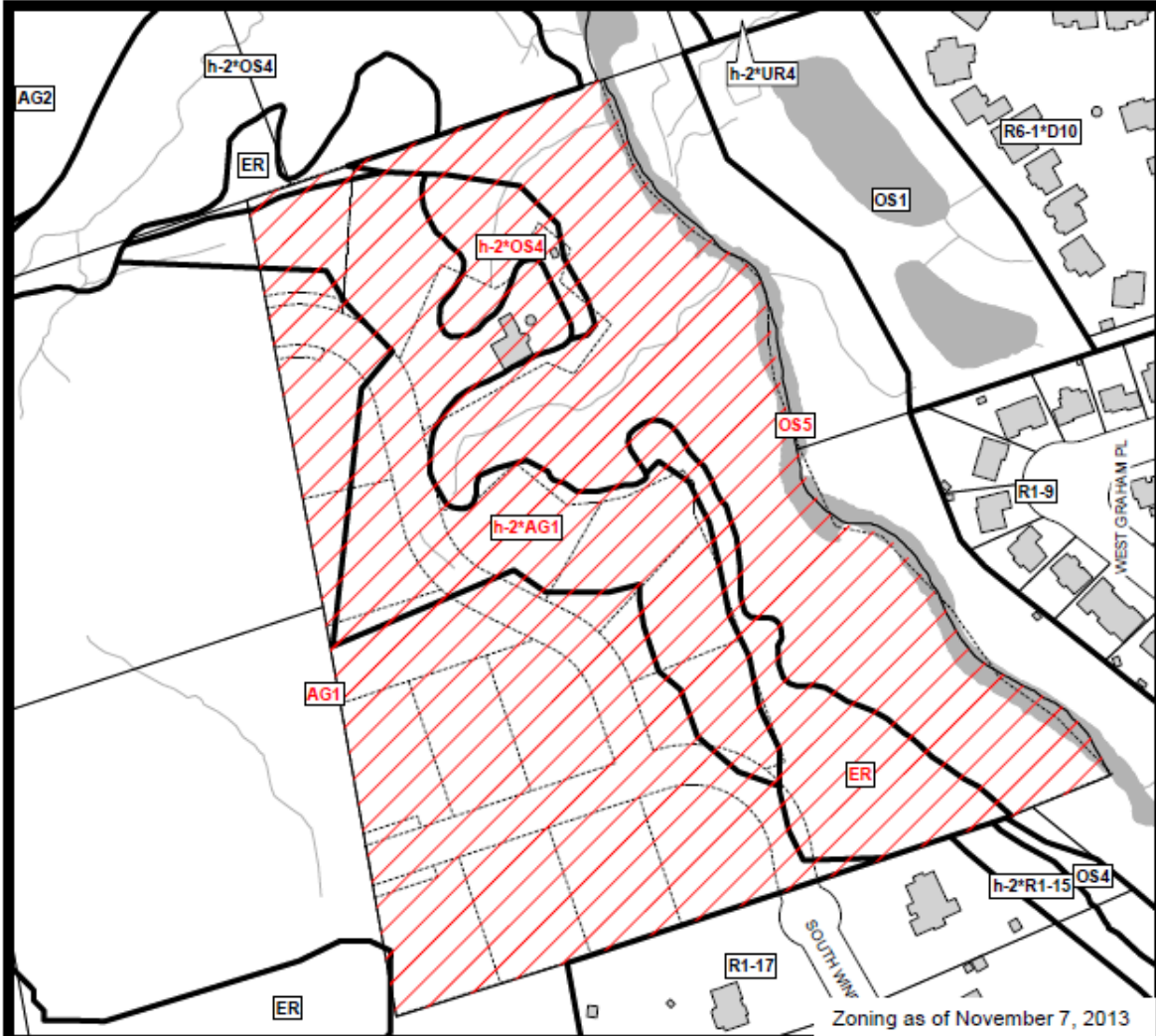
CITY OF LONDON
Department of
Planning and Development
OFFICIAL PLAN SCHEDULE B1
- NATURAL HERITAGE FEATURES -
PREPARED BY: Graphics and Information Services



FILE NUMBER: 39T-09503 / Z-7698
PLANNER: AR
TECHNICIAN: JTS
DATE: November 11, 2013

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39T-09503/OZ-7698



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

1) **LEGEND FOR ZONING BY-LAW Z-1**

- R1 - SINGLE DETACHED DWELLINGS
- R2 - SINGLE AND TWO UNIT DWELLINGS
- R3 - SINGLE TO FOUR UNIT DWELLINGS
- R4 - STREET TOWNHOUSE
- R5 - CLUSTER TOWNHOUSE
- R6 - CLUSTER HOUSING ALL FORMS
- R7 - SENIOR'S HOUSING
- R8 - MEDIUM DENSITY/LOW RISE APTS.
- R9 - MEDIUM TO HIGH DENSITY APTS.
- R10 - HIGH DENSITY APARTMENTS
- R11 - LODGING HOUSE

- DA - DOWNTOWN AREA
- RSA - REGIONAL SHOPPING AREA
- CSA - COMMUNITY SHOPPING AREA
- NSA - NEIGHBOURHOOD SHOPPING AREA
- BDC - BUSINESS DISTRICT COMMERCIAL
- AC - ARTERIAL COMMERCIAL
- HS - HIGHWAY SERVICE COMMERCIAL
- RSC - RESTRICTED SERVICE COMMERCIAL
- CC - CONVENIENCE COMMERCIAL
- SS - AUTOMOBILE SERVICE STATION
- ASA - ASSOCIATED SHOPPING AREA COMMERCIAL

- OR - OFFICE/RESIDENTIAL
- OC - OFFICE CONVERSION
- RO - RESTRICTED OFFICE
- OF - OFFICE

- RF - REGIONAL FACILITY
- CF - COMMUNITY FACILITY
- NF - NEIGHBOURHOOD FACILITY
- HER - HERITAGE
- DC - DAY CARE

- OS - OPEN SPACE
- CR - COMMERCIAL RECREATION
- ER - ENVIRONMENTAL REVIEW

- OB - OFFICE BUSINESS PARK
- LI - LIGHT INDUSTRIAL
- GI - GENERAL INDUSTRIAL
- HI - HEAVY INDUSTRIAL
- EX - RESOURCE EXTRACTIVE
- UR - URBAN RESERVE

- AG - AGRICULTURAL
- AGC - AGRICULTURAL COMMERCIAL
- RRC - RURAL SETTLEMENT COMMERCIAL
- TGS - TEMPORARY GARDEN SUITE
- RT - RAIL TRANSPORTATION

- "h" - HOLDING SYMBOL
- "d" - DENSITY SYMBOL
- "H" - HEIGHT SYMBOL
- "B" - BONUS SYMBOL
- "T" - TEMPORARY USE SYMBOL

2) ANNEXED AREA APPEALED AREAS

CITY OF LONDON

PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

**ZONING
BY-LAW NO. Z.-1
SCHEDULE A**



THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS

FILE NO:
39T-09503 / Z-7698 AR

MAP PREPARED:
November 8, 2013 JTS

1:3,000
0 15 30 60 90 120 Meters

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39T-09503/OZ-7698

PLANNING HISTORY

This area is part of the former Town of Westminster that was annexed to the City of London in 1993. The existing residential subdivision along South Winds Drive, South Winds Court, and Kilbourne Road was designated as Fringe Perspective – Rural Holding and recognized as a Special Policy Area (SPA #2) in the former Town of Westminster Official Plan. The subdivision (Plan 33M-64) was approved by the Minister of Housing and was registered on August 16, 1979 resulting in the creation of 14 large estate lots fronting South Winds Drive. On October 29, 1984 a second phase (Plan 33M-123) was registered resulting in the creation of 12 lots on South Winds Court and South Winds Drive. Following annexation, a new Official Plan for the annexed areas of the City referred to as Official Plan Amendment No. 88 (OPA 88) was adopted by Municipal Council. The existing estate lot subdivision west of Dingman Creek and north of Kilbourne Road, including adjacent lands to the north of where South Winds Drive presently terminates, were designated “Rural Settlement” in the new Official Plan.

The application for approval of a draft plan of subdivision was accepted on August 25, 2009. At that time, the draft plan consisted of 22 single detached lots served by two local streets, one of which is the extension of South Winds Drive from the existing residential estate subdivision to the south. The site had a total area of 10.9 hectares (26.9 acres) with single family lots ranging in size from 0.2 to 0.3 hectares (0.5 to 0.74 acres). The plan showed both roads terminating with temporary turning circles, temporary road easement blocks, and 0.3 metre (1 ft.) reserve blocks. The area proposed for development is comprised of table lands on the westerly portion of the site located above the top of stable slope. Much of the easterly portion of the site is within the Dingman Creek Corridor ESA. The creek valley and ravine lands as well as a wooded area located above the valley in the southeast corner were proposed to be protected and preserved as open space. The application for draft plan approval was accompanied by an application for amendments to the Zoning By-law. There are no municipal water and sanitary sewer services available and private individual water and wastewater treatment systems are being proposed on each lot. The Zoning By-law amendment application proposes a Residential R1 (R1-14) Zone on the tablelands (residential component), and an Open Space (OS5) Zone on the Dingman Corridor ESA lands.

Reports and studies that were submitted in support of the proposed plan of subdivision include a Final Proposal Report, a Hydrogeological Assessment, a Sewage Impact Assessment, a Geotechnical Investigation, a Conceptual Stormwater Management Report, a Stage 1-2 Archaeological Assessment and an Environmental Impact Study. The hydrogeological assessment report, prepared by JMF Environmental Limited, included test results on the quantity and quality of the well water supply in the vicinity.

Notice of the application was liaised in September 2009. Comments were received in response to the proposal from both area residents and public sector agencies. A number of issues with the proposed plan of subdivision and supporting documents were raised and summarized and discussed in a report that was presented at a public participation meeting of Planning Committee on January 26, 2010. The comments that were received included a review commissioned by residents from the area to evaluate the hydrogeological assessment report filed with the application. This review concluded that the investigation fails to meet current industry standards for the assessment of water supplies for developments on individual private wells and, as such, is inadequate to support the draft plan submission.

As a result of the deliberations and representations made at Planning Committee, the following resolution was adopted by Council on February 1, 2010:

10. That the following actions be taken with respect to the application submitted by Southside Group of Companies relating to the property located at 3804 South Winds Drive for a proposed draft plan of residential subdivision (File No. 39T-09503), showing 22 single detached residential lots served by two local streets:

(a) The public comments heard at the January 25, 2010 public participation meeting relating to the above-noted draft plan of residential subdivision BE FORWARDED to

Two empty rectangular boxes for agenda item and page numbers.

**Alanna Riley
39T-09503/OZ-7698**

the Approval Authority:

- (b) In addition to the comments included in the staff report, the following concerns BE FORWARDED to the Approval Authority:*
 - (i) quality and quantity of groundwater;*
 - (ii) tree cover;*
 - (iii) how would emergency services respond given the one road into the settlement; and*
 - (iv) clarification of “rural settlement” outside the Urban Growth Boundaries; and*
- (c) the public participation meeting participants BE NOTIFIED of the next public participation meeting with respect to this matter;*

it being pointed out that at the public participation meeting associated with this matter, the following individuals made an oral submission in connection therewith:

- R. Zelinka, 318 Wellington Road, Zelinka Priamo Ltd. – representing the applicant and indicating that the file is not ready to be brought forward for the Planning Committees’ (PC) consideration until the concerns of the community are resolved; noting that the applicant will be providing results of water testing to the Community’s consultant before the application comes back to PC.*
- J. Liberatore, 3920 South Winds Drive – requesting to be notified of the next public participation meeting; indicating that he is not against the development of the area but is against the 22 additional wells, with 22 wells irrigating, what that will do to the water table and that there are already ongoing issues with high iron and sulphur in the water; further indicating that for over 30 years he has paid his taxes and received no services, don’t make the water problem worse – get the waterline in.*
- G. Conn, 3923 South Wind Drive – requesting to be notified of the next public participation meeting and indicating that he has lived in the area for 31 years.*
- B. Ignagni, 3939 South Wind Drive – asked that he be notified of the next public participation meeting.*
- D. Dittmer, 3915 South Wind Drive – requesting to be notified of the next public participation meeting; expressing that he currently has no filter on his water system and drinks directly from the tap and is concerned that his water will turn to sulphur with the additional wells; noting that they live in a beautiful area and enjoy a quality of life that they have chosen and are fearful of losing it; further indicating a concern for the response time for the police and fire to the rural area; requesting consideration of what the residents are saying, we all feel the same.*
- G. Hedger, 3951 South Winds Drive – requesting to be notified of the next public participation meeting. (2010-D11-07/D26-05) (AS AMENDED) (10/3/PC)*

The comments received from the public in response to the October 2009 liaison notice are summarized at the end of this report.

Revised Application

A revised plan of subdivision was submitted and accepted by the City on September 24, 2012. The revised plan of subdivision reduced the number of residential lots from 22 to 17 larger sized lots. The plan is served by two local streets (includes an extension of South Winds Drive) extending to the westerly property boundary and terminating with temporary turning circles, temporary road easement blocks, and 0.3 metre (1 foot) reserve blocks

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Environmental and Engineering Services Department

The recommendations provided by the Environmental and Engineering Services Department for this subdivision have been included in Appendix “39T-09503” (Conditions of Draft Approval) of this report. Several key comments and recommendations from the Environmental and Engineering Services Department are summarized below. Please note that there will be increased operating and maintenance costs for works being assumed by the City.

Sanitary Sewer – There are no municipal sanitary sewers available to service this site. An h-17 holding provision is recommended for this plan. It is not anticipated that there will be a municipal sanitary sewer system available to service this site for the foreseeable future. The

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Alanna Riley
39T-09503/OZ-7698

plan must rely on acceptable private servicing for a prolonged period of time. The Owner's professional engineer will be required to include details on how to accommodate the future municipal servicing within the detailed design drawings for the subdivision. Servicing easements shall be provided, as necessary.

Response: There are 3 new holding provisions being applied to these lands to address the issues of private services. Therefore the h-17 holding provision is not required.

