

File Number: 39T-03511

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE MEETING ON DECEMBER 10, 2013</b>
<b>FROM:</b>	<b>GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT AND COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL</b>
<b>SUBJECT</b>	<b>SPECIAL PROVISIONS FARHI HOLDINGS CORPORATION WOODHULL SUBDIVISION 39T-03511</b>

**RECOMMENDATION**

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to entering into a subdivision agreement between The Corporation of the City of London and Farhi Holdings Corporation for the subdivision of land over Part of Lot C, Gore Concession, (Geographic Township of Delaware), City of London, County of Middlesex, situated on the east side of Woodhull Road, north of Gideon Drive, municipally known as 1820 Woodhull Road.

- (a) the attached Special Provisions, (Schedule “C”), to be contained in a Subdivision Agreement between The Corporation of the City of London and Farhi Holdings Corporation for the Woodhull Subdivision, (39T-03511) **BE APPROVED**;
- (b) the applicant **BE ADVISED** that the Director, Development Finance has summarized the claims and revenues as per Schedule “B”, attached hereto,
- (c) the Mayor and the City Clerk **BE AUTHORIZED** to execute this Agreement, any amending agreements and all documents required to fulfill its conditions.

**PREVIOUS REPORTS PERTINENT TO THIS MATTER**

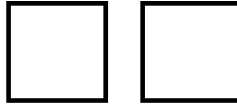
October 29, 2013 – Report to Planning and Environment Committee – Special Provisions.

**BACKGROUND**

The application for a draft plan of subdivision comprising 23 single detached residential lots and an open space block, served by two local roads, was received on September 24, 2003. As a result of an appeal, the Ontario Municipal Board (OMB) conducted a hearing and granted Draft Approval on December 7<sup>th</sup>, 2006. The draft plan has since had two extensions, December 2009 and December 2012.

On October 29, 2013, a report dealing with Special Provisions was submitted to the Planning and Environment Committee for consideration. At the Council meeting on November 5, 2013, staff requested that the report be withdrawn, in order to further review the issue of water servicing and to determine if amendments to the Special Provisions were required. Council referred the report to Civic Administration for further review.

Upon further review of the proposed water distribution system, it was discovered that the proposed watermain pipe size (100 mm) does not provide sufficient water pressure for firefighting. Firefighting in Rural Settlement areas is provided by the Fire Department using tanker trucks which are shuttled back and forth from the closest fire hydrant or open body of water. The approach is consistent with the “Principles for Extensions of Water and/or Sanitary Servicing to Areas within the City of London” adopted by City Council in April 2004. As a result, the water supply to the subdivision will be for



File Number: 39T-03511

domestic purposes only achieving a pressure of not less than 275 kPa (40psi), which is within the requirements and the criteria specified by the City of London.

As a result of this change, the City removed the requirement of the installation of two fire hydrants, eliminating the Capital Expense claim of \$16,000. Special Provision clauses have been amended to reflect the changes in claims. Fire protection will be provided by the Fire Department using tanker trucks as in other rural settlement areas of the City.

Further, based on the recommendation of the City's Fire Department, and concurrence from the City Solicitor's office and the Chief Building Official, clauses have been included requiring automatic sprinkler systems to be installed in each home; and that the interconnected smoke alarms are monitored in accordance with CAN ULC 561-03 "Installation and Services for Fire Signal Receiving Centres and Systems" or a monitoring system as approved by the Chief Fire Official.

The applicant has issue with the requirement for mandatory installation of sprinkler systems in all the homes. Although, agreeing that installing sprinkler systems is wise, in their opinion it should be the decision of the homeowner and not a mandatory requirement. It is their understanding that there is no legislative requirement or regulation under the Ontario Building Code or any other Act requiring installation of such systems for this type of development. In their opinion the City does not have the authority to force the installation of these systems on this development and therefore it can only be made as a non-binding recommendation and not a mandatory requirement. Staff are of the opinion that given the City is providing domestic water service to this development, every effort should be made to ensure future residents receive the best available means of fire protection. For this reason, it is recommended that the requirement for a sprinkler system be maintained.

In addition to these amendments, the applicant has also requested that the requirement for confirmation that the septic systems to meet the Provinces D-5-4 Guidelines be deleted from the Special Provisions noting that in their opinion these guidelines are not required given the fact that it is intended to address the impacts of septic systems on private wells. As noted above, this subdivision will be serviced by municipal water. Staff do not object to deleting this Special Provision but still require the Owners engineer provide this certification prior to final approval of the plan(in order to address the condition of draft approval).

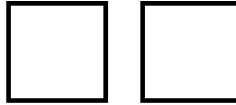
This subdivision shall be registered in one (1) phase, consisting of 23 single family detached Lots, 1 park block/pedestrian connection.

Parkland dedication was previously dedicated to the City through a separate agreement, dated June 13, 2012.

The Development Services Division has reviewed these special provisions with the Owner who is in agreement with the majority of them, with exception to those mentioned earlier in this report.

This report has been prepared in consultation with the City's Solicitors Office.

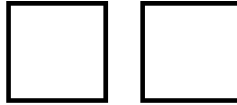
A location map is attached as Schedule "A" for the information of the Committee.



