

Agenda Item # Page #

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FROM:	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION BY: COLONEL TALBOT DEVELOPMENTS INC. 3924 and 4138 COLONEL TALBOT ROAD FILE: 39T-12503 / OZ-8052 MEETING ON MAY 13, 2014

RECOMMENDATION

That, on the recommendation of the Senior Planner, Development Planning, the following report on the Ontario Municipal Board Decision relating to the appeal by Colonel Talbot Developments Inc. regarding a proposed residential plan of subdivision, Official Plan and Zoning By-law amendments on the properties located at 3924 and 4138 Colonel Talbot Road, **BE RECEIVED** for information.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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May 7, 2013 – Report to Planning and Environment Committee to establish a Municipal Council position in response to appeals from Colonel Talbot Developments Inc. on the neglect by Council to make a decision on Official Plan and Zoning By-law amendment applications; and failure of the Approval Authority to make a decision on an application for subdivision approval.

November 26, 2013 – Report to Planning and Environment Committee to provide an update on the status of discussions that have taken place with the applicant since May. The report also addressed the need for an updated Municipal Council position on the appeals from Colonel Talbot Developments Inc. relating to applications for draft plan of subdivision, Official Plan amendment and Zoning By-law amendment.

BACKGROUND

The lands that are the subject of this appeal to the Ontario Municipal Board compromise a total area of 64.77 hectares with intermittent frontages along the east side of Colonel Talbot Road. The attached Ontario Municipal Board Decision relates to Colonel Talbot Developments appeal of the Approval Authority's inaction on the Draft Plan of Subdivision and Council's inaction on the requested Official Plan and Zoning By-law amendment applications. The proposed Draft Residential Plan of Subdivision consisted of fifty-five (55) blocks for single detached lots, five (5) blocks for low density residential development, one (1) block for stormwater management & three (3) park blocks served by seventeen (17) new internal roads and an extension of South Routledge Road. The proposed concurrent Official Plan and Zoning By-law amendments reflected the proposed subdivision.

In January, 2014 the Ontario Municipal Board heard the appeal by Colonel Talbot Developments Inc. After a number of days of hearing, and calling no fewer than eight expert witnesses, the Board agreed to a settlement reached between the parties based on testimony and submissions of counsel. The Board ordered was that the appeal be allowed in part as shown on Figure 2 below:

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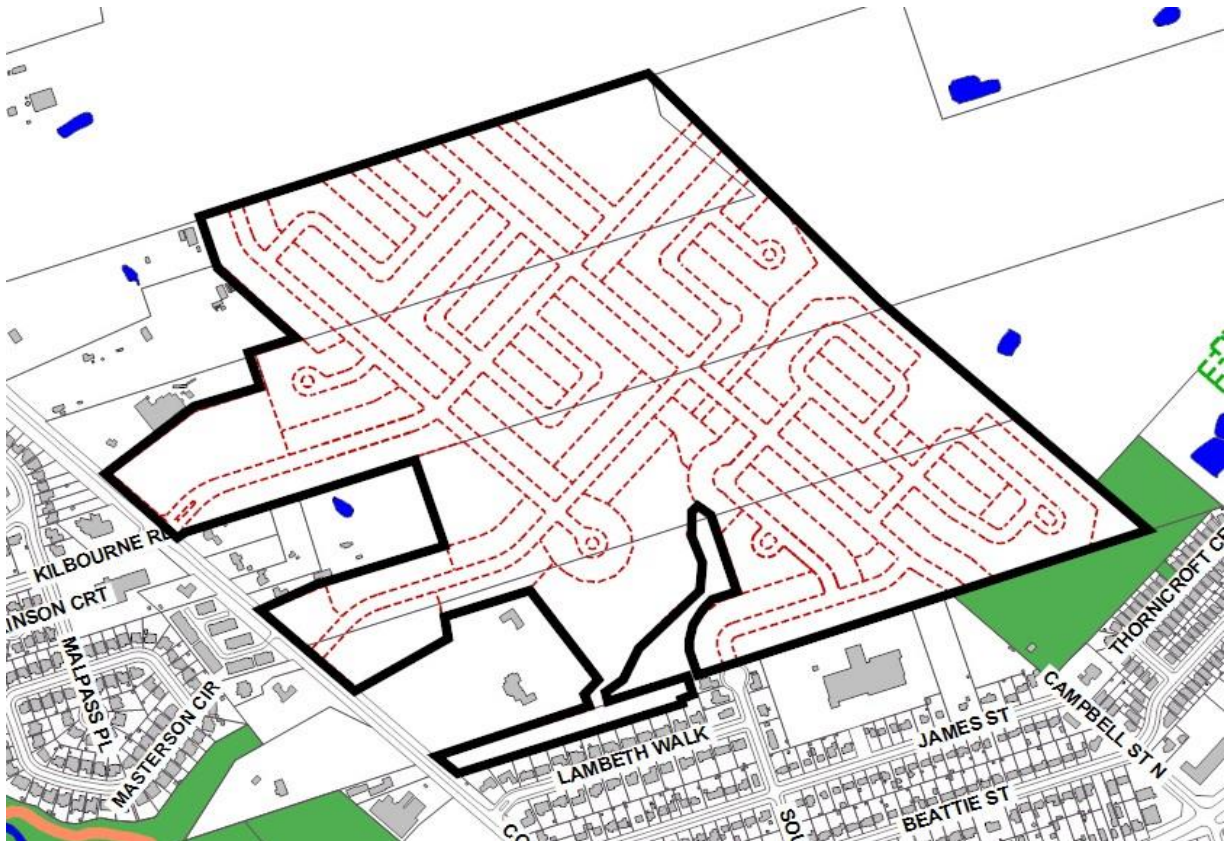