The Owner shall design the private sanitary sewer plumbing systems on private property to accommodate a future connection to municipal sanitary sewers within the road allowance. As part of the Design Studies submission with respect to the proposed use of private sanitary treatment systems, the Owner shall submit a hydrogeological/geotechnical engineering report which meets the requirements of the Ministry of Environment's (MOE) Procedure D-5-4: Individual On-Site Sewage Systems; Water Quality Impact Risk Assessment.

The Owner shall register on the title of each lot a requirement that the construction and location of the private wastewater treatment system be in accordance with the final approved hydrogeological report(s). Applications for building permit shall include a report confirming that the design and location of the private wastewater treatment system is in accordance with the final approved hydrogeological report(s).

Stormwater Management – The storm flows shall be discharged to the Dingman Creek tributary 'B' outlet, located within the Dingman Creek Subwatershed, via the Best Management Practices (BMPs) and storm/drainage servicing works for this plan.

Requirements for design and construction of the proposed Stormwater Management (SWM) BMP measures and storm/drainage servicing for the subject lands shall take into account the Stormwater Management (SWM) targets and criteria identified in the Dingman Creek Subwatershed Study update (2005); the approved servicing report for the proposed design of SWM BMP measures and storm/drainage system for the subject lands; the City's Waste Discharge and Drainage By-laws, lot grading standards, policies, requirements, and practices; and any other standards and requirements of the City, MOE, or other applicable SWM review agencies.

All geotechnical issues and all required setbacks and separation distances related to SWM BMP measures and the septic systems must be adequately addressed. The acceptance and implementation of SWM BMP measures will be subject to the presence of adequate geotechnical conditions within this plan, and the approval of the City Engineer.

Water Service - A report addressing an adequate water supply system will be required with the submission of design studies. The closest watermain is a 300 mm (12") watermain just west of Kilbourne Road and Malpass Road intersection. Should the Owner extend the watermain at his own cost, a water servicing report will be required.

Response: Municipal water services will not be extended to these lands. This subdivision will be developed utilizing private wells.

Transportation Requirements – The Transportation Planning and Design Division have a concern regarding the establishment of road patterns without the benefit of completion of an area plan. The process of establishing a community plan would identify the collector road network required to serve the proposed land uses and the appropriate location for collector road intersections along the arterial road network. This process would also indicate for all modes of travel how the existing and future transportation needs of the community would be addressed in accordance with the goals and objectives of the Official Plan and the transportation policies and strategies detailed in the Transportation Plan Review.

Response: The proposed subdivision is located within an existing Rural Settlement designation which permits residential development that can be accommodated on an infill basis and adequately serviced by individual disposal systems and water supply. There is no requirement for an area plan to precede consideration of development for these lands.

In terms of the subdivision road works, South Winds Drive and Street 'A' are to have a minimum road pavement width (excluding gutters) of 8.0 metres (26.2') with a minimum road allowance of

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Alanna Riley
39T-09503/OZ-7698

20 metres (66'). Sidewalks shall be constructed along both sides of South Winds Drive and on one side of Street 'A' (east boulevard). A temporary turning facility for vehicles at the west limit of South Winds Drive and the west limit of Street 'A' shall be constructed to the specifications of the City Engineer.

Zoning By-law Amendment

The engineering staff of Development Services and the above-noted engineering divisions have no objection to the proposed Zoning By-law Amendment for the proposed revised draft plan of subdivision provided there are adequate holding provisions to address servicing, and that the lots are sized sufficiently to provide for onsite private services.

Please note additional matters will be addressed at the Design Studies submission and detailed design drawings stage and implemented at the construction stage (eg. septic, wells, SWM) to ensure private sanitary and well systems are properly constructed (ie no cross contamination).

Environmental and Ecological Planning Advisory Committee (EEPAC)

Urban Growth Boundary

The proposed development is outside the Urban Growth Boundary. For many reasons, including ecological protection, the proposed subdivision should be refused by the City.

- 1) Any planning application for South Winds Subdivision be refused by the City.

Staff Response: Special Policy Section 10.1.3 in the Official Plan identifies that the lands within the Rural Settlement designation on the subject lands may be developed for the purposes of a rural estate residential subdivision provided an environmental impact study is undertaken prior to the approval of the subdivision to determine measures for protection, and possible enhancement; and that the subdivision shall consist of large rural residential lots comparable to those in the area. The applicant has submitted an EIS as required by the OP policy. The recommendations of the EIS have been included as conditions of draft approval. Addendums to the EIS will be required at the time of Design Studies to address the design of the SWM outlet.

ESA Boundary

The proposed boundary is still inadequate. It does not follow City Guidelines. There is no justification provided for the exclusion of part of vegetation community 5a. Indeed, the bisection of 5a creates a bay in the boundary which is undesirable. The ESA boundary fails to fully include identified erosion setbacks.

- 2) The ESA boundary should include community 5a in its entirety for the health of the ESA as well as the most desirably shaped boundary.

Staff Response: Community 5a) is a cultural thicket – the boundary delineation guidelines do not require that the entirety of a cultural thicket community needs to be included – sufficient amount should be included to provide buffer function for the deciduous forest community 3a.

- 3) In all cases, the ESA boundary must not be less than the erosion setback.

Staff Response: Staff agree that the erosion setback must be outside of or coincident with the rear lot boundary of lot 6.

Destruction of Community 3b

There is no suitable justification for the removal of Fresh Sugar Maple Forest 3b. It is clearly part of a larger patch and should be retained. The proposed reasoning that the patch can not be evaluated since it belongs to another party is both wrong as well as a perfect example of why the entire proposed development outside the Urban Growth Boundary and in the absence of an area plan, should not be approved by the City.

- 4) Community 3b must be retained.

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Alanna Riley
39T-09503/OZ-7698

Staff Response: It has been proposed in the draft plan that community 3b will be retained as part of the primary tree protection area. Some of the area of lot 7 will be within this community but is proposed to be retained. Condition 20 of the recommended draft plan conditions requires that tree preservation fencing shall be installed and certified by the ecological consultant prior to any grading or construction activity in accordance with Primary Tree Protection Fencing locations identified in Biologic’s January, 2013 EIS. In addition, a Tree Preservation Plan will be developed for lots 8, 9, 10 and 13 inside the Area of Secondary Tree Preservation as identified in Biologic’s January, 2013 EIS.

- 5) The City of London should conduct a landscape level Woodland Evaluation of the patch to which 3b belongs.

Staff Response: The patch to which community 3b is part of is contiguous with and part of the Dingman Creek Corridor Environmentally Significant Area. It does not require an independent woodland evaluation.

Buffers

There continues to be no discussion of ecologically required buffers for the protection and enhancement of the ESA. While the proponent may opine that no buffers are necessary, for the report to be fully silent on the application of this City Guideline requirement is unacceptable.

- 6) The EIS should not be accepted by the City until a full explanation of the application of the City Guideline on Ecological Buffers is included.

Staff Response: These large estate lots are of sufficient size that monuments and/or fencing erected between the tree drip line of the open space and the rear lots should be sufficient to protect the ESA lands. In addition the Owner will be required as a condition of draft approval to prepare and deliver to all purchasers and transferees of the lot in this plan , an education package that explains the stewardship of natural areas and the values of existing tree cover.

Split Zoning

It is not a desirable management approach to include portions of the ESA within individual residential lots. These portions become impossible for the City to regulate and also make it very likely that eventually these portions will be so degraded or even destroyed as not to contribute to the health of the ESA.

- 7) The boundaries of proposed lots 5 and 6 should be redrawn so as to fully exclude any portion of the designated ESA.

Staff Response: A portion of the ESA will remain in private ownership. However, the recommended zoning determines the developable portions of this development.

- 8) The defined ESA should be a delineated legal block unto itself. Lot 6 specifically should be separated from the balance of the ESA lands. Without this separation, it makes any future conveyance of the ESA lands more complicated than necessary.

Staff Response: The developer is not required to convey or dedicate ESA lands to the City.

Stormwater

The EIS continues to not depict nor discuss how stormwater will be handled and discharged. The environmental impacts of the stormwater infrastructure construction and operation should be addressed in this EIS.

- 9) Stormwater discharge route and method (presumably to the Dingman) must be detailed and impacts must be avoided or mitigated.

Staff Response: The details of the impact of the SWM system and outlet will be assessed in an addendum to the EIS which will be required at the Design Studies stage. This addendum will be reviewed by City staff and the UTRCA to ensure that impacts are avoided or mitigated.

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39T-09503/OZ-7698

10) Ecological impacts of the stormwater outlet construction and operation must be detailed and mitigated.

Staff Response: The details of the impact of the SWM system and outlet will be assessed in an addendum to the EIS which will be required at the Design Studies stage. This addendum will be reviewed by City staff and the UTRCA to ensure that there a limited impacts.

11) Compensation must be considered for any impacts which cannot be fully mitigated.

Staff Response: The details of the impact of the SWM system and outlet will be assessed in an addendum to the EIS.

Stockpiles on Site

The Net Effects Table erroneously states that stockpiles will be located 30m from the top of stable slope. As per UTRCA requirement, stockpiles must be 30m from the ESA boundary.

12) Net Effects Table should be corrected to read “30m from ESA boundary” in two instances.

Staff Response: The applicant has been advised of this error and will be required to update the Net Effects Table.

Agricultural Advisory Committee

At its meeting held on November 18, 2009, the Agricultural Advisory Committee (AAC) received and reviewed a notice dated September 24, 2009 from the General Manager of Planning and Development with respect to an application submitted by Southside Group of Companies relating to the property located at 3804 South Winds Drive. The notice of application was noted and filed for the record.

Upper Thames River Conservation Authority (UTRCA)

Geotechnical Analysis

The UTRCA has granted a policy exception whereby Street “A” will be permitted to encroach by 1.3 metres into the 6 metre erosion access allowance which forms part of the hazard lands. The consulting team has confirmed that only the road allowance and not the actual road deck will encroach into the erosion access allowance. Furthermore, no services are proposed to be located within the road allowance which will provide access to the slope in case of an emergency.

Environmental Impact Study

The UTRCA reviewed the Environmental Impact Study for Southside Group Deercreek Ridge - Bilyea Property dated August 4, 2009 and Environmental Impact Study Letter to Address City of London Comments dated August 23, 2010, dated January 10, 2013 both prepared by Biologic.

Concerns noted in their December 15, 2009 correspondence regarding the protection of groundwater seeps, the maintenance of quality and quantity of surface water flow to the wetland, and impacts on the wetland vegetation, remain outstanding and must be addressed. The UTRCA is prepared to offer a condition of draft plan approval whereby a FINAL EIS for the subdivision is prepared to their satisfaction which addresses their outstanding concerns.

Stormwater Management

The UTRCA has reviewed the Terms of Reference for a Scoped EIS for the Stormwater Management System for the South Winds Woods dated June 17, 2013 prepared by Biologic.

The UTRCA requests that the Scoped EIS demonstrate that any impacts to the wetland feature resulting from the stormwater management will be mitigated prior to evaluating the preferred route of the outlet and the location of the facility.

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Alanna Riley
39T-09503/OZ-7698

They also request that aquatic species, including fish, mussels, and herpeteofauna, be included in the Scoped EIS analysis, as well as an inventory of the life science databases for Species at Risk and an analysis of the buffer between the creek and the area identified for storm water management.

The UTRCA has had an opportunity to review the Stormwater Management Plan – Conceptual Southside Group – Deercreek Ridge Subdivision, London dated August 2013 prepared by IBI Group as well as correspondence prepared by IBI Group dated September 19, 2013 in response to the City of London’s comments on the August 2013 SWM Report. They are satisfied with the approach which is being proposed for the pre-design stage to confirm all aspects of the geotechnical design for the storm outlet. They are also satisfied with their response with respect to the details about the outlet design being developed at the final design stage.

Given that these studies will provide the supporting information for the Authority’s Section 28 approval process, they have requested that their staff be included in the scoping meetings for these reports to ensure that the UTRCA’s interests are addressed.

Conditions of Draft Approval

The UTRCA recommends the following conditions of draft plan approval:

That in accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the Conservation Authorities Act, the proponent obtain the necessary permit/approvals from the UTRCA prior to undertaking any site alteration or development within the regulated area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

That a FINAL Environmental Impact Study for the overall subdivision be prepared to the satisfaction of the UTRCA. This report shall address the UTRCA’s outstanding concerns as has been detailed in this correspondence. They concur with Environmental and Park’s Planning condition of (Memo dated July 17, 2013) that all of the mitigation measures noted in the EIS submissions (BioLogic - 2009 & January 2013) are to be implemented.

That a scoped Environmental Impact Study be prepared to the satisfaction of the UTRCA for the stormwater management outlet. The design of the outlet shall minimize/mitigate the impacts on the wetland and the natural area and Authority staff is to be included in the scoping for this study.

That a geotechnical study be prepared to the satisfaction of the UTRCA for the stormwater management outlet to confirm the location of thereof. Authority staff are to be included in the scoping for this study.

That the Stormwater Management Report, subdivision grading plan and sediment and erosion control plan be prepared to the satisfaction of the UTRCA.

Response: These items have been included as conditions of draft approval.

Ministry of Municipal Affairs and Housing

No response received.

London Hydro

London Hydro has adequate 8.32 kV underground distribution in place along South Winds Drive for this development. The internal servicing of the development should present no foreseeable problems. Please note that additional expansion in this area may involve upstream conversion with additional costs due to limited electrical capacity.

The applicant will be responsible for the cost associated with the underground system expansion within the development, but may receive rebates from London Hydro based on connected load over a five year connection window.

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Alanna Riley
39T-09503/OZ-7698

Transformation lead times are minimum 16 weeks. London Hydro recommends you contact their Engineering Department to confirm transformer requirements and availability.

The applicant will be responsible for the cost associated with the relocation of any existing infrastructure as a result of this development. The existing single phase 4.8 kV aerial pole (that presently services a single family home on this development) will be removed by the owners. This home will be re-serviced from the new underground distribution at the owner's expense.

London Hydro has no objection to this proposal to the zoning or Official Plan amendment.

Fire

The Fire Department have advised that there will be delayed response for fire fighting in this rural area.

Response: This is an issue for all developments outside of the Urban Growth Boundary which have no ability to connect to municipal services. Staff are recommending that a clause be registered on title to these lots advising homeowners of the potential for delayed response time for fire fighting services.

London District Catholic School Board

No response received.