File Number: 39T-03511

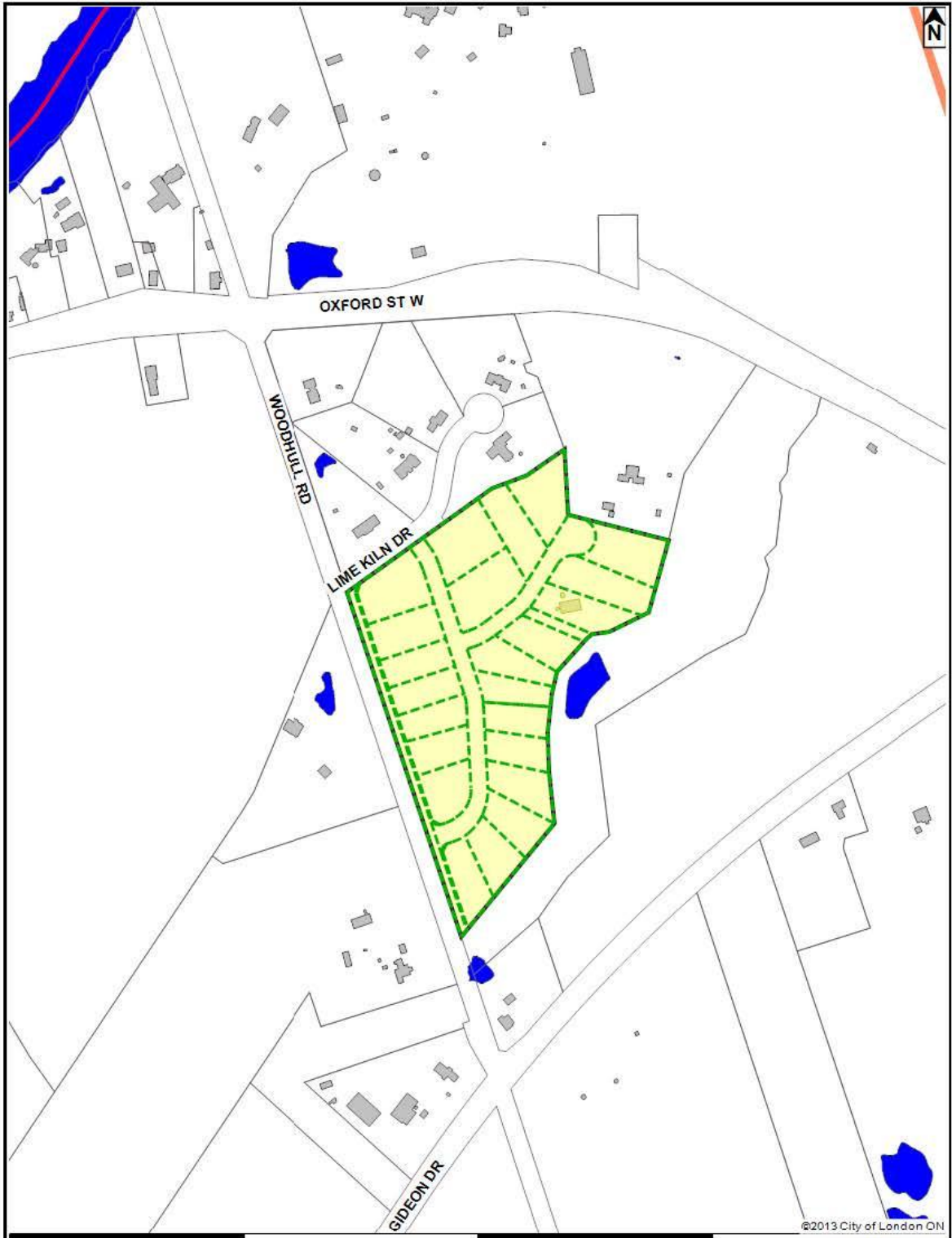
<b>PREPARED &amp; RECOMMENDED BY:</b>	<b>REVIEWED BY:</b>
<b>A.RILEY, MCIP, RPP SENIOR PLANNER DEVELOPMENT SERVICES DIVISION</b>	<b>A.MACLEAN MANAGER, DEVELOPMENT PLANNING DEVELOPMENT SERVICES</b>
<b>CONCURRED BY:</b>	<b>SUBMITTED BY:</b>
<b>TERRY GRAWAY MANAGER, DEVELOPMENT SERVICES</b>	<b>GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL</b>







AM/fg  
Attach.  
November 25, 2013

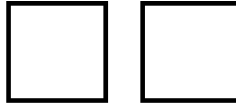


File Number: 39T-03511

Schedule A – Location Map



<p align="center"><b>LOCATION MAP</b></p> <p>Subject Site: 1820 Woodhull Rd          File Number: 39T-03511          Planner: Alanna Riley          Created By: Frank Gerrits          Date: 2013-10-16          Scale: 1:5000</p>	<p align="center"><b>LEGEND</b></p> <ul style="list-style-type: none"> <li> Subject Site</li> <li> Parks</li> <li> Assessment Parcels</li> <li> Buildings</li> <li> Address Numbers</li> </ul>
<p>Corporation of the City of London          Prepared By: Planning and Development</p>	<p align="center"></p>



File Number: 39T-03511

Schedule B

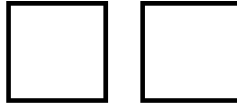
Related Estimated Costs and Revenues

<b>Estimated Costs – This Agreement</b>	
Claims from Urban Works Reserve Fund – General	<b>Nil</b>
Claims from the Urban Works Reserve Fund - Stormwater Management	<b>Nil</b>
Capital Expense	<b>Nil</b>
Other	<b>Nil</b>
<b>Total</b>	<b>Nil</b>
<b>Estimated Revenues - This Agreement (2013 rates) (note1)</b>	
CSRF (note 2)	<b>\$197,961</b>
UWRF	<b>Nil</b>
<b>Total</b>	<b>\$197,961</b>

1. Estimated Revenues are calculated using 2013 DC rates 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. DC revenues reflect rates under the current DC By-law for development outside the Urban Growth Boundary. The rates currently exclude recovery for costs related to expansion of the water distribution system. The DC rates and policies are currently under review and results of this review may affect the DC rates applied to this subdivision in the future. Development in this subdivision would pay DC rates and/or water connection charges under the applicable By-law(s) at the time of application for building permit.  
 The development in question must employ on-site sanitary servicing. Extension of municipal sanitary sewers if necessary in the future will need to be funded by benefitting landowners.  
 The Developer is to extend watermains at their sole expense.