Figure 1

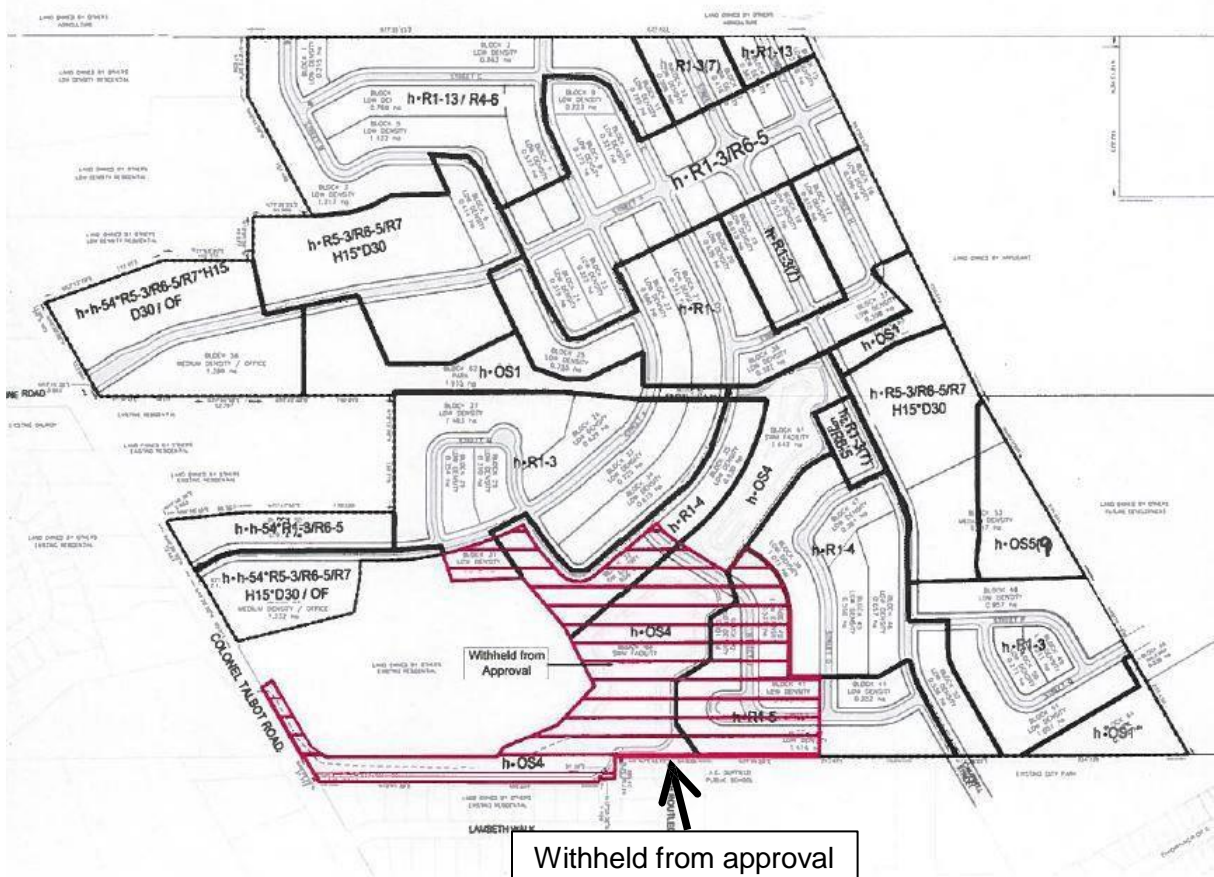


Figure 2

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The plan of subdivision area approved by the Board shows a total of fifty-two (52) single detached residential Blocks, four (4) medium density residential blocks, three (3) medium density residential/office blocks, two (2) SWM blocks, three (3) park/open space blocks and one (1) walkway block served by one (1) east west primary collector road; and one (1) north south secondary collector road and fourteen (14) local streets.