Thames Valley District School Board

No response received.

PUBLIC LIAISON:	<p>On September 24, 2009, Notice of Application for approval of draft plan of subdivision and Zoning By-law amendment was sent to 60 area property owners. Notice was published in the Living in the City section of the London Free Press on October 10, 2009.</p> <p>On September 24, 2012, Revised Notice of Application for approval of draft plan of subdivision and zoning by-law amendment was sent to property owners. Notice was published in the London Free Press.</p>	7 replies received
<p>Nature of Liaison and Revised Liaison: See "Requested Action" section. In addition to the requested actions, the Planning Division included in the liaison notice the following possible amendments:</p> <ul style="list-style-type: none"> • The application of a Holding (h) Provision across the subject lands. The holding provision is to ensure the orderly development of lands and the adequate provision of municipal services. • Amend Schedule "A" – Land Use Map of the Official Plan to change the land use designation from Environmental Review to Open Space. • Amend Schedule "B" – Flood Plain & Environmental Features Map of the Official Plan to change an area delineated as Potential Environmentally Significant Area (ESA) to Environmentally Significant Area (ESA). 		
<p>Responses: see "Responses to Public Liaison Letter" on page 27</p>		

ANALYSIS

EXISTING SITUATION

To the south of the subject lands is an existing 25 lot residential subdivision on Southwinds Drive. The surrounding lands are comprised predominantly of agricultural operations and rural residential to the north and west, and a stream corridor and low density residential to the south and east. The subject parcel is located west of Dingman Creek. The subject site is comprised

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Alanna Riley
39T-09503/OZ-7698

of field crop with a driveway extending from the existing residential subdivision to the south of the existing dwelling located at 3804 South Winds Drive.

PUBLIC COMMENTS

Based on the responses to the public liaison the following issues were identified:

- Servicing and Impacts on ground water
- Drainage
- Fire protection
- Increased traffic
- Lot sizes
- Noise and Privacy
- Impacts on Natural Heritage
- Access to Open Space lands
- Consistency with PPS and Official Plan

The remainder of this report will address these issues and the issues raised by Council at the February 1, 2010 meeting and will include a review of the draft plan of subdivision and associated Official Plan and Zoning By-law amendments in conjunction with the Provincial Policy Statement(2005), and relevant Official Plan policies.

PROVINCIAL POLICY STATEMENT (2005)

This application has been reviewed for consistency with the 2005 Provincial Policy Statement. It is staff's position that the draft plan of subdivision will provide for a healthy, livable and safe community. The plan provide for 17 large single detached dwelling lots. This plan also incorporates a park block, a park and open space block along Dingman Creek. An Environmental Impact Study (EIS) and water balance report were submitted as part of the complete application. The EIS determined there would be no direct or indirect impacts to the components of the natural heritage system. Conditions related to stormwater management best practices and construction mitigation measures will be added and implemented for the plan of subdivision. The PPS considers private servicing under section 1.64. Conditions through draft approval will ensure all private services area constructed to ensure safe and quality systems.

Based on staff's analysis, this draft plan is consistent with the 2005 Provincial Policy Statement.

PLANNING ACT - SECTION 51(24)

Section 51(24) of the Planning Act provides municipalities with criteria which must be considered prior to approval of a draft plan of subdivision. The Act notes that in addition to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality, regard shall be had for,

- the effect of development of the proposed subdivision on matters of provincial interest;
- whether the proposed subdivision is premature or in the public interest;
- whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- the suitability of the land for the purposes for which it is to be subdivided;
- the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- the dimensions and shapes of the proposed lots;
- the restrictions or proposed restrictions, if any, on the land proposed to be subdivided the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- conservation of natural resources and flood control;
- the adequacy of utilities and municipal services;
- the adequacy of school sites;
- the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
- the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area.

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Alanna Riley
39T-09503/OZ-7698

The proposed development is located within a Rural Settlement designation which permits the proposed residential use. The proposed street layout of the draft plan provides for adequate access to Kilbourne Road. The zoning will provided for single detached dwellings on lots appropriately sized to accommodate private wells and sewage systems. There will be no restriction on adjoining land as a result of approving this draft plan of subdivision. An EIS is required to determine the best location for a storm outlet to minimize impacts on the natural heritage area and to prevent flooding. Any lands within the UTRCA regulated area will require the Owner to obtain the necessary permits prior to any soil disturbance. The owner will be required as a condition of draft approval to construct the necessary utilities and services. The closest school is located approximately two(2) kilometres away. No issues have been identified by the School Boards regarding this development and provision for adequate school facilities. The City will acquire the lands adjacent to Dingman Creek for open space.

Based on staff’s analysis, the recommended redline draft plan is consistent with the all of the relevant criteria within Section 51(24) of the Planning Act.

OFFICIAL PLAN

The Official Plan contains Council’s objectives and policies to guide the short-term and long-term physical development of the municipality. The policies promote orderly urban growth and compatibility among land uses. While the objectives and policies in the Official Plan primarily relate to the physical development of the municipality, they also have regard for social, economic and environmental matters.

The subject lands are designated “Rural Settlement”; “Open Space” and “Environmental Review” on Schedule A in the Official Plan, and is designated “Potential Environmentally Significant Area (ESA)” on Schedule B in the Official Plan.

Rural Settlement

The Rural Settlement designation permits single detached dwellings on lots suitably sized to allow for the proper siting and functioning of individual on-site water supply and wastewater treatment systems.

It is staff’s opinion that the proposal meets the intent of the Official Plan and represents sound land use planning. The development is designated to allow residential development on private services. The proposed draft plan, as red-line amended completes the development of the Rural Settlement designated lands in this area.

Environmental Review

A portion of the subject lands are located within an Environmental Review on Schedule “A” of the Official Plan.

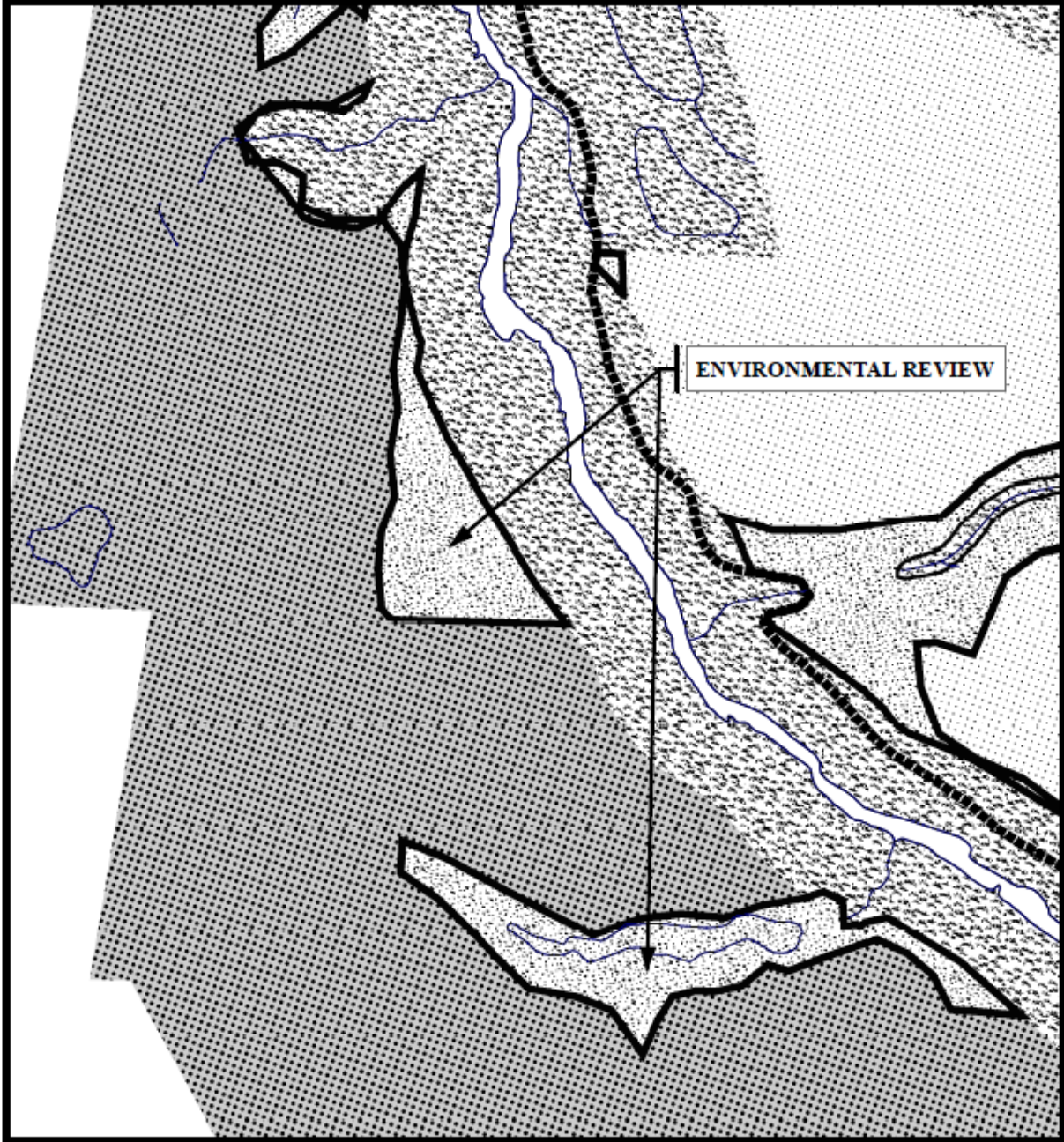
Environmental Review areas are intended to remain in a natural condition until their significance is determined through the completion of more detailed environmental studies. In order to protect the potentially significant features and functions of Environmental Review areas, permitted activity is limited to a range of uses associated with passive recreation, conservation and sustainable forest management.

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Alanna Riley
39T-09503/OZ-7698

Area Designated Environmental Review



The Open Space designation is applied to important natural features and functions that have been recognized by Council as being of City-wide or regional significance and identified as components of the Natural Heritage System. In order to protect the identified features and functions, permitted activity is limited to a range of low-impact uses associated with passive recreation, conservation and ecosystem management. Development and site alteration is permitted only if it has been demonstrated through an appropriate study that there will be no negative impacts on the features and functions for which the area has been identified. The Official Plan states that Environmental Review areas or portions of areas that are determined to satisfy the criteria for significance under Section 15.4. shall be re-designated as Open Space on Schedule "A". These lands have been identified as part of the Dingman Creek ESA and as such should be re-designated on both Schedules A and B as Open Space and ESA.

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Alanna Riley
39T-09503/OZ-7698

NATURAL HERITAGE

As noted above an Environmentally Significant Area (ESA) known as the Dingman Creek Corridor ESA is located on the floodplain and steep slopes along the east boundary of the subject site. The vegetation extending beyond the ESA boundary limit in the southeast corner on the site is designated potential ESA. Biologic was retained by the applicant to conduct an Environmental Impact Study for this parcel to identify any natural heritage features and functions on the site and identify potential direct and indirect impacts from the proposed development. The proposed buffers are sufficient to establish the lot lines adjacent to the natural heritage features for this rural, large lot, estate style of development.

In order to delineate the ESA lands it is recommended that a condition of draft approval be included to require the access and rear lot lines of the residential lots be monumented or fenced to identify the limits of the lots relative to the ravine/stream corridor. An information package will also be made available to future landowners that explains the stewardship of natural areas and the values of existing tree cover in order to assist in controlling encroachments into the open space lands.

A further draft approval condition has been recommended that requires tree preservation fencing to be installed and then certified by the ecological consultant prior to any grading or construction activity in accordance with Primary Tree Protection Fencing locations identified in Biologic's January, 2013 EIS mapping. In addition, a Tree Preservation Plan will be developed for lots 8, 9, 10 and 13 inside the Area of Secondary Tree Preservation as identified in Biologic's January, 2013 EIS mapping.

At the detailed design stage, an EIS for the Storm Water Management Outlet will be required to demonstrate no negative impacts on the natural features and ecological functions of the ravine and wooded slopes in the ESA. Key concerns to be addressed include how the overland flow route functions in relation to the sloped access route. The spillways, energy dissipation measures and the plunge pools will be designed to limit the need for tree cutting and minimize the disturbance in the ravine while maintaining ecologically beneficial habitat in the ESA. A water balance report will be required to demonstrate how flows will be maintained from the west side of the site to the ravine post development. The EIS for the SWM outlet will be scoped with the Ecologist Planner and the UTRCA at the detailed design stage, as required by the proposed conditions of Draft Approval.

GEOTECHNICAL REVIEW

A geotechnical study has been completed and accepted by UTRCA and the City specifically to address the slope stability of the east limit of the development lands. In addition, the applicant submitted a revised plan which shows the accepted development limit. It is recommended that the ravine/corridor lands be zoned for open space uses to ensure the lands are adequately protected. Conditions of draft plan approval are also recommended to require a detailed erosion and sediment control plan be submitted for approval, and the submission of grading plans of the open space block for review and approval by the Department Services.

Slope Stability – At the time of the circulation, the UTRCA had identified technical and policy application issues that were required to be addressed for the proposed plan of subdivision. Additional information that was requested by UTRCA included detailed cross sections, a plan illustrating the contours and slope boundaries, and additional discussion and recommendations respecting the potential impact of the private sewage disposal systems on the slopes. Subsequently after further consultation and site meetings with the applicant and consulting engineer, UTRCA confirmed that the additional information provided to them satisfied their concerns. Revisions to the rear lot lines abutting the ravine/stream corridor provide the required 6 metre erosion maintenance allowance at the rear of lots. In addition, conditions of draft approval have been included to address UTRCA's requirements for sediment and erosion control, and the required approvals in accordance with the *Conservation Authorities Act*.

Septic system – This plan of subdivision is proposed to be developed on private services. According to a geotechnical study certified by a licensed professional engineer, the subject property is capable of supporting the development of at least 17 lots. The study confirms that

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Alanna Riley
39T-09503/OZ-7698

the installation of private water wells and septic beds for the proposed development, in accordance with the specifications of the geotechnical engineer, should not impact the quality and quantity of the ground water aquifer/supply in the surrounding area. Conditions have been included as part of draft approval to ensure that this is implemented at the detailed design stage, and during construction of the development.