Reviewed By:

Peter Christiaans  
 Director, Development Finance



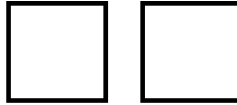
File Number: 39T-03511

## Schedule C – Special Provisions

**28. PART II – SPECIAL PROVISIONS**

The Owner shall make all payments, carry out and perform all the works and satisfy all the provisions hereinafter set out in these Special Provisions.

- (a) Notwithstanding Section 4 – Standard of Work subsection (5a) and General Provision Section 27 (f) (iii) of this Agreement, the Owner is not able to provide for fire flows with the municipal water system while providing safe drinking water to service this Plan as confirmed by the Owner's professional engineer; therefore, the Owner is only required to provide a water main system to serve the Lots in this Plan intended for domestic use only, all to the satisfaction of City Engineer and at no cost to the City. The Owner shall provide a municipal water system to serve the Lots in this Plan which is intended for domestic use only, all to the satisfaction of City Engineer and at no cost to the City. The Owner acknowledges and agrees that the City assumes no responsibility or liability for any damage or loss (including loss of life) which may result from the water system in this subdivision not having fire flows and fire hydrants for fire protection purposes.
- (b) In the event that the Owner undertakes relotting, the Owner shall relocate all utilities, municipal services and private services as are necessary for the relotted blocks in this Plan to the specifications of the City and at the Owner's entire expense. The City may require additional inspections by the Owner's Professional Engineer and the City of London of relocated utilities, municipal services and private services, including video inspections and ball tests of sewers, as a result of the relotting of blocks in this Plan prior to the issuance of a Certificate of Conditional Approval for works serving the relotted blocks. Should the amount of security held by the City at the time the blocks in this Plan are to be relotted be insufficient to cover the cost of relocation of utilities, municipal services, private services and associated works for the said relotting, then prior to the issuance of the Certificate of Conditional Approval for works serving the said relotting, the Owner shall deposit an additional amount of security with the City for the said works as determined by the City Engineer in accordance with the City's security requirements.
- (c) The Owner shall grade the portions of Lots 1 to 8, inclusive, which have a common property line with Woodhull Road, to blend with the ultimate profile of Woodhull Road, in accordance with the City Standard "Subdivision Grading Along Arterial Roads" and at no cost to the City with the exception of the temporary grading required on Lot 8 as indicated in clause 28 (f) herein.
- (d) The Owner shall direct its Professional Engineer to establish and have accepted by the City Engineer the grades to be taken as the future centreline grades of Woodhull Road. From these, the Owner's Professional Engineer shall determine the elevations along the common property line which will blend with the reconstructed road. These elevations shall be shown on the subdivision Lot Grading Plan submitted for acceptance by the City.
- (e) At the time this Plan is registered the Owner shall register on the title of Lot 8 an easement in favour of the City to establish the existing interim tree protection buffer area and ultimate grading area as identified on the accepted servicing drawings and consistent with the City's Standard for "Subdivision Grading Along Arterial Roads".
- (f) When the interim tree protection buffer area is no longer required and Lot 8 is graded to ultimate grades, the City shall quitclaim the easement to the owner of Lot 8.
- (g) At the time this Plan is registered, the Owner shall register against the title of Lot 8 in this Plan a covenant by the Owner of Lot 8:
- (i) Not to disturb the interim tree protection buffer area with the exception of minor regrading as shown on the servicing drawings accepted by the City, unless otherwise approved by the City;

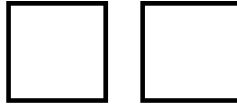


File Number: 39T-03511

- (ii) Not to install structures, enhanced landscaping or features within the tree protection buffer area; and
  - (iii) To permit the City to enter Lot 8, when the City deems the tree protection buffer area is no longer required, for the purposes of regrading the section of Lot 8 to ultimate grades as per the servicing drawings accepted by the City and in accordance to the City's Standards of "Subdivision Grading Along Arterial Roads".
- (h) The Owner shall make minor boulevard improvements on Woodhull Road and on Lime Kiln Drive adjacent to this Plan, to the specifications of the City and at no cost to the City, consisting of clean-up, grading and sodding as necessary.
- (i) The Owner shall remove all existing accesses and restore all affected areas, all to the satisfaction of the City, at no cost to the City.
- (j) The Owner shall adhere to the geotechnical engineer's recommendation with respect to the placement of engineering fill and the construction of utilities, roadways, driveways and buildings on areas within this Plan as identified by the geotechnical engineer (the "Affected Lands") to ensure the satisfactory construction thereof. The Owner shall provide a geotechnical engineer's certification to the City upon completion of the removal and/or filling that the works were carried out in accordance with the geotechnical engineer's recommendations.
- Prior to the issuance of a Certificate of Conditional Approval, the Owner shall identify to the City the Lots within the Affected Lands and shall ensure that the specific requirements have been established by a geotechnical engineer for each Lot within the Affected Lands in order to protect the proposed buildings on the said Lots from settlement and other harmful effects.
- The Owner shall register against the title of each Lot within the Affected Lands, and shall include in the Agreements of Purchase and Sale or Lease and in the transfer or deed of each Lot with the Affected Lands, a covenant by the purchase or transferee stating that the purchaser or transferee of the Lot or Block within the Affected Lands must adhere to the recommendations of the geotechnical engineer, and shall deliver a certificate of a geotechnical engineer to the City's Director of Building Control upon completion of the foundation on the Lot or Block within the Affected Lands that the building construction was completed in accordance with the Owner's geotechnical engineer's recommendations.
- (k) Prior to the issuance of a Certificate of Conditional Approval, the Owner shall have a qualified consultant confirm all recommendations in the hydrogeological investigation for this subdivision have been implemented with respect to the effects of the construction associated with the subdivision on existing ground water elevations, private wells in the area and the impact on the water balance of the subject plan, to the satisfaction of the City.
- (l) The Owner shall direct all construction traffic including all trades related traffic associated with installation of services and construction of dwelling units in this Plan to access the site from Woodhull Road via Kilgorman Way.
- (m) Prior to commencing any construction on this site or as otherwise directed by the City Engineer, the Owner shall install a temporary barricade at the north limit of Kilgorman Way at Lime Kilm Drive within Plan 34M-23, to the satisfaction of the City, and at no cost to the City.