OPEN SPACE/PARKLAND

Parkland dedication is required for this development as per the Planning Act and City By-law CP.-9. While this subdivision is just outside of the Urban Growth Area, residents of this new neighbourhood and the existing neighbourhood to the south would benefit from a public parkland/open space block. There is also a main City-wide pathway system being developed east of the creek that could link this neighbourhood (though the construction of a future bridge) to their local community centre, library, arena and district park.

From a long term land use planning perspective it is desirable to have an open space system, that includes the ravine/stream corridor, established in the area. As a result of extensive discussions between the applicant and staff the applicant has proposed two Open Space blocks (which includes a portion of the Dingman Creek ESA) within the draft plan. As such, upon conveyance of the parkland/open space and open space block to the City, the owner will be relieved from any further parkland contribution for future development on the balance of the lands. Further, the boundary of Open Space/Park lands will constitute the development limit for this plan of subdivision.

SUBDIVISION DESIGN

Road Pattern

There are two proposed streets(including the extension of Southwinds Drive) within this draft plan. The streets are proposed to be terminated with temporary cul-de-sacs which could be extended if the lands to the west are developed sometime in the future. The land use and road pattern of the draft plan is consistent with the adjacent subdivision to the south.

Lotting Pattern

The proposed lot sizes are comparable in size to the lots on South Winds Court to the south. The proposed lots and the lots on South Winds Court are approximately 3,000m² in size. Other lots in the area range from 900 m² (on Graham Place) to 7000 m² South Winds Drive. The minimum proposed lot area of 3,000m² for this draft plan is within the range of lot sizes in this area and is considered adequate to accommodate on-site water and septic systems.

Placemaking

The Placemaking Guidelines were adopted by the City to ensure livable communities and provide an identifiable character, sense of place, and a high quality of life for new subdivision development. The subdivision is on a small parcel of land within a much larger area that includes excellent visibility and access to Dingman Creek, an important natural corridor. The proposed subdivision provides for large lot sizes which will address the needs of a certain portion of the London housing market. Acquisition of a portion of the ESA will allow the general public to access this area and provide for a potential connection in the future to the multi-use pathway on the east side of Dingman Creek. Overall, this subdivision will be successfully integrated within this neighbourhood meeting the intent of the Placemaking principles.

SERVICING

The subject site is located outside of the Urban Growth Boundary with no connection to municipal services at this time. As such, water supply in the area will be provided to residents by water wells, and sewage disposal will be accommodated by the use of individual onsite sewage systems.

Sanitary

During the liaison period of this application, residents raised concerns about on site sewage and water. This was reiterated in the February 10, 2010 Council resolution. To address the

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Alanna Riley
39T-09503/OZ-7698

concerns of the residents, in August of 2010, the City retained a consultant to undertake a peer review of the applicant's hydrogeologic assessment study. The peer review was conducted on behalf of the City by Terraprobe Inc. The initial Peer Review was completed in October 2011 and forwarded to the applicant's consultant. This review concluded that the characterization of the shallow soil and groundwater conditions at the site were not adequate, and that additional work was required to determine the shallow groundwater levels and flow directions.

Recommendations from the initial Peer Review report were addressed in several submissions from the owners engineering consultants. Revised Peer Review comments were provided on December 21, 2011 and April 2012. Additional information was provided on the basis of the revised draft plan, which reduced the number of lots from 22 to 17. Final comments provided by the Peer Reviewer on February 1, 2013 concluded that:

Based on a review of the current plan of subdivision (17 lots) it is our opinion that each of the lots is of sufficient size to permit construction of a conventional filter bed system. This eliminates our concern regarding Recommendation 6 in our letter of April 20, 2012. However, we continue to recommend that the City of London provide conditions to ensure that the wells and tile field are properly sited and maintained. These conditions are provided below:

- *Water wells drilled in the development must be deep cased wells. The drilling of shallow water wells must be prohibited.*

- *Tertiary treatment systems must be provided for all lots. The systems must produce effluent with a nitrate concentration of 12 mg/L or less.*

- *As required under the Ontario Building Code, the property owner must at all times have a contract with a certified maintenance contractor to ensure the proper maintenance and operation of the tertiary treatment system. This requirement must be registered on title of the property so that all subsequent property owners are aware of this requirement.*

- *A warning should be registered on the title of each property indicating the location of the proposed sewage facilities and prohibiting the construction of structures, extensive landscaping, fences, or other pertinences which may affect the operation of the system.*

These are the same conditions as noted previously in our correspondence of April 20, 2012. On the basis of the above, all of the recommendations noted in our letter of April 20, 2012 (Recommendations 1-6) have been adequately addressed. We continue to recommend that the city of London provide conditions with respect to the siting and operation of water wells and the tile field systems as noted above.

The conditions recommended by the Peer Reviewer have been included as conditions of draft approval and will be implemented through special provisions through the subdivision agreement. Holding provisions have been applied to the zoning which will ensure all requirements relating to private wells and septic systems will be addressed to the satisfaction of the City.

Stormwater Management

The entire site is within the Dingman Creek watershed. Given the small size and nature of the development an oil/grit separator will required to addresses water quality. There is no existing storm sewer outlet servicing this proposed development. There is an existing storm sewer located to the south of the property on South Winds Drive, however, the storm sewer was not designed to include runoff from this development. The developer will be required to construct storm sewers and discharge the flows from this plan to the outlet (which is the Dingman Creek Tributary 'B') via the Best Management Practices (BMPs).

Water

The Owner will be required to provide the City with information regarding the location of the private water well on each lot and details of the construction of the private water well. The Owner must also provide confirmation to the City that the location of the private water well is consistent with the location identified in the servicing plan and that a deep cased well has been constructed for each lot.

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Alanna Riley
39T-09503/OZ-7698

The developer will also be required to provide written confirmation that they are responsible for co-ordinating with the owner of each Lot for the construction and monitoring of private septic and water well systems on each lot, to ensure there is no cross-contamination and servicing conflicts.

Transportation

The subdivision provides for road extensions to the westerly limits of the plan which will provide for further extensions to the west. Temporary cul-de-sac bulbs will be terminated at the two extensions. This development will utilize an existing emergency access through Plan 33M-64 in order to provide for a second public access.

ZONING

The applicant has requested the Residential R1 (R1-14) Zone on the subject lands. The R1 (R1-14) Zones were established through the Annexed Area Zoning By-law to recognize large rural lots for lands designated Rural Settlement in the Official Plan. The intent is to have larger lots in keeping with lots abutting the subdivision to the south, and to provide for lot sizes which are sufficient to accommodate private services.

Holding provisions are recommended in order to ensure that there is orderly development through the execution of a subdivision agreement; to ensure the proposed stormwater management system serving this subdivision is constructed and operational to the satisfaction of the City; to ensure private individual sanitary disposal systems on each lot are installed in accordance with applicable recommendations and in compliance with the overall servicing strategy for this subdivision to the satisfaction to the City; and to ensure private water wells on each lot are in compliance with the overall servicing strategy for this subdivision to the satisfaction of the City.

Red Line Revisions

These revisions are noted on the following red-line revised draft plan.

- Revise Blocks 20 and 21 at the west limit of South Winds Drive and Blocks 22 and 23 at the west limit Street 'A' to accommodate City standard 20.0 m radius (SR-5.0) cul-de-sacs. These blocks are to be deeded to the City. Adjust abutting lots accordingly.
- Revise streetline radii to comply with the City standards adjacent to Lots 5 to 8.
- Provide a block in the vicinity of Lots 2, 3 and on Lot 6 for a maintenance access to the SWM outlet and storm sewers. Should this block be needed in another location or not be necessary, as determined through design studies and detailed design, this block may be relocated or removed from the final plan.
- Adjust the boundaries of Lot 5 and Lot 6 to follow the limits of the 6 metre erosion access allowance line if required by the UTRCA and other applicable City and Provincial regulations. It is noted that the existing and proposed infrastructure may extend beyond the limits and may require private easements for the future owner of lot 5.
- Revise lot lines to ensure adequate separation between septic systems and Street 'A', South Winds Drive and the cul-de-sacs, if necessary.
- Revise the draft plan to define Blocks 24 and 25 for dedication to the City of London for parkland and open space.

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Alanna Riley
39T-09503/OZ-7698

Response to February 10, 2010 Council Resolution

In the Council Resolution of February 10, 2010, the following concerns were forwarded to the Approval Authority for consideration.

1. Quality and Quantity of Groundwater

The quality and quantity of groundwater was examined through this process by a Peer reviewer.

A condition of draft approval requires the owner to carry out twice yearly water quality monitoring during any site alteration and dwelling construction and at the time of assumption by the City, to ensure there is no negative impact to the existing wells in the area. Should any remedial works be required, the Owner shall complete these works to the satisfaction of the City, at no cost to the City. The Owner shall provide copies of the monitoring reports to the City Engineer.

2. Tree Cover

It is acknowledged that certain measures needed to be considered to protect the trees in the area as outlined in the Environmental Impact Study that was conducted by Biologic in 2009.

As a condition of draft approval, the Owner will be required to prepare and deliver to all purchasers and transferees of the lots in this plan, an education package that explains the stewardship of natural areas and the value of existing tree cover. In addition, a Tree Preservation Plan will be developed for lots 8, 9, 10 and 13 inside the Area of Secondary Tree Preservation as identified in Biologic's January, 2013 EIS and Tree Preservation fencing shall be installed and certified by the ecological consultant prior to any grading or construction activity.

3. Emergency Services

It is acknowledged that this is an issue for all developments outside of the Urban Growth Area which have no ability to connect to municipal services. Staff are recommending that a clause be registered on title to these lots advising homeowners of the potential for delayed response time for fire fighting services.

An EMS station was constructed in 2010 at the intersection of Colonel Talbot Road and Raleigh Boulevard to serve the surrounding area including the subject site.

4. Rural Settlement Designation outside of the Urban Growth Boundary

The Official Plan permits residential development outside of the Urban Growth Boundary in Rural Settlement designations. The Rural Settlement designation permits single detached dwellings on lots suitably sized to allow for the proper siting and functioning of individual on-site water supply and wastewater treatment systems.

The Official Plan notes that the lands within the Rural Settlement designation may be developed for the purposes of a rural estate residential subdivision provided an environmental impact study is undertaken prior to the approval of the subdivision to determine measures for protection, and possible enhancement; and that the subdivision shall consist of large rural residential lots comparable to those in the area. The applicant has submitted an EIS as required by the OP policy. The recommendations of the EIS have been included as conditions of draft approval. An addendum is required through conditions of draft approval to address UTRCA's concerns.

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Alanna Riley
39T-09503/OZ-7698

Public Comments

1. Servicing and Impacts on ground water

Through this process, staff acknowledged neighbourhood concerns regarding groundwater. As a result, a Peer Review of the applicant’s hydrogeologic assessment was undertaken by Terraprobe on behalf of the City. Based on the peer review, additional information was requested which provided staff with a basis to craft specific conditions of draft approval to ensure that wells are properly sited and maintained on each individual lot.

2. Drainage

A key component of managing the stormwater drainage for this site is the selection of a storm outlet location. Through detailed design studies, a proper location and configuration will be determined that will minimize drainage and erosion issues.

3. Fire Protection

As noted above, it is acknowledged that this is an issue for all developments outside of the Urban Growth Area which have no ability to connect to municipal services. Staff are recommending that a clause be registered on title to these lots advising homeowners of the potential for delayed response time for fire fighting services.

4. Increased Traffic

The proposal is a residential plan of subdivision with 17 single family lots. Transportation has not identified any concerns relating to a substantial increase in traffic on adjacent roads.

5. Lot Sizes

The proposed subdivision proposed 17 lots with average lot sizes of approximately 3,000m². The lots located on South Winds Circle are approximately this size, with lots to the east less than half 3,000m². The proposed lot sizes are compatible with and similar to other lots in the area.

6. Noise and Privacy

No noise attenuation or privacy issues were identified through this process. Therefore no noise studies or fencing was required to deal with these issues. In lieu of standard fencing, the Owner is required to monument the northern and western limits of Blocks 24 and 25 abutting Lot 6 with standard City concrete monuments as per City standards to delineate the block limits. Owners of each lot may decide to construct fences in accordance with the Fence By-law.

7. Impacts on Natural Heritage

An EIS was conducted by Biologic to evaluate the potential impacts of the subject development on the Natural Heritage system. An EIS report prepared by Biologic in August 2009 was submitted and reviewed by the City and UTRCA. Subsequent to this report, further memos and letters were submitted to resolve issues identified by staff. The buffers identified in the January 10, 2013 letter by Biologic are considered sufficient to establish the lot lines adjacent to the natural heritage features for this rural, large lot, estate style of development.

8. Access to Open Space lands

The proposed draft plan as redline amended shows a park block that will be dedicated to the City which provides full access to lands adjacent to Dingman Creek which will also be dedicated to the City.

9. Consistency with PPS and Official Plan

In response to the expressed concerns of the public, the proposed development is designated to allow residential development on private services. The proposed draft plan, as red-line amended completes the development of the Rural Settlement designated lands

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Alanna Riley
39T-09503/OZ-7698

located in the area. It is consistent with the PPS and Official Plan as outlined in this report above.

CONCLUSION

The draft plan, as revised, is consistent with the Provincial Policy Statement and conforms with the Rural Settlement and Open Space policies in the Official Plan. The proposed road and lot pattern is integrated with the existing subdivision to the south, with public road access provided by an extension of South Winds Drive. Lands adjacent to the Dingman Creek will be dedicated to the City for Open Space and Parkland for the public's enjoyment. The recommended zoning (along with appropriate holding provisions) and conditions of draft approval will ensure that development in this subdivision occurs in an orderly manner. Based on our review, the proposed Plan of Subdivision and Official Plan and Zoning amendments are appropriate, subject to the recommended red-line revisions.

PREPARED & RECOMMENDED BY:	REVIEWED BY:
ALANNA RILEY, MCIP, RPP SENIOR PLANNER	ALLISTER MACLEAN MANAGER – DEVELOPMENT PLANNING
REVIEWED BY:	SUBMITTED BY:
TERRY GRAWAY , MCIP, RPP MANAGER OF DEVELOPMENT SERVICES	G. KOTSIFAS, P.ENG MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL

AR/ar
 "Attach."

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2009\39T-09503 3804 South Winds Drive (AR)\FINAL
 PEC.doc

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Alanna Riley
39T-09503/OZ-7698

Responses to Public Liaison Letter and Publication in “Living in the City”

<u>Telephone</u>
<p>Joe Liberatore 3920 South Winds Drive Issue summary:</p> <ul style="list-style-type: none"> - Opposed to individual servicing on wells - Concern about impact on existing subdivision water supply - Access to open space lands <p>Don Bryant McKenzie Lake Lawyers LLP Issue summary:</p> <ul style="list-style-type: none"> - Inquiry on behalf of client - Information request for engineering studies and hydrogeological reports <p>Jim Waldie 3916 South Winds Drive Issue summary:</p> <ul style="list-style-type: none"> - Inquiry for further information/clarification <p>Lloyd Courtney 3493 Colonel Talbot Road Issue summary:</p> <ul style="list-style-type: none"> - Inquiry for further information/clarification
<u>Written</u>
<p>Elizabeth MacKinnon & Douglas Dittmer 3915 South Winds Drive Issue summary:</p> <ul style="list-style-type: none"> - Insufficient water supply - Increase in septic field beds and well water contamination - Conformity with relevant legislation respecting water and the environment - Run-off and drainage impacts - Inadequate fire protection - Increase in traffic - Noise and visual privacy impacts - Lack of vegetative screening - Diminished lot sizes in comparison to the neighbourhood - Reduction in property values - Loss of wildlife and natural vegetation - Request Notice of Decision and adoption of zoning by-law amendment
<p>Donald S. Bryant McKenzie Lake Lawyers LLP On behalf of residents on South Winds Drive Issue summary:</p> <ul style="list-style-type: none"> - The application lies outside the Urban Growth Boundary and is premature - The application is not consistent with Provincial Policy Statement (2005) - Shortages of well water at peak periods have been experienced by residents - 22 additional wells will put additional demand on available water supplies - The hydrogeological report was reviewed and is deficient in several areas - Water samples and test pump results are based on a single well - Limited comments on the quantity and quality of the water supply - Report fails to address potential impacts on groundwater for existing residents - Drainage problems exist for the owner at 3915 South Winds Drive - The situation may become worse in the absence of proper drainage on the proposed subdivision lands - The proposal does not conform to the Official Plan - Request Notice of Decision and adoption of zoning by-law amendment

Agenda Item #

Page #

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Alanna Riley
39T-09503/OZ-7698

Don Bilyea
3804 South Winds Drive
Issue summary:

- Requests adjustments to lot line between proposed Lots 6 and 7
- Requests adjustment to southerly lot line of proposed Lot 6 to reflect rear yard landscape features (pond and rock garden) and underground geothermal heating system
- Request proposed Lot 6 be exempt from any fencing requirement as the topography is unsuitable and makes fencing impractical

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Alanna Riley
39T-09503/OZ-7698

Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
insert year

By-law No. C.P.-1284(inserted by Clerk's Office)

A by-law to amend the Official Plan for the City of London, 1989 relating to 3804 Southwinds Drive.

The Municipal Council of The Corporation of the City of London enacts as follows:

1. Amendment No. (to be inserted by Clerk's Office) to the Official Plan for the City of London Planning Area – 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990, c.P.13.*

PASSED in Open Council on December 3, 2013

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading – December 3, 2013
Second Reading – December 3, 2013
Third Reading – December 3, 2013

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Alanna Riley
39T-09503/OZ-7698

AMENDMENT NO.
to the
OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

1. To change the designation of certain lands described herein from Environmental Review to Open Space on Schedule "A", Land Use, to the Official Plan for the City of London.
2. To change the delineation on Schedule "B" – Flood Plain & Environmental Features from Potential Environmentally Significant Area (Potential ESA) to Environmentally Significant Area (ESA)

B. LOCATION OF THIS AMENDMENT

1. This Amendment applies to lands located 3804 South Winds Drive in the City of London.

C. BASIS OF THE AMENDMENT

A portion of the subject lands are located within an Environmental Review designation on Schedule "A" of the Official Plan.

Environmental Review areas are intended to remain in a natural condition until their significance is determined through the completion of more detailed environmental studies. In order to protect the potentially significant features and functions of Environmental Review areas, permitted activity is limited to a range of uses associated with passive recreation, conservation and sustainable forest management.

The Open Space designation is applied to important natural features and functions that have been recognized by Council as being of City-wide or regional significance and identified as components of the Natural Heritage System. In order to protect the identified features and functions, permitted activity is limited to a range of low-impact uses associated with passive recreation, conservation and ecosystem management. The Official Plan states that Environmental Review areas or portions of areas that are determined to satisfy the criteria for significance under Section 15.4. shall be re-designated as Open Space on Schedule "A". These lands have been identified as part of the Dingman Creek ESA and as such should be re-designated on both Schedules A and B as Open Space and ESA.

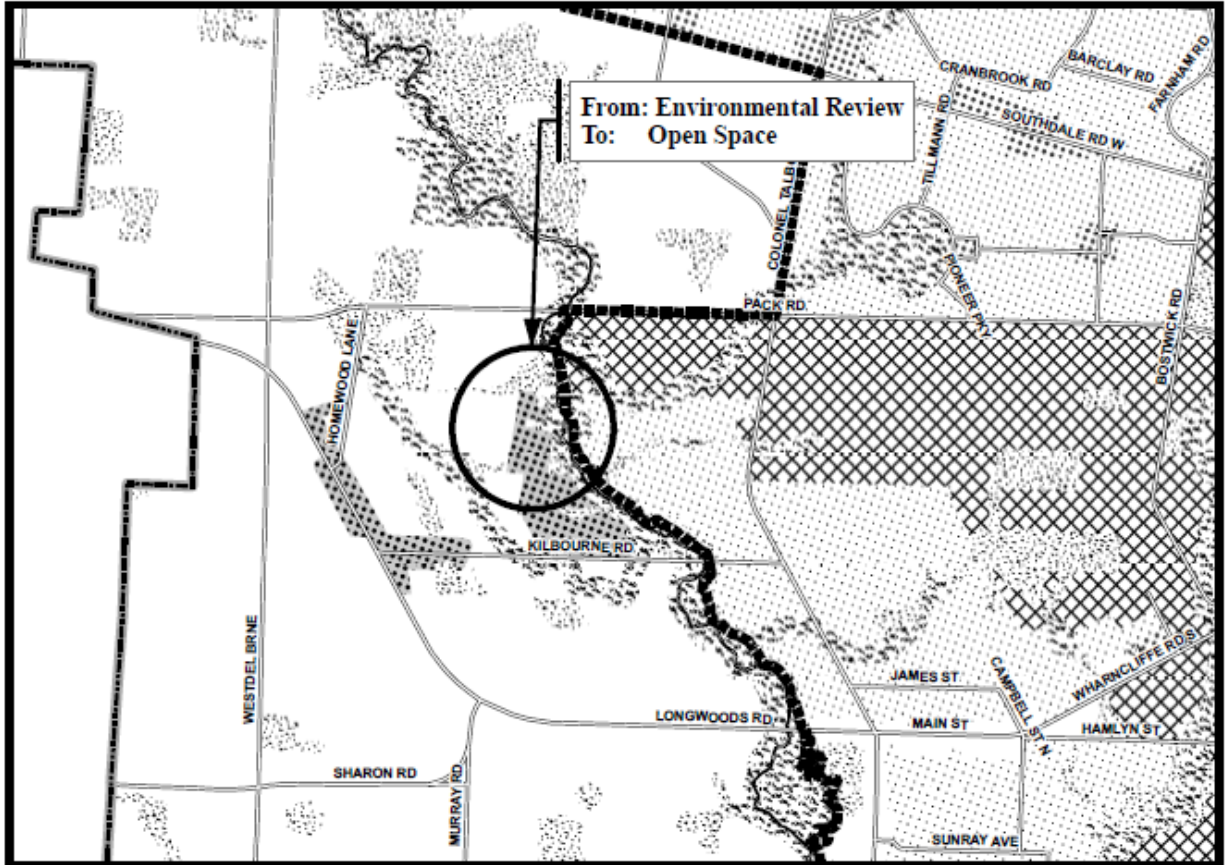
D. THE AMENDMENT

The Official Plan for the City of London is hereby amended as follows:

1. To change the designation of certain lands described herein from Environmental Review to Open Space on Schedule "A", Land Use, to the Official Plan for the City of London.
2. To change the delineation on on Schedule "B" – Flood Plain & Environmental Features from Potential Environmentally Significant Area (Potential ESA) to Environmentally Significant Area (ESA)

Alanna Riley
39T-09503/OZ-7698

AMENDMENT NO:

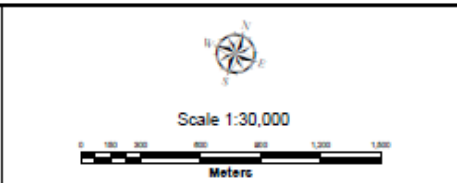


Legend

- | | |
|--|-----------------------------------|
| Downtown | Office Business Park |
| Enclosed Regional Commercial Node | General Industrial |
| New Format Regional Commercial Node | Light Industrial |
| Community Commercial Node | Regional Facility |
| Neighbourhood Commercial Node | Community Facility |
| Main Street Commercial Corridor | Open Space |
| Auto-Oriented Commercial Corridor | Urban Reserve - Community Growth |
| Multi-Family, High Density Residential | Urban Reserve - Industrial Growth |
| Multi-Family, Medium Density Residential | Rural Settlement |
| Low Density Residential | Environmental Review |
| Office Area | Agriculture |
| Office/Residential | Urban Growth Boundary |

This is an excerpt from the Planning Division's working consolidation of Schedule A to the City of London Official Plan, with added notations.

**SCHEDULE A
 TO
 OFFICIAL PLAN**
 AMENDMENT NO. _____
 PREPARED BY: Graphics and Information Services

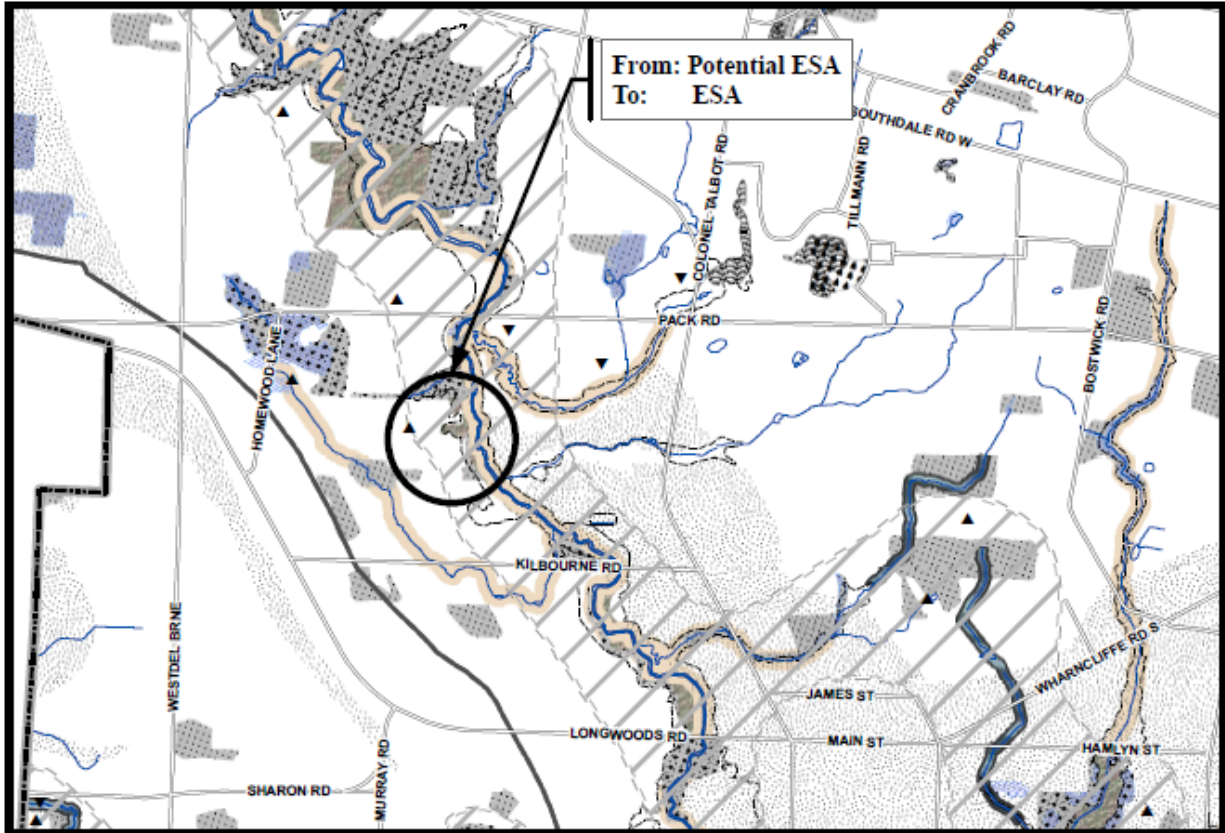


FILE NUMBER: 39T-09503 / Z-7698
PLANNER: AR
TECHNICIAN: JTS
DATE: November 11, 2013

PROJECT LOCATION: E:\Planning\Projects\ip_officialplan\work\consolid\amendments\39T-09503_Z-7698\IMXD6

Alanna Riley
39T-09503/OZ-7698

AMENDMENT NO:



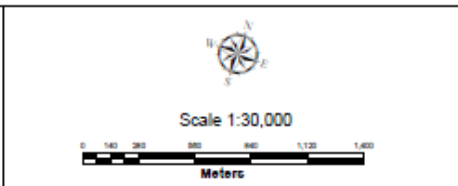
<p>NATURAL HERITAGE SYSTEM</p> <ul style="list-style-type: none"> ESAs Potential ESAs Significant Woodlands Woodlands Unevaluated Vegetation Patches Significant River, Stream, and Ravine Corridors Unevaluated Stream and Ravine Corridors Provincially Significant Wetlands Locally Significant Wetlands Unevaluated Wetlands Potential Naturalization Areas Potential Upland Corridors Ground Water Recharge Areas 	<p>NATURAL HAZARDS</p> <ul style="list-style-type: none"> Maximum Hazard Line <p><small>NOTE 1: Hazard Lines shown on this map are approximate. The precise delineation of hazard line mapping available from the Conservation Authority having jurisdiction.</small></p> <p><small>NOTE 2: Flood Fringe mapping for certain areas of the city is available from the Upper Thames River Conservation Authority.</small></p> <p>Base Map Features</p> <ul style="list-style-type: none"> Railways Water Courses/Ponds Streets (refer to Schedule "C") Conservation Authority Boundary Subwatershed Boundary Big Picture Meta-Cores and Meta-Corridors
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This is an excerpt from the Planning Division's working consolidation of Schedule B1 to the City of London Official Plan, with added notations.