At the time of issuance of any Certificate of Conditional Approval, the Owner agrees to remove the above noted temporary barricade, restore the adjacent boulevards and complete the construction of the adjacent roadworks, at no cost to the City, and all to the satisfaction of the City.

The Owner shall advise all purchasers of land within this subdivision that any traffic to and from this subdivision will not be permitted to pass the above noted temporary



File Number: 39T-03511

barricade until the removal of the barricade is authorized by the City.

- (n) The Owner shall construct or install all of the following required external works to the specifications of the City and in accordance with the plans accepted by the City:
- (i) a fully serviced road connection where Kilgorman Way in this Plan joins with Woodhull Road, including all underground services and related works;
  - (ii) a fully serviced road connection where Kilgorman Way in this Plan joins with Lime Kiln Drive in Plan 34M-24, including all underground services and related works;
  - (iii) street lighting on Woodhull Road at Kilgorman Way;
  - (iv) a watermain on Gideon Drive between Woodhull Road and Oxford Street West;
  - (v) a watermain on Woodhull Road between Kilgorman Way and Gideon Drive in this Plan.; and
  - (vi) a watermain on Oxford Street West between Westdel Bourne and Gideon Drive including all temporary associated works.

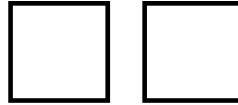
The Owner shall complete all work on the said street(s) in accordance with current City standards, procedures and policies, and restore the road(s), and ensure that adequate precautions are taken to maintain vehicular and pedestrian traffic and existing water and sewer services at all times during construction, except as approved otherwise by the City Engineer. The Owner shall provide full-time supervision by its Professional Engineer for all works to be constructed on Woodhull Road, Gideon Drive, Oxford Street West and Lime Kiln Drive in accordance with current City policies. Upon completion of these works, a Certificate of Completion of Works is to be supplied to the City, pursuant to the General Provisions and **Schedule 'G'** of this Agreement.

The Owner shall complete the works specified above on a schedule acceptable to the City or as otherwise specified herein. Where the Owner is required to close any City of London road section the Owner shall have available for submission to the City a Traffic Protection Plan acceptable to the City Engineer (or his/her designate), a schedule of construction for the proposed works on the above-noted street(s) and a detail of the proposed timing and duration of the said works in accordance with the Ministry of Labour and Ministry of Transportation requirements within the Ontario Traffic Manual Book 7. Further, the Owner shall obtain a Permit for Approved Works from the City prior to commencing any construction on City land or right-of-way.

Where required by the City Engineer, the Owner shall establish and maintain a Traffic Management Plan (TMP) intended to harmonize a construction project's physical requirements with the operational requirements of the City, the transportation needs of the travelling public and access concerns of area property owners in conformity with City guidelines and to the satisfaction of the City Engineer for any construction activity that will occur on existing public roadways needed to provide services for this Plan of Subdivision. The Owner's contractor(s) shall undertake the work within the prescribed operational constraints of the TMP. The TMP shall be submitted by the Owner at the time of submission of servicing drawings for this Plan of Subdivision, and shall become a requirement of the said drawings.

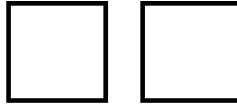
- (o) Prior to the construction of works on existing City streets, the Owner shall have its Professional Engineer notify in writing all affected property owners of all works proposed to be constructed on existing City streets in conjunction with this subdivision in accordance with the City's policy on "Guidelines for Notification to Public for Major Construction Projects".