**SCHEDULE B
TO
OFFICIAL PLAN**

AMENDMENT NO. _____

PREPARED BY: Graphics and Information Services



FILE NUMBER: 39T-09503 / Z-7698

PLANNER: AR

TECHNICIAN: JTS

DATE: November 11, 2013

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Alanna Riley
39T-09503/OZ-7698

APPENDIX "B"

Bill No. (number to be inserted by Clerk's Office)
2014

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to
rezone an area of land located 3804 South
Winds Drive

WHEREAS Southside Group of Companies have applied to rezone an area of land located at 3804 South Winds Drive, as shown on the map attached to this by-law, as set out below;

AND WHEREAS upon approval of Official Plan Amendment Number (number to be inserted by Clerk's Office) this rezoning will conform to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 3804 South Winds Drive, as shown on the attached map, from an Agricultural (AG1) Zone, a Holding Agricultural (h-2•AG1) Zone, an Environmental Review (ER) Zone, a Holding Open Space (h-2•OS4) Zone, and an Open Space (OS5) Zone to a Holding Residential R1 Special Provision (h. h().h().h()•R1-14() Zone.

1) Section 3.8 "Holding "H" Zones " is amended by adding the following Holding Provisions:

- a) h() *Purpose:* To ensure the proposed stormwater management system servicing serving this subdivision is constructed and operational, the holding provision shall not be deleted until these works have been completed to the satisfaction of the City.
- b) h() *Purpose:* To ensure private individual sanitary disposal systems on each lot are installed in accordance with applicable recommendations and in compliance with the overall servicing strategy for this subdivision, the holding provision shall not be deleted until these works approved to the satisfaction of the City.
- c) h() *Purpose:* To ensure private water wells on each lot are in compliance with the overall servicing strategy for this subdivision, the holding provision shall not be deleted until these works have been approved to the satisfaction of the City.

2) Section 5.4 "Special Provisions " is amended by adding the following Special Provision:

a) R1-14() Zone Variation

Regulation:	i)	Lot Area	3 000 square metres (32,292 square feet)
		(Minimum)	

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with subsection 34(21) of the *Planning Act, R.S.O. 1990, c. P.13*, either upon the date of the passage of this by-law or as otherwise provided by the said subsection.

Agenda Item #

Page #

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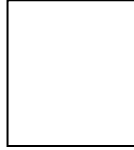
Alanna Riley
39T-09503/OZ-7698

PASSED in Open Council on December 3, 2013

Joe Fontana
Mayor

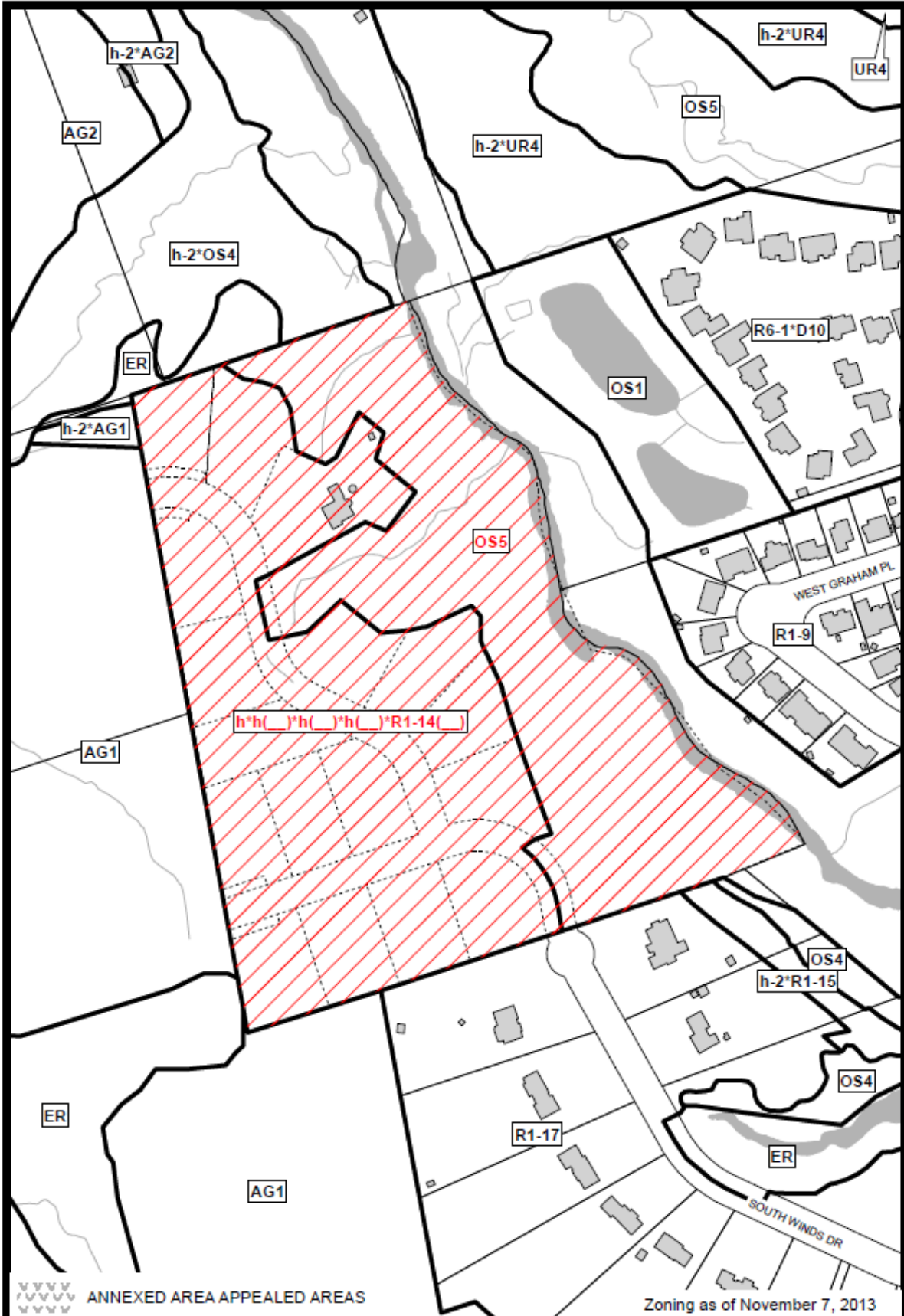
Catharine Saunders
City Clerk

First Reading - December 3, 2013
Second Reading - December 3, 2013
Third Reading - December 3, 2013



Alanna Riley
39T-09503/OZ-7698

AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z-1)

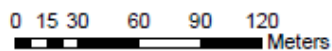


File Number: 39T-09503 / Z-7698
 Planner: AR
 Date Prepared: November 8, 2013
 Technician: JTS
 By-Law No: Z-1-

SUBJECT SITE



1:3,000



Geodatabase

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Alanna Riley
39T-09503/OZ-7698

(Conditions to be included for draft plan approval)
39T-09503

NO. CONDITIONS

1. This approval applies to the draft plan, submitted by Southside Construction (London) Limited, prepared by AGM, File No. 39T-09503, drawing No. SSD/LON/05-01, as red-line amended, which shows 17 single detached dwelling lots, a park block, a park and open space block, all served by 2 local public roads.
2. This approval of the draft plan applies for a period of three (3) years, and if final approval is not given within that time, the draft approval shall lapse, except in the case where an extension has been granted by the Approval Authority.
3. The road allowance included in this draft plan shall be shown and dedicated as public highways.
4. The Owner shall within 90 days of draft approval submit proposed street names for this subdivision to the City.
5. The Owner shall request that addresses be assigned to the satisfaction of the City in conjunction with the request for the preparation of the subdivision agreement.
6. The Owner, prior to final approval, shall submit to the Approval Authority a digital file of the plan to be registered in a format compiled to the satisfaction of the City of London and referenced to NAD83UTM horizon control network for the City of London mapping program.
7. Prior to final approval, appropriate zoning shall be in effect for this proposed subdivision.
8. The Owner shall enter into a subdivision agreement and shall satisfy all the requirements, financial and otherwise, of the City of London in order to implement the conditions of this draft approval.
9. That the subdivision agreement between the Owner and the City of London be registered against the lands to which it applies once the plan of subdivision has been registered.
10. In conjunction with registration of the Plan, the Owner shall provide to the appropriate authorities such easements and/or land dedications as may be required for all municipal works and services associated with the development of the subject lands, such as road, utility, drainage or stormwater management (SWM) purposes, to the satisfaction of the City, at no cost to the City.
11. No construction or installations of *any* kind (eg. clearing or servicing of land) involved with this plan shall be undertaken by the Owner prior to obtaining all necessary permits, approvals and/or certificates that need to be issued in conjunction with the development of the subdivision, unless otherwise approved by the Manager of Development Planning in writing (eg. MOE certificates; City/Ministry/Agency permits: Approved Works, water connection, water-taking, navigable waterways; approvals: UTRCA, MNR, MOE, City; etc; etc.). No construction involving installation of services requiring an EA is to be undertaken prior to fulfilling the obligations and requirements of the Province of Ontario's Environmental Assessment Act and the City of London.
12. The Owner agrees to carry out twice yearly water quality monitoring during any site alteration and dwelling construction and at the time of assumption by the City, to ensure there is no negative impact to the existing wells in the area. Should any remedial works be required, the Owner shall complete these works to the satisfaction of the City, at no cost to the City. The Owner shall provide copies of the monitoring reports to the City Engineer.
13. Prior to the submission of engineering drawings, the Owner shall submit a report demonstrating that the Ministry of the Environments D-5-4 and D-5-5 guidelines have been met to the satisfaction of the City.

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Alanna Riley
39T-09503/OZ-7698

14. The Owner shall carry out an archaeological survey and rescue excavation of any significant archaeological remains found on the site to the satisfaction of the Southwestern Regional Archaeologist of the Ministry of Culture; and no final approval shall be given, and no grading or other soil disturbance shall take place on the subject property prior to the letter of release from the Ministry of Culture.
15. Prior to any work on the site, the Owner shall decommission and permanently cap any abandoned wells located in this Plan, in accordance with current provincial legislation, regulations and standards. In the event that an existing well in this Plan is to be kept in service, the Owner shall protect the well and the underlying aquifer from any development activity.

Planning

16. At the design studies stage the Owner shall prepare and submit a FINAL Environmental Impact Study for the overall subdivision for review and acceptance all to the satisfaction of the UTRCA.
17. The Owner shall prepare an Environmental Impact Study addendum will be required at the design study stage for the stormwater management outlet. The design for the storm water management outlet will minimize disturbance of natural features in the ESA. The EIS will be scoped with the Ecologist Planner and the UTRCA prior to the commencement of the study and the study shall be completed to the satisfaction of the City.
18. The Owner shall implement all of the mitigation recommendations contained in the Environmental Impact Study (Biologic, August 2009), and the EIS letter (Biologic, January 2013) including, but not limited to provision for buffer zones, re-vegetation/restoration, and construction mitigation all to the satisfaction of the City.
19. The Owner shall prepare and deliver to all purchasers and transferees of the lots in this plan, an education package as described in the Biologic August 2009 EIS as approved by the City that explains the stewardship of natural areas and the value of existing tree cover.
20. Tree Preservation fencing shall be installed and certified by the ecological consultant prior to any grading or construction activity in accordance with Primary Tree Protection Fencing locations identified in Biologic's January, 2013 EIS. In addition, a Tree Preservation Plan will be developed for lots 8, 9, 10 and 13 inside the Area of Secondary Tree Preservation as identified in Biologic's January, 2013 EIS.
21. Within 1 year of registration of the plan of subdivision, the Owner shall monument all residential lots adjacent to the OS5 zoned lands and where the OS5 zone limit intersects with interior side lot lines, at all changes of direction and 20 metres apart(max.). Alternatively, within 1 year of the registration of the plan, the Owner shall construct fencing along the property limit interface of all private lots adjacent to the Open Space zoned lands of Lot #6.
22. The Owner shall not grade into any Open Space zoned lands. In instances where this is not practical or desirable, any grading into the Open Space zoned lands shall be to the satisfaction of the City.
23. The Owner shall implement the requirements of the City concerning sedimentation and erosion control measures during all phases of construction for the SWM outlet in proximity to the ESA.
24. At the design studies stage, the Owner shall confirm that the alignment of Street 'A' is fully outside of the dripline of the adjacent forest to the east.
25. The Owner shall dedicate Blocks 24 and 25 for park purposes, as red-lined on the Draft Plan, to satisfy the required parkland dedication for this plan.

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Alanna Riley
39T-09503/OZ-7698

26. In lieu of standard fencing, the Owner shall monument the northern and western limits of Blocks 24 and 25 abutting Lot 6 with standard City concrete monuments as per City standards (SPO 4.7) to delineate the block limits.
27. In lieu of the normal subdivision requirements to service, grade and seed parkland, the Owner shall within one year of registration of the Plan carry out a hazard tree survey within the park block and implement the findings of the survey all to the City's satisfaction.
28. In accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the Conservation Authorities Act, the Owner shall obtain the necessary permit/approvals from the UTRCA prior to undertaking any site alteration or development within the regulated area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.
29. In conjunction with the Design Studies submission, the Owner shall have a scoped Environmental Impact Study prepared to the satisfaction of the UTRCA for the stormwater management outlet. The design of the outlet shall minimize/mitigate the impacts on the wetland and the natural area and Authority staff is to be included in the scoping for this study.
30. In conjunction with the Design Studies submission, the Owner shall have a geotechnical study prepared to the satisfaction of the UTRCA for the stormwater management outlet to confirm the location of thereof. Authority staff is to be included in the scoping for this study.
31. In conjunction with the Design Studies and engineering drawings submission, the Owner shall have a Stormwater Management Report, subdivision grading plan and sediment and erosion control plan prepared to the satisfaction of the UTRCA.