File Number: 39T-03511

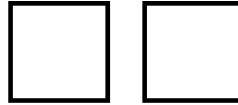
- (p) The Owner shall construct the watermains to service the Lots in this Plan and connect them to the City's existing water supply system, being the water main on Oxford Street West at Westdel Bourne, via new watermain on Oxford Street West, Gideon Drive, and Woodhull Road as per the accepted servicing drawing to the satisfaction of the City Engineer at no cost to the City.
- (q) Prior to the issuance of any Certificates of Conditional Approval, the Owner shall have its Professional Engineer confirm water quality requirements for the watermain in this Plan and/or implement any accepted recommendations in the accepted water quality report, by the use of the following all to the satisfaction of the City Engineer, at no cost to the City:
- (i) Valving to shut off future connections which will not be used in the near term.
- (r) Notwithstanding Section 4 – Standard of Work and/or Section 27 – General Provision of this Agreement, the Owner is not responsible for any constructing sanitary sewers in this Plan as there is no sanitary outlet available to service the Lots in this Plan. The Lots in this Plan shall be serviced by private on-site wastewater (septic) treatment systems in compliance with the approved Draft Plan of Subdivision conditions for this Plan (file 39T-03511) and the conditions specified in this Agreement to the satisfaction of the City.
- (s) The Owner shall register against the title of each Lot in this Plan and shall include in the Agreements of Purchase and Sale or Lease for the transfer of each of the said Lots, a covenant by the purchaser or transferee to observe and comply with the following in accordance with the approved Draft Plan of Subdivision conditions for this Plan (file 39T-03511) and the conditions specified in this Agreement to the satisfaction of the City:
- (i) That the Lot owner shall connect to the City of London water supply in this Plan of subdivision;
- (ii) That a private on-site wastewater (septic) treatment system shall be constructed to service each Lot in this Plan ~~by the Lot owner~~ and the Lot owner shall maintain the said private system as required in this Agreement at no cost to the City;
- (iii) That the private on-site wastewater (septic) treatment system to service each Lot in this Plan, shall consist of a Waterloo Biofilter (or equivalent system which, in the City's opinion, meets or exceeds the design specifications of the Waterloo Biofilter) and a subsurface disposal bed in accordance with the requirements of the Ontario Building Code;
- (iv) That, as required under the Ontario Building Code, the Lot owner shall at all times have a contract with a qualified wastewater maintenance contractor to ensure the proper maintenance and operation of the said private on-site wastewater (septic) treatment system. A copy of an executed maintenance contract with a qualified wastewater maintenance provider shall be submitted to the City Chief Building Official, City Engineer prior to occupancy. The wastewater maintenance contractor shall be approved by the treatment system manufacturer (Waterloo Biofilter or City approved equivalent);
- (v) That the results of the annual inspection and monitoring of the private on-site wastewater (septic) treatment system, as required by the Ontario Building Code, shall be submitted by the Lot owner to the City's Chief Building Official and the City Engineer;
- (vi) That further to the requirements of the Ontario Building Code, the annual inspection and monitoring of the private on-site wastewater (septic) treatment system shall also include inspection and monitoring of effluent nitrogen parameters (i.e. nitrate, nitrite, ammonia and total kjeldahl nitrogen) and the results submitted by the Lot owner to the City's Chief Building Official and City Engineer;



File Number: 39T-03511

- (vii) That the construction of structures, extensive landscaping, fences or other features including swimming pools in any location which may affect the operation of the private on-site wastewater (septic) treatment system is prohibited;
  - (viii) That the Lot owner correct any deficiencies identified by the wastewater maintenance contractor as soon as they are 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;
  - (ix) That the private on-site wastewater (septic) treatment system on each Lot in this Plan, shall be in compliance with the conditions of the Ontario Municipal Board decision on Draft Plan of Subdivision file 39T-03511 dated December 7, 2012, the Ontario Building Code, City of London regulations, the Geotechnical Assessment – Recommendations for Private Sewage Systems and Private Wells by Trow Consulting Engineers Ltd. dated January, 2000, the findings per the Technical Clarification prepared by EXP Ltd. dated March 2, 2012, and the peer review comments prepared by More Than Engineering (MET) dated April 3, 2012;
  - (x) That the Lot owner shall have a water sprinkler system shall installed in each dwelling on each Lot in this Plan, in accordance with National Fire Protection Association standard NFPA 13D, and the Lot owner shall maintain the said water sprinkler system, at no cost to the City;
  - (xi) That the he Lot owner shall have smoke alarms installed with a monitoring system in each dwelling on each Lot in this Plan and the Lot owner must at all times have a contract with a qualified smoke alarm monitoring contractor to ensure the proper maintenance and operation of the smoke alarm system and to provide direct contact with the City's Fire Department in the case of an alarm, at no cost to the City. A copy of an executed smoke alarm monitoring contract with a qualified contractor shall be submitted to the City's Chief Building Official, City Engineer prior to occupancy, and
  - (xii) The Lot owner shall have regular inspections and maintenance of, the water sprinkler system and smoke alarm system in each dwelling on the each Lot, including correcting any deficiencies as soon as they are detected, at no cost to the City;
- (t) The owner of each Lot within this Plan shall implement and adhere to all of the conditions contained in Clause 28(t) of this Agreement and the covenant as registered on title.
- (u) The Lot owners utilizing private on-site wastewater (septic) treatment system shall at all times have a valid contract with a qualified wastewater maintenance contractor to provide annual monitoring, inspection and maintenance programs, in accordance with the Ontario Building Code, further the lot owners shall provide confirmation to the Chief Building Official and City Engineer. The wastewater maintenance provider shall be approved by the treatment system manufacturer (Waterloo Biofilter or City approved equivalent)
- (v) The Owner shall construct storm sewers to service the streets, blocks and portions of the Lots in this Plan and discharge them to the existing open water course located east of this Plan in lands owned by the City and described as Part 2 on Plan 33R-18044 all to the satisfaction of the City, at no cost to the City. The Owner shall construct on-site stormwater infiltration galleries on Lots 1 to 21, inclusive, to service the portions of those Lots in this Plan not serviced by the storm sewer system to the satisfaction of the City, at no cost to the City.

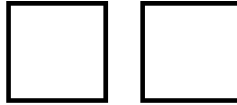
The Owner shall implement and monitor all erosion and sediment control measures, in accordance with the servicing report entitled Stormwater Management Plan –



File Number: 39T-03511

Proposed Residential Development (39T-03511) – 1820 Woodhull Road Subdivision – Revision 2 – dated September 2010 prepared by Eng Plus Ltd. (“Stormwater Management Plan (Revision 2)”) as accepted by the City to be used during construction to the satisfaction of City. The Owner shall correct any deficiencies of the erosion and sediment control measures forthwith.

- (w) The Owner shall construct the accepted Stormwater Management (SWM), Best Management Practices (BMP) measures and storm/drainage servicing system (including on-site stormwater infiltration galleries) all located in Tributary ‘C’ of the Downstream Thames Subwatershed, for the subject lands under the supervision of his Professional Engineer, all to the specifications and satisfaction of the City Engineer and according to the requirements of the following:
- (i) The SWM targets and criteria for the Downstream Thames Subwatershed Study;
  - (ii) The accepted servicing report Stormwater Management Plan (Revision 2) and accepted servicing drawings, for the proposed design of the SWM BMP’s measures and storm/drainage servicing system and on-site stormwater infiltration galleries for the subject lands;
  - (iii) The City’s Waste Discharge and Drainage By-laws, lot grading standards, policies, requirements and practices;
  - (iv) The Ministry of the Environment SWM Practices Planning and Design Manual;
  - (v) Applicable Acts, Policies, Guidelines, Standards and Requirement of all relevant SWM agencies; and
  - (vi) The Owner shall have its Professional Engineer implement the stormwater conveyance of the overland flow route to the tributary lands as per the design accepted by the City and by Parks Planning for the Natural Heritage System component.
- (x) Prior to issuance of any Certificates of Conditional Approvals, the Owner shall have all on-site stormwater infiltration galleries installed and operational on all applicable Lots in this Plan to accommodate the designed minor and major stormwater flows within this Plan in accordance with the Ministry of Environment’s Environmental Compliance Approval, the accepted servicing drawings and the accepted Stormwater Management Plan (Revision 2) to the specifications and satisfaction of the City and Parks Planning.
- (y) Prior to issuance of any Certificates of Conditional Approval, the Owner shall install the stormwater management measures in conjunction with the storm sewers to service this Plan, including an orifice control device in the downstream storm sewer, to convey the designed minor and major stormwater flows all in accordance with the Ministry of Environment’s Environmental Compliance Approval as per the accepted servicing drawings and the accepted Stormwater Management Plan (Revision 2) to the satisfaction and at no cost to the City.
- (z) In accordance with the approved Environmental Impact Study, the Owner agrees to implement the requirements of the City concerning sedimentation and erosion control measures during construction. The Owner’s Professional Engineer shall provide bi-monthly status reports to the Manager of Parks Planning and Design and the City ensuring the appropriate measures are in place and functioning, prior to and during work on the site.
- (aa) The Owner shall submit a detailed erosion and sediment control plan to the satisfaction of the Upper Thames River Conservation Authority.
- (ab) The Owner shall submit all detailed servicing and grading plans showing the measures identified in the stormwater management plan with all sediment and erosion control identified to the satisfaction of the Upper Thames River Conservation Authority.



File Number: 39T-03511

(ac) The Owner shall ensure the post-development discharge flow from the lands in this Plan must not exceed the capacity of any stormwater conveyance system to service this Plan including on-site stormwater infiltration galleries as set out per the Ministry of Environment’s Environmental Compliance Approval, the accepted servicing drawings and the accepted Stormwater Management Plan (Revision 2) to the satisfaction and at no cost to the City. Where the above cannot be met, the Owner shall correct deficiencies as soon as they are detected or provide alternative measures that comply with the said accepted design requirements to the satisfaction and at no cost to the City.

(ad) The Owner shall include in all Agreements of Purchase and Sale or Lease and register against the title of Lots incorporating on-site stormwater infiltration galleries which include Lots 1 to 21, inclusive, in this Plan and shall include in the Agreements of Purchase and Sale or Lease for the transfer of each of the said Lots, a covenant by the purchaser or transferee of the said Lots to observe and comply with the following:

- (i) That 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 install, inspect, maintain and correct any deficiencies as soon as they are detected for the on-site stormwater infiltration galleries in accordance with the Ministry of Environment’s Environmental Compliance Approval, the accepted servicing drawings and the accepted Stormwater Management Plan (Revision 2) to the satisfaction and at no cost to the City;
- (ii) The purchaser or transferee shall observe and comply with the minimum building setbacks set out below and established on the accepted subdivision lot grading plan, by not constructing any structure within the setback areas, and not disturbing the on-site stormwater infiltration galleries located in the setback areas on each of the Lots in this Plan as specified below:

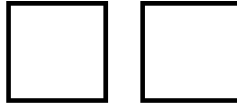
<b>Lot Number</b>	<b>Minimum Building Setback (Area where no building or structures permitted to protect SWM storage area)</b>
Lot 1	Within 14m of Lime Kilm rear property line
Lots 2 to 7	Within 10m of Woodhull rear property line
Lots 8 to 10	Within 10m of the rear property line
Lots 11 to 14	Within 16m of the rear property line
Lots 15 to 16	Within 20m of the rear property line
Lots 17 and 18	Within 17m of the rear property line
Lots 19, 20 and 21	Within 17m of the rear property line

The purchaser or transferee is prohibited from constructing any structures, pools, extensive landscaping or other features in any location which may affect the operation of the private stormwater infiltration galleries; and

- (iii) The purchaser or transferee shall inspect and maintain the on-site stormwater infiltration galleries on the said Lots, including correcting any deficiencies as soon as they are detected, in accordance with the accepted monitor and maintenance manual, Ministry of Environment’s Environmental Compliance Approval, the accepted servicing drawings and the accepted Stormwater Management Plan (Revision 2) to the satisfaction and at no cost to the City.

(ae) Prior to Certificate of Conditional Approval the Owner shall have its Professional Engineer submit a monitoring and maintenance manual to the City for review and acceptance outlining a program for the monitoring and maintenance of the stormwater management system servicing this Plan, including the on-site stormwater infiltration galleries, all to the satisfaction and at no cost to the City.

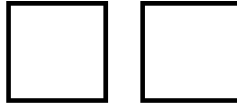
(af) During the development of the Lots in this Plan until this Plan is assumed, the Owner shall inspect and maintain the on-site stormwater infiltration galleries on the applicable Lots in this Plan, including correcting any deficiencies as soon as they are detected, in accordance with the accepted monitoring and maintenance manual, the



File Number: 39T-03511

Ministry of Environment's Environmental Compliance Approval, the accepted servicing drawings and the accepted Stormwater Management Plan (Revision 2), to the satisfaction and at no cost to the City.