SERVICING

Sanitary and Water

32. At the time this plan is registered, the Owner shall register on title of each lot in this plan, and shall include in the agreement of purchase and sale for the transfer of each of the said Lots, a covenant by the purchaser or transferee to observe and comply with the following conditions:
 - i) Private water wells and septic system servicing on each lot shall be constructed and installed by each property owner and the property owner shall maintain the private servicing, at no cost to the City.
 - ii) Water wells must be deep cased wells in accordance with Ontario Regulation 903 to avoid potential contamination from the sanitary effluent. The drilling of shallow water wells is prohibited;
 - iii) The location of the water well on each lot shall be consistent with the location identified for the water well in the servicing plan submitted for this subdivision
 - iv) A private tertiary sanitary treatment system which produces effluent with a nitrate concentration of 12 mg/L or less shall be provided;
 - v) As required under the Ontario Building Code, the property owner shall at all times have a contract with a certified maintenance contractor to ensure the proper maintenance and operation of the private tertiary sanitary treatment system. A copy of an executed maintenance contract with a qualified wastewater maintenance provider shall be submitted to the City's Chief Building Official, City Engineer and the Owner prior to occupancy. The wastewater maintenance provider shall be approved by the treatment system manufacturer or City approved equivalent;
 - vi) The results of the annual inspection and monitoring of the private septic systems, as required by the Ontario Building Code, shall be submitted by the owner to the City's Chief Building Official and a copy of the results shall be provided to the City Engineer and the Owner;
 - vii) The purchaser or transferee shall inspect and maintain the private septic system on the said Lots, including correcting any deficiencies as soon as they are

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Alanna Riley
39T-09503/OZ-7698

- detected, in accordance with the Ontario Building Code and design criteria accepted by the City, all to the satisfaction and at no cost to the City;
- viii) During the development of the said Lots in this Plan until this Plan is assumed by the City, the purchaser or transferee shall allow the Owner to enter the Lot to inspect, maintain and correct any deficiencies for the private septic system should the purchaser or transferee not inspect, monitor, maintain or correct any deficiencies in a timely manner in accordance with the Ontario Building Code and the design criteria accepted by the City to the satisfaction of and at no cost to the City;
 - ix) The construction of structures, extensive landscaping fences or other appurtenances in any location which may affect the operation of the private sewage system is prohibited;
 - x) A conceptual private servicing plan showing private water wells and septic systems shall be provided by the owner;
 - xi) Allow the Owner to enter the Lots in this Plan to construct stormwater works on each lot where needed (eg. storm water infiltration trenches), to the satisfaction of the City and at no cost to the City.
33. In conjunction with the Design Studies submission, the Owner shall have his consulting engineer prepare and submit a preliminary servicing plan which includes the following:
- i) Building footprint and driveway on each lot, including minimum setbacks;
 - ii) Notwithstanding that a private tertiary sanitary treatment system will be required on each lot and will require a permit in accordance with the Ontario Building Code, the preliminary servicing plan will need to include footprints for both a private tertiary sanitary treatment system and a conventional filter bed system on each lot (recognizing that these footprints may be in the same location and/or overlap). This is required in order to confirm that there is sufficient lot area to accommodate a conventional filter bed system. The size of the system will be based on the requirements for a three hundred square metres (300 m²) house with 4 bedrooms and the soil percolation (T-time) used for each lot must be identified. The proposed location will need to permit access for maintenance and permit connection to a future municipal sanitary sewer should a sewer be constructed in future;
 - iii) The location of a deep-cased water well, constructed in accordance with Ontario Regulation 903, on each lot;
 - iv) The proposed locations of any storm water infiltration trenches, if necessary, in relation to the location and the septic and water well systems;
 - v) All required separation distances (ie. between the building footprint and the private services; between the property lines and the private services; and between all of the private services) and confirmation that all of these meet or exceed the minimum separation distance requirements in accordance with the Ontario Building Code and/or any applicable regulations.
 - vi) A preliminary servicing plan showing water wells in relation to other services
 - vii) Location of existing private septic and water wells within and in the vicinity of this Plan.
 - viii) Should the private septic system and/or water well on Lot 5 encroach beyond the limits of Lot 5 then the lot boundaries shall be adjusted at the time this plan is registered.
34. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall provide written confirmation that it is responsible for co-ordinating with the owner of each Lot for the construction and monitoring of private septic and water well systems on each lot to ensure there is no cross-contamination and servicing conflicts between all servicing.
35. Prior to the issuance of a Certificate of Approval for each lot, the Owner shall provide the City with information regarding the location of the private water well on each lot and details of the construction of the private water well. The Owner shall also provide confirmation to the City that the location of the private water well is consistent with the location identified in the servicing plan and that a deep cased well has been constructed for each lot.
36. The Owner shall include notices on the titles of the lots in this plan that no municipal water supply for fire protection is available.

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Alanna Riley
39T-09503/OZ-7698

37. In conjunction with the Design Studies submission, the Owner shall revise the final plan, if needed to adjust the lot lines on the final plan from the approved draft plan to the satisfaction of the City to address issues such as separation distances for storm, water and septic systems and accesses on each of the lots.
38. Prior to assumption the Owner shall confirm to the City's Chief Building Official and the City Engineer that all Lot owners utilizing private septic systems have a valid contract with a qualified wastewater maintenance contractor at the time of assumption. The wastewater maintenance provider shall be approved by the treatment system manufacturer or City approved equivalent.
39. Prior to assumption and during development of the Plan of Subdivision, the Owner shall oversee the installation and the annual inspection/monitoring programs of the private septic systems to ensure that each Lot in this Plan is in compliance with the Ontario Building Code, the accepted design criteria and the annual inspection and monitoring program. Should the Lot owner not do so, the Owner shall advise the City and correct any deficiencies as soon as they are detected, all to the satisfaction of and at no cost to the City.
40. Prior to assumption of this Plan, the Owner shall have its professional engineer certify to the City that all private septic systems on each Lot have been constructed and are in compliance with the Ontario Building Code, the accepted design criteria and the annual inspection and monitoring programs, to the satisfaction of and at no cost to the City. Where the above cannot be met, the Owner shall advise the City and correct any deficiencies as soon as they are detected or provide alternative measures that comply with the said accepted design requirements to the satisfaction of and at no cost to the City.
41. In conjunction with the Design Studies submission, the Owner shall ensure there is no conflict with existing infrastructure servicing Lot 5 and the proposed servicing for this plan of subdivision.

Storm and Stormwater Management (SWM)

42. In conjunction with the Design Studies submission, the Owner shall have his consulting engineer prepare and submit a Storm/Drainage and SWM Servicing Functional Report or a SWM Servicing Letter/Report of Confirmation to address the following:
 - i) Identify the storm/drainage and SWM servicing works for the subject and external lands and how the drainage from external lands will be handled, all to the satisfaction of the City;
 - ii) Identify major and minor storm flow routes for the subject and external lands, to the satisfaction of the City;
 - iii) Review the criteria (eg. location and size) of Block ____, for a maintenance access corridor to service the storm sewers and outlet in the vicinity of Lots 2, 3 and 6 for the City to maintain the storm sewers and outlet;
 - iv) Provide a geotechnical report or update the existing geotechnical report recommendations with respect to all geotechnical issues and all required setbacks and separation distances related to SWM BMP measures and the septic systems are adequately addressed for the subject lands, all to the satisfaction of the City Engineer and the Ministry of the Environment and with respect to all geotechnical issues including erosion, maintenance and structural setbacks related to slope stability associated with the Dingman Creeks are adequately address for the subject lands, all to the satisfaction of the City Engineer and the Upper Thames River Conservation Authority.
 - v) Should there be any impacts to the stable slopes or erosion access because of servicing and grading, an amendment to the existing geotechnical report and lot lines may be required.
 - vi) Identify the maintenance access (existing 22% grade) in relation to steep slopes, outlet features, overland flow route and separation distance between wells, septic and storm system on Lots 2 and 3;
 - vii) Identify the required maintenance access, from Street 'A' to the outlet of the storm water system and provide recommendations with regards to the steep

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Alanna Riley
39T-09503/OZ-7698

slope and construction of the access to City standards (eg. maximum 10% slope).

- viii) Develop an erosion/sediment control plan that will identify all erosion and sediment control measures for the subject lands in accordance with City of London and Ministry of the Environment standards and requirements, all to the satisfaction of the City. This plan is to include measures to be used during all phases on construction.

- 43. The Owner shall submit a copy of the final plan for this subdivision to the Development Services Division (Development Engineering) showing any amendments or revisions made to Block ____ (maintenance access corridor) in this plan as a result of any requirements and/or conditions covering the plan, or otherwise (ie. Owner initiated) to the satisfaction of the City Engineer, prior to final approval being issued.

- 44. In conjunction with the Design Studies submission, the Owner shall have a report prepared by a qualified consultant, and if necessary, a detailed hydro geological investigation carried out by a qualified consultant, to determine the effects of the construction associated with this subdivision on the existing ground water elevations and domestic or farm wells in the area and identify any abandoned wells in this plan, assess the impact on water balance and any fill required in the plan, to the satisfaction of the City. If necessary, the report is to also address any contamination impacts that may be anticipated or experienced as a result of the said construction as well as provide recommendations regarding soil conditions and fill needs in the location of any existing watercourses or bodies of water on the site.

Prior to the issuance of any Certificate of Conditional Approval, the Owner's professional engineer shall certify that any remedial or other works as recommended in the above accepted hydro geological report are implemented by the Owner, to the satisfaction of the City, at no cost to the City.

- 45. In accordance with City standards or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of stormwater management (SWM) and stormwater services for this draft plan of subdivision:
 - i) Construct storm sewers, located within the Dingman Creek Subwatershed, and discharge the flows from this plan to the outlet which is the Dingman Creek Tributary 'B' via the Best Management Practices (BMPs) and storm/drainage servicing works for this plan as there is no current storm sewer system outlet.
 - ii) Construct and implement erosion and sediment control measures as accepted in the Storm/Drainage and SWM Servicing Functional Report or a SWM Servicing Letter/Report of Confirmation for these lands and the Owner shall correct any deficiencies of the erosion and sediment control measures forthwith;
 - iii) Construct any required maintenance access, if necessary, from Street 'A' to the open space portion of Lot 6 for any storm water system, including the outlet and in accordance with recommendations with regards to the slope and construction for the access and construct the access to City standards (eg. maximum 10%).
 - iv) Address forthwith any deficiencies of the stormwater works and/or monitoring program.

- 46. The above-noted Storm/Drainage and SWM Servicing Functional Report or a SWM Servicing Letter/Report of Confirmation, prepared by the Owner's consulting professional engineer, shall be in accordance with the recommendations and requirements of the following:
 - i) The SWM criteria and environmental targets for the Dingman Creek Subwatershed Study (2005) criteria and environmental targets and any addendums/amendments;
 - ii) The approved Storm/Drainage and SWM Servicing Functional Report for the subject lands and any addendums/amendments;
 - iii) The City of London Environmental and Engineering Services Department Design Specifications and Requirements, as revised;

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Alanna Riley
39T-09503/OZ-7698

- iv) The City’s Waste Discharge and Drainage By-laws, lot grading standards, Policies, requirements and practices;
 - v) The Ministry of the Environment SWM Practices Planning and Design Manual, as revised; and
 - vi) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.
47. Prior to the issuance of any Certificates of Conditional Approval, the Owner shall complete the following:
- i) For lots and blocks in this plan or as otherwise approved by the City Engineer, all storm/drainage and SWM related works to serve this plan must be constructed and operational in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the City;
 - ii) Construct the storm water system, including the outlet, and maintenance access to the outlet on Block____, and on any easmentss as needed over Lots 2, 3 and 6, to City Standards, to the satisfaction of the City Engineer. The maintenance access shall be fenced where it abuts Lots 2 and 3.
 - iii) Construct and have operational the major and minor storm flow routes for the subject lands, to the satisfaction of the City;
 - iv) Implement all geotechnical/slope stability recommendations made by the geotechnical report accepted by the City; and
 - v) Implement SWM soft measure Best Management Practices (BMP’s) within the Plan, where possible, to the satisfaction of the City. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this Plan and the approval of the City Engineer.
48. Prior to the acceptance of engineering drawings, the Owner’s consulting engineer shall certify the subdivision has been designed such that increased and accelerated stormwater runoff from this subdivision will not cause damage to downstream lands, properties or structures beyond the limits of this subdivision. Notwithstanding any requirements of, or any approval given by the City, the Owner shall indemnify the City against any damage or claim for damages arising out of or alleged to have arisen out of such increased or accelerated stormwater runoff from this subdivision.
49. The Owner shall provide a security in the amount of \$60,000 for this Plan to ensure that the Erosion and Sediment Control Plan (ESCP) be executed in accordance with the City approval procedure and criteria. In the event of failure to properly implement and maintain the require ESCP, the ESCP security will be used by the City to undertake all necessary clean-up work, all to the satisfaction of the City Engineer.
50. The Owner shall ensure the post-development discharge flow from the subject site must not exceed the capacity of any existing stormwater conveyance system. In any event where the above condition cannot be met, prior to the issuance of any Certificate of Conditional Approval for the Lots, the Owner shall provide on-site controls that comply to the accepted Design Requirement for Permanent Private Stormwater Systems (eg. storm water infiltration trenches).
51. The Owner provide, maintain and allocate adequate setbacks in accordance with the City Council approved Official Plan Policies relating to open watercourse setbacks (Dingman Creek) in accordance with the MOE and City’s requirements.
52. The Owner’s consulting Engineer shall provide the additional geotechnical evaluation and recommendations that specifically will address the required erosion, maintenance and structural setbacks, including the engineering slope stability analyses to ensure the slope’s stability under the proposed construction and post-development conditions, all to the satisfaction of the City Engineer.

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Alanna Riley
39T-09503/OZ-7698

Roadworks

53. The Owner shall construct City of London Standard (20.0 metre radii) cul-de-sacs on the west limit of South Winds Drive and the west limit of Street 'A' in accordance with Standard DWG. SR-5.0. At the time this plan is registered, the Owner shall deed sufficient lands (eg. Blocks 20 to 23) to the City for this purpose, to the satisfaction of the City. The Owner shall provide raised circular centre island (R=8.0m) within the cul-de-sac(s) or as otherwise directed by the City Engineer.
54. The Owner shall provide cash-in-lieu for the removal of the cul-de-sacs and the construction of fully-serviced roads should the roads be extended in the future, to the satisfaction of the City.
55. Should South Winds Drive and Street 'A' be extended in the future, the lands deeded to the City for the cul-de-sacs shall be conveyed to the owners of the abutting lots to be combined with the abutting lots, at no cost to the City.
56. In conjunction with the Design Studies submission, the Owner shall adjust Lots 6, 7, 8, 11 and 14 to accommodate the City standard cul-de-sacs to avoid conflicts between septic systems and the cul-de-sacs. The final plan is to be revised to the satisfaction of the City prior to the plan being registered.
57. The Owner shall align the right-of-way of South Winds Drive in this plan with the existing South Winds Drive in Plan 34M-64 based on the centrelines of the streets, unless otherwise approved by the City.
58. In conjunction with the Design Studies submission, the Owner shall provide a conceptual layout of the roads and rights-of-way of the plan to the City for review and acceptance with respect to road geometries, including but not limited to, road radii of Street 'A' and cul-de-sacs on Street 'A' and South Winds Drive, etc., and include any associated adjustments to the abutting lots.
59. In conjunction with the Design Studies submission, the Owner shall have its professional consulting engineer confirm that all streets in the subdivision have centreline radii which conforms to the City of London Standard "Minimum Centreline Radii of Curvature of Roads in Subdivisions:" The Owner shall make revisions to the road radii at the west limit of Street 'A'.
60. The Owner shall construct, as designed by it's professional engineer, the roadworks in accordance with the following road widths:
 - i) South Winds Drive and Street 'A' have a minimum road pavement width (excluding gutters) of 8.0 metres (26.2') with a minimum road allowance of 20 metres (66').

Street Lights

61. The Owner shall install street lighting on all streets in this plan to the satisfaction of the City, at no cost to the City.

Construction Access/Temporary/Second Access Roads

62. The Owner shall direct all construction traffic associated with this draft plan of subdivision to utilize Kilbourne Road via South Winds Drive or other routes as designated by the City.
63. Prior to commencing any construction on this site, the Owner shall notify the City of London Police Services of the start of construction of this plan of subdivision.

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Alanna Riley
39T-09503/OZ-7698

- 64. In the event any work is undertaken on an existing street, the Owner shall establish and maintain a Traffic Management Plan (TMP) in conformance with City guidelines and to the satisfaction of the City for any construction activity that will occur on existing public roadways. The Owner shall have it's contractor(s) undertake the work within the prescribed operational constraints of the TMP. The TMP will be submitted in conjunction with the subdivision servicing drawings for this plan of subdivision.
- 65. Should any temporary turning circle exist on the abutting street at the time this plan is registered, the Owner shall remove any existing temporary turning circle on the existing South Winds Drive in Plan 33M-64 and restore the road, including sidewalks, to the satisfaction of the City, at no cost to the City.

GENERAL CONDITIONS

- 66. In conjunction with Design Studies submission, the Owner shall have it's geotechnical engineer investigate and provide any necessary recommendations (including cross-section drawings) regarding the steep slopes in relation to the development of Lots 1 to 6 and the proposed storm sewer systems, outlet and maintenance access and the construction of Street 'A' in this plan
- 67. The Owner shall register and develop this plan in one phase.
- 68. The Owner shall comply with all City of London standards, guidelines and requirements in the design of this draft plan and all required engineering drawings, to the satisfaction of the City. Any deviations from the City's standards, guidelines or requirements shall be satisfactory to the City Engineer.
- 69. Prior to the issuance of a Certificate of Conditional Approval for each construction stage of this subdivision, all servicing works for the stage and downstream works must be completed and operational, in accordance with the approved design criteria and accepted drawings, all to the specification and satisfaction of the City.
- 70. Prior to final approval, the Owner shall make arrangements with the affected property owner(s) for the construction of any portions of services or grading situated on private lands outside this plan, and shall provide satisfactory easements over these works, as necessary, all to the specifications and satisfaction of the City, at no cost to the City.
- 71. In the event that relotting of the Plan is undertaken, the Owner shall relocate and construct services to standard location, all to the specifications and satisfaction of the City Engineer.
- 72. The Owner shall connect to all existing services and extend all applicable services to the limits of the draft plan of subdivision, at no cost to the City, all to the specifications and satisfaction of the City Engineer.
- 73. With respect to any services and/or facilities constructed in conjunction with this Plan, the Owner shall permit the connection into and use of the subject services and/or facilities by outside owners whose lands are served by the said services and/or facilities, prior to the said services and/or facilities being assumed by the City.
- 74. If, during the building or constructing of all buildings or works and services within this subdivision, any deposits of organic materials or refuse are encountered, the Owner shall report these deposits to the City immediately, and if required by the City, the Owner shall, at his own expense, retain a professional engineer competent in the field of methane gas to investigate these deposits and submit a full report on them to the City. Should the report indicate the presence of methane gas then all of the recommendations of the engineer contained in any such report submitted to the City shall be implemented and carried out under the supervision of the professional engineer, to the satisfaction of the City and at the expense of the Owner, before any construction progresses in such an instance. The report shall include provision for an ongoing methane gas monitoring program, if required, subject to the approval of the City and review for the duration of the approval program.

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Alanna Riley
39T-09503/OZ-7698

If a permanent venting system or facility is recommended in the report, the Owner shall register a covenant on the title of each affected lot and block to the effect that the Owner of the subject lots and blocks must have the required system or facility designed, constructed and monitored to the specifications of the City, and that the Owners must maintain the installed system or facilities in perpetuity at no cost to the City. The report shall also include measures to control the migration of any methane gas to abutting lands outside the Plan.

75. The Owner hereby agrees that, should any contamination or anything suspected as such, be encountered during construction, the Owner shall report the matter to the City Engineer and the Owner shall hire a geotechnical engineer to provide, in accordance with the Ministry of the Environment "Guidelines for Use at Contaminated Sites in Ontario", "Schedule A – Record of Site Condition", as amended, including "Affidavit of Consultant" which summarizes the site assessment and restoration activities carried out at a contaminated site. The City may require a copy of the report should there be City property adjacent to the contamination. Should the site be free of contamination, the geotechnical engineer shall provide certification to this effect to the City.

76. The Owner's professional engineer shall provide inspection services during construction for all work to be assumed by the City, and supply the City with a Certification of Completion of Works upon completion, in accordance with the plans accepted by the City Engineer.

 With respect to any services and/or facilities constructed in conjunction with this Plan, the Owner shall permit the connection into and use of the subject services and/or facilities by outside owners whose lands are served by the said services and/or facilities, prior to the said services and/or facilities being assumed by the City.

77. In conjunction with the Design Studies submission, the Owner shall have it's professional engineer provide an opinion for the need for an Environmental Assessment under the Class EA requirements for the provision of any services related to this Plan. All class EA's must be completed prior to the submission of engineering drawings.

78. The Owner shall have it's professional engineer notify existing property owners in writing, regarding the sewer and/or road works proposed to be constructed on existing City streets in conjunction with this subdivision, all in accordance with Council policy for "Guidelines for Notification to Public for Major Construction Projects".

79. The Owner shall not commence construction or installations of any services (eg. clearing or servicing of land) involved with this Plan prior to obtaining all necessary permits, approvals and/or certificates that need to be issued in conjunction with the development of the subdivision, unless otherwise approved by the City in writing (eg. Ministry of the Environment Certificates, City/Ministry/Government permits: Approved Works, water connection, water-taking, crown land, navigable waterways, approvals: Upper Thames River Conservation Authority, Ministry of Natural Resources, Ministry of the Environment, City, etc.)

80. The Owner shall remove any temporary works when no longer required and restore the land, at no cost to the City, to the specifications and satisfaction of the City Engineer.

81. The Owner shall decommission any abandoned infrastructure, at no cost to the City , all to the specifications and satisfaction of the City Engineer.

82. All costs related to the plan of subdivision shall be at the expense of the Owner, unless specifically stated otherwise in this approval.

83. Prior to the issuance of a Certificate of Conditional Approval, the Owner shall relocate and/or remove the existing driveway and restore the affected area, including a new driveway connection from Lot 5 to Street 'A', to the satisfaction of the City and at no cost to the City.

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Alanna Riley
39T-09503/OZ-7698

- 84. Should there be any construction access and regrading on Lot 5, the Owner shall ensure that the steep slopes adjacent to Lot 5 are not to be disturbed.

- 85. Blocks for 0.3 metre (1') reserves shall be required at the following locations:
 - i) west limit of South Winds Drive
 - ii) west limit of Street 'A'

- 86. The Owner shall include notices on the titles of the lots in this plan that the septic systems and water wells are private systems. It is each property owner's responsibility to monitor and maintain these systems.

- 87. The Owner shall include a notice on the title of Lot 6 in this plan that the steep slopes in the Open Space area, including the storm system and maintenance access, are not to be disturbed.

- 88. The Owner shall not make a request to the City to assume any portion of this Plan of subdivision until such time that all Lots in this Plan are fully developed with the following being completed on each Lot:
 - i) a constructed residential dwelling;
 - ii) a fully functioning private septic system;
 - iii) all storm/drainage and SWM related works; and
 - iv) final lot grading on each Lot is completed.

All to the satisfaction of the City, unless otherwise approved by the City.

- 89. The Owner shall advise all purchasers of the existing emergency access on Blocks G and H in Plan 33M-64, approximately 280 metres south of this Plan of Subdivision, should the existing Southwinds Drive, between Kilborne Road and this plan be restricted in an emergency.

- 90. The Owner shall register the following warning clause on title and included it in all Agreements of Purchase and Sale or Lease for Lots 1 to 17, both inclusive, within this Plan:

"Purchasers/tenants are advised the Lots in this Plan of Subdivision will be serviced by private water wells on each Lot for domestic water use only by the use of private water wells and that NO municipal water system, NO fire flows and NO fire hydrants are provided for fire protection purposes within this Plan of Subdivision."

"The City of London assumes no responsibility or liability for any loss or damage (including loss of life) which may result in the Lots in this Plan of Subdivision not having a municipal water system, fire flows and fire hydrants for fire protection purposes. The owners and occupants, from time to time, of the Lots within this subdivision shall indemnify and save harmless the City from and against all claims, including costs related thereto, for all damages or injuries including death to any person or persons and for damage to any property arising out of or in any way occasioned by or resulting from the Lots in this Plan of Subdivision not having a municipal water system, fire flows and fire hydrants for fire protection purposes. "

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Alanna Riley
39T-09503/OZ-7698

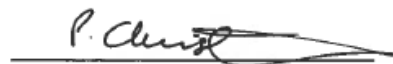
APPENDIX 'D'

Related Estimated Costs and Revenues

Estimated Costs – This Draft Plan	
Claims from Urban Works Reserve Fund – General	Nil
Claims from Urban Works Reserve Fund - Stormwater Management	Nil
Capital Expense	Nil
Other	Nil
Total	Nil
Estimated Revenues - This Draft Plan (2013 rates)	
CSRF	\$146,319
UWRF	Nil
Total	\$146,319

1. Estimated Revenues are calculated using 2013 DC rates, outside the Urban Growth Boundary, and may take many years to recover. The revenue estimates includes DC cost recovery for "soft services" (fire, police, parks and recreation facilities, library, growth studies). There is no comparative cost allocation in the Estimated Cost section of the report, so the reader should use caution in comparing the Cost with the Revenue section.
2. The revenues and costs in the table above are not directly comparable. This subdivision, like others in the area, also relies on the recently constructed roadwork and SWM facilities, the cost of which is not reported above. Other growth related costs (like wastewater treatment plant and road capacity expansion) incurred to serve this subdivision and surrounding areas are not reported above, though the revenue for those service components is included in the "Estimated Revenues – This Agreement" section above. As a result, the revenues and costs reported above are not directly comparable. The City employs a "citywide" approach to recovery of costs of growth – any conclusions based on the summary of Estimated Costs and Revenues (above table) should be used cautiously.

Reviewed By:



Peter Christiaans
 Director, Development Finance

Agenda Item #	Page #

Alanna Riley
39T-09503/OZ-7698

Bibliography of Information and Materials – 39T-10503/Z-7785

Request for Approval:

City of London Subdivision Application Form, completed by Southside Construction (London) Limited – August 31, 2009.

Revised Draft Plan of Subdivision prepared by AGM Surveying and Engineering, August 2012.

City of London Zoning By-law Amendment Application Form, completed by Stephen Cornwell (Zelinka Priamo) – August 21, 2009.

Reference Documents:

City of London. Official Plan, June 19, 1989, as amended.

City of London. Zoning By-law No. Z.-1, May 21, 1991, as amended.

Ontario. Ministry of Municipal Affairs and Housing. Provincial Policy Statement, March 01, 2005.

Provincial Policy Statement, 2005.

City of London Planning File: 39T-09503 3804 South Winds Drive, Application.

Final Proposal Review, Zelinka Priamo, August 7, 2009

City of London, Revised Notice of Application for Approval of Draft Plan of Subdivision and Zoning By-Law Amendment – September 12, 2012.

Revised City of London, The Londoner - October 4, 2012.

39T-09503 / Z-7785, Environmental Impact Study - by Biologic– August 4, 2009.

Sewage Impact Assessment, Bos Engineering and Environmental Services Inc. July 22, 2009

Geotechnical Investigation, Archibald Gray and McKay, June 5, 2002

Hydrogeological, Jfm, January 16, 2009

Test Pit Investigation, AGM Aug 5, 2001

Terraprobe, various written correspondence from August 2009 to present

IBI Group, various written correspondence from August 2009 to present

Correspondence: (all located in City of London File No. 39T-09503 unless otherwise stated)

City of London –

Proposal Review Meeting (Previously APAG). Meeting Summary and Record of Consultation, July 9, 2008.

City of London Planning Division. Various written correspondence between City staff and Zelinka Priamo, August 2009 to present.

External Responses-

Any correspondence not listed above located in the file