- (ag) Prior to assumption of this Plan, the Owner shall have its Professional Engineer certify to the City that all on-site stormwater infiltration galleries on all the applicable Lots in this Plan are constructed and operational in accordance with the Ministry of Environment's Environmental Compliance Approval, the accepted servicing drawings and the Stormwater Management Plan (Revision 2), to the satisfaction and at no cost to the City. Where the above cannot be met, the Owner shall correct deficiencies as soon as they are detected or provide alternative measures that comply with the said accepted design requirements to the satisfaction and at no cost to the City;
- (ah) Prior to assumption the Owner shall provide to each Lot owner incorporating an on-site stormwater infiltration galleries, (Lots 1 to 21 inclusive) a copy of the accepted monitoring and maintenance manual for the on-site stormwater infiltration galleries in this Plan that are to be maintained accordance with the Ministry of Environment's Environmental Compliance Approval, the accepted servicing drawings and the Stormwater Management Plan (Revision 2), to the satisfaction and at no cost to the City.
- (ai) During the development of this Plan and until this Plan is assumed by the City, the Owner shall have its Professional Engineer submit to the City semi-annual monitoring reports certifying that the stormwater management systems (including on-site stormwater infiltration galleries) are in compliance with the Ministry of Environment's Environmental Compliance Approval, the accepted servicing drawings and the Stormwater Management Plan (Revision 2), to the satisfaction and at no cost to the City. Where the above cannot be met, the Owner shall correct deficiencies as soon as they are detected or provide alternative measures that comply with the said accepted design requirements to the satisfaction and at no cost to the City.
- (aj) The Owner's shall have its Professional Engineer certify that the development 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.
- (ak) The Owner's professional geotechnical engineer shall ensure that all geotechnical issues and all required setbacks and separation distances related to SWM BMP measures and the septic system are adequately addressed for the subject lands, all to the satisfaction of the City and Ministry of the Environment.
- (al) The Owner shall promote the implementation of the SWM soft measure Best Management Practices (BMP's) within the Plan, where possible, to the satisfaction of the City Engineer. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this Plan.
- (am) 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 Engineer approval procedure and criteria. In the event of failure to properly implement and maintain the require ESCP, the ESCP security will be used to undertake all necessary clean-up work, all to the satisfaction of the City.
- (an) Prior to assumption, the Owner shall operate, monitor and maintain the stormwater works associated with the servicing of this Plan, including all infiltration galleries. The Owner shall ensure that any removal and disposal of sediment is to an approved site in accordance with the Ministry of the Environment and the Ministry of Natural Resources.
- (ao) The Owner shall report any contamination encountered during construction or



File Number: 39T-03511

anything suspected as such, to the City Engineer, and, in this event, 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.

- (ap) The Owner agrees that 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, these deposits must be reported to the City Engineer and / Managing Director, Development and Compliance Services and Chief Building Official immediately, and if required by the City Engineer/ Managing Director, Development and Compliance Services and Chief Building Official, the Owner will, at his expense, retain a Professional Engineer competent in the field of methane gas to investigate these deposits and to submit a full report on them to the City Engineer/Managing Director, Development and Compliance Services and Chief Building Official. If 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 Engineer and Managing Director, Development and Compliance Services and Chief Building Official shall be implemented and carried out under the supervision of the Professional Engineer, to the satisfaction of the City Engineer/Managing Director, Development and Compliance Services and Chief Building Official 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 for review for the duration of the approved program.

If a permanent venting system or facility is recommended in the report, the Owner further agrees to register against the title of each affected Lot and include in the agreement of sale for the conveyance or transfer of each of the affected Lots, a covenant by the purchaser or transferee (and by each successive Owner after such purchaser or transferee) stating that the Owners of the subject Lots must have the required system or facility designed, constructed and monitored to the specifications of the City, and that the Owner 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.

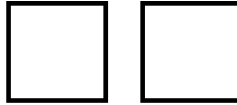
- (aq) The Owner shall not make a request to the City to assume any portion of this Plan of Subdivision until such time that a minimum of 70% of the Lots are constructed and are fully developed with the following being completed on each Lot:
- (i) a constructed residential dwelling;
  - (ii) a fully functional stormwater infiltration gallery;
  - (iii) a fully functioning on-site wastewater (septic) treatment system; and
  - (iv) final lot grading on each Lot is completed.

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

- (ar) Within one (1) of registration of this Plan or as otherwise agreed to by the City, the Owner shall construct a 1.5 m high chain link fence, without gates, adjacent to the Pedestrian Connection (Block 27), in accordance with City Standard No. SPO 4.8, all to the satisfaction of the City and all at no cost to the City.

Within (1) year of registration of this Plan, the Owner shall have its consultant provide a certificate to the City that certifies that the fencing has been installed as per the approved plan.

- (as) Within one (1) year of registration of this Plan, or as otherwise agreed to by the City, the Owner shall install fencing along the property limit interface of all private Lots (Lots 8 to 19 both inclusive), adjacent to the open space lands a 1.5m high chain link fence, without gates, all in accordance with current City Park Standards (SPO 4.8), or an approved alternate to the satisfaction of the City, and all at no cost to the City.



File Number: 39T-03511

Within (1) year of registration of this Plan, the Owner shall have its consultant provide a certificate to the City that certifies that the fencing has been installed as per the approved plan.

- (at) Prior to submission of any building permit application for Lots 1 to 8, inclusive and on Lots 20, 21 and 23 in this Plan, the Owner shall install a fence treatment along the rear lot lines abutting Woodhull Road and the north limit of the plan adjacent to the Lime Kiln Drive subdivision, acceptable to the Manager, Development Planning.

The fence treatment shall be consistent and shall be located entirely on private property, all to the satisfaction of the City, and at no cost to the City. All maintenance, repair and replacement shall be the responsibility of the owners of the Lots in which the fencing is located, at no cost to the City.

- (au) The following warning clause shall be registered on title and included in all Agreements of Purchase and Sale or Lease for Lots 1 to 8 both inclusive, within this Plan:

“Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality’s and the Ministry of Environment’s noise criteria.”

“The City of London assumes no responsibility for noise issues which may arise from the existing or any increase in vehicle traffic on Woodhull Road as it relates to the interior or outdoor living areas of any dwelling unit on these lots. The City of London will not be responsible for constructing any form of noise mitigation for these lots.”

- (av) The Owner shall include in any submission for a building permit application for Lots 6, 7 and 8 that the forced air heating system and ducting, etc. has been sized to accommodate central air-conditioning.

- (aw) The following warning clause shall be registered on title and included in all Agreements of Purchase and Sale or Lease for Lots 6, 7 and 8, within this Plan:

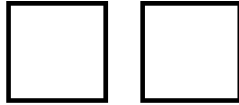
“This dwelling unit has been fitted with a forced air heating system and the ducting, etc. was sized to accommodate central air-conditioning. Installation of air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Ministry of the Environment noise criteria.

The location and installation of the outdoor air conditioning device should be done so as to comply with noise criteria of MOE publication NPC-216, Residential Air Conditioning Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property.”

- (ax) The Owner shall not grade into any park or open space area. In instances where this is not practical or desirable, any grading into the open space lands shall be to the satisfaction of the City.

- (ay) Within one (1) year of registration of this Plan or otherwise approved by the City, the Owner shall grade, service and seed the Pedestrian Connection (Block 27), transferred to the City as part of the parkland dedication requirements, pursuant to current City Park development standards, to the satisfaction of City, and at no cost to the City.

- (az) The Owner shall deliver to all purchasers and transferees of the Lots in this Plan, an education package as approved by the Manager of Environmental and Parks Planning that explains the stewardship of natural areas.



File Number: 39T-03511

### **SCHEDULE 'C'**

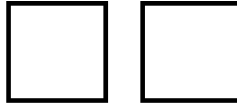
This is Schedule 'C' to the Subdivision Agreement dated \_\_\_\_\_ between The Corporation of the City of London and Farhi Holdings Corporation to which it is attached and forms a part.

#### **SPECIAL WORKS AND SERVICES**

##### **Roadways:**

- The Owner shall dedicate sufficient lands to widen Woodhull Road to 18.0 metres (60') from the centerline of the original road allowance or existing road;
- The Owner shall dedicate 6.0m x 6.0m "daylight triangles" at the intersection of Kilgorman Way with Woodhull Road;
- The Owner shall dedicate 6.0m x 6.0m "daylight triangles" at the intersection of Lime Kiln Drive with Woodhull Road (southeast corner);
- Kilgorman Way shall have a minimum road pavement width (excluding gutters) of 6.0 metres (19.7') with a minimum road allowance of 18 metres (60'); and
- Kilgorman Key shall have a minimum road pavement width (excluding gutters) of 6.0 metres (19.7') with a minimum road allowance of 18 metres (60').





File Number: 39T-03511

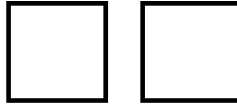
**SCHEDULE 'D'**

This is Schedule 'D' to the Subdivision Agreement dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, between the Corporation of the City of London and Farhi Holdings Corporation, to which it is attached and forms a part.

Prior to the Approval Authority granting final approval of this Plan, the Owner shall transfer to the City, all external lands as prescribed herein. Furthermore, within thirty (30) days of registration of the Plan, the Owner shall further transfer all lands within this Plan to the City.

**LANDS TO BE CONVEYED TO THE CITY OF LONDON:**

- 0.3 metre (one foot) reserves: Block 25 & 26
- Road Widening (Dedicated on the face of the plan): Block 24
- Park Block/Pedestrian Connection: Block 27



File Number: 39T-03511

**SCHEDULE 'E'**

This is Schedule 'E' to the subdivision Agreement dated \_\_\_\_\_ between The Corporation of the City of London and Farhi Holdings Corporation to which it is attached and forms a part.

The total value of security to be supplied to the City is as follows:

CASH PORTION:	\$ 315,250**
BOND PORTION:	\$ 2,047,250
TOTAL	\$ 2,362,500**

(a) The following security shall be deposited with the City Treasurer at the time of signing this Agreement:

CASH PORTION:	\$ 315,250**
BOND PORTION:	\$ NIL

(b) The following security shall be deposited with the City Treasurer, before the issuance of a Certificate of Conditional Approval respecting land within this subdivision:

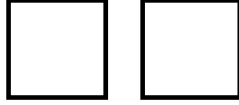
CASH PORTION:	\$ NIL
BOND PORTION:	\$ 2,047,250

**\*\* Includes \$60,000 for Erosion and Sediment Control Plan security as per Clause 28(ap)**

The security shall be supplied to the city in accordance with the policy adopted by the City Council on April 6, 1987, when it approved Clause 15 of the 11<sup>th</sup> Report of the Planning Committee, and its amendments.

Please refer to Section 9. Initial Construction of Services and Building Permits of Part 1 – General Provisions, which may limit the issuance of a building permit until the security requirements have been satisfied.

The above-noted security includes a statutory holdback calculated in accordance with the Provincial legislation, namely the CONSTRUCTION LIEN ACT, R.S.O. 1990.



File Number: 39T-03511

**SCHEDULE 'F'**

This is Schedule 'F' to the Subdivision Agreement dated this \_\_\_\_\_ between The Corporation of the City of London and Fahri Holdings Corporation, to which it is attached and forms a part.

**Multi-Purpose Easements**

- (a) Multi-purpose easement for over part of Lot 8 and shall be deeded to the City in conjunction with this Plan, on an alignment and of sufficient width acceptable to the City Engineer.