The Board also approved a large portion of the applicant's Official Plan and Zoning By-law amendment requests for this area. Additional amendments approved by the Board include:

- a) The addition of appropriate holding provisions to address servicing requirements;
- b) An Open Space Special Provision zone to require protection of a significant woodland patch but include the protected lands for the purpose of calculating lot area, density, lot coverage and landscaped open space on the adjacent developable area; and
- c) An amendment to the Official Plan to include primary and secondary collector road alignments on Schedule 'C', as requested by the applicant.

The Board ordered that a portion of the area (identified on Figure 2) be withheld from approval because draft plan of subdivision would be premature and would not be in the public interest at this time, for the following reasons:

- a) the final location and configuration of natural heritage features, floodplain/hazard lands and stormwater management block configuration within this plan will be determined through the completion and acceptance of a Municipal Class EA for Stormwater Management;
- b) the final land use pattern and road alignments in the proposed plan are contingent upon the completion and acceptance of a Municipal Class EA for Stormwater Management;
- c) the approval of development on hazard lands and natural heritage areas, as currently proposed on the draft plan, is not consistent with the Provincial Policy Statement, or in conformity with the City of London Official Plan;
- d) an approved draft plan must be in conformity with the Official Plan that is in effect and amendments to the Open Space and Environmental Review designations cannot be required through conditions of draft approval; and
- e) in the absence of an accepted Municipal Class EA for Stormwater Management, draft plan approval should not be granted unless the proposed subdivision is revised to exclude development on designated Open Space and Environmental Review lands.

The Board also ordered that the withheld area may be brought back before the Board for consideration at any time and shall be determined through a hearing or as otherwise consented by the Parties. The Board granted the City of London the Authority to clear the conditions of draft approval and to administer final approval of the plan of subdivision as partially approved.

A copy of the Board decision is attached.

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

Y:\shared\Development Services\Subdivision\39T-12503\OMB
AR/ar

ISSUE DATE:

February 19, 2014



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PL130130

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Colonel Talbot Developments Inc.
Subject: Failure of the City of London to announce a decision respecting Proposed Official Plan Amendment
Municipality: City of London
OMB Case No.: PL130130
OMB File No.: PL130130

Colonel Talbot Developments Inc. has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal to enact a proposed amendment to Zoning By-law Z.-1 of the City of London to rezone lands respecting 3924 and 4138 Colonel Talbot Road to permit the development of a range of mixed residential uses.

OMB Case No.: PL130130
OMB File No.: PL130131

Colonel Talbot Developments Inc. has appealed to the Ontario Municipal Board under subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from the failure of the City of London to make a decision respecting a proposed plan of subdivision on lands composed of 3924 and 4138 Colonel Talbot Road.

(Approval Authority File No. 39T-12053)
OMB Case No.: PL130130
OMB File No.: PL130132

City Clerk No. 0531
Subject Memorandum of Oral Decision - PL130130/PL130131
OPA/ZBA - Subd Appeal.
FEB 24 2014
02-8052 + 39T-12053.
Ref. J. Nethercott
C.C. OMB Group F. Gerrits
SCANNED
Ref to: JN FEI OMB Group

APPEARANCES:

Parties ("Parties") Counsel
Colonel Talbot Developments Inc. ("Applicant") Barry Card
City of London ("City") James Barber and Nicole Hall

MEMORANDUM OF ORAL DECISION DELIVERED BY STEVEN STEFANKO ON JANUARY 16, 2014 AND ORDER OF THE BOARD

[1] The Applicant wishes to develop a 160 acre parcel of land in the south-west area of the City for low density and medium density residential purposes. The lands in question are municipally known as 3924 and 4138 Colonel Talbot Road.

[2] In order to complete the development contemplated, zoning by-law and official plan amendments are required along with the approval of a draft plan of subdivision and related conditions.

[3] As a result of City Council's refusal to approve the proposal submitted by the Applicant, the Applicant appealed to the Ontario Municipal Board.

[4] During the first day of this proceeding, Lily Abuso gave evidence, as a participant, in opposition to the proposal being put forward. In her view, the development would prevent any portion of the lands in which her family has an interest at 4040 Colonel Talbot Road, from being severed.

[5] Ms. Abuso also submitted a letter from Charles and Marianna Grube, the owners of 4050 Colonel Talbot Road who were also opposed the changes being requested. That letter expressed, among other things, concerns as to the affect the proposal would have on water and sewage. The Grubes did not attend this proceeding.

[6] Ms. Abuso's attendance at this hearing did not extend beyond the first day and, as a result, she did not hear all the expert testimony given in this matter.

[7] After completing a number of days of hearing and calling no fewer than eight expert witnesses, the Parties resolved their differences.

[8] In relation to the settlement reached, the terms and provisions of an official plan amendment, a zoning by-law amendment, a draft plan of subdivision ("draft plan") and draft plan conditions *were* agreed upon.

[9] Richard Zelinka, a planner who was qualified in this hearing to provide expert testimony in relation to land use planning, testified with respect to the settlement agreed upon. In his view, the settlement was consistent with the Provincial Policy Statement, 2005, conformed to the City's Official Plan and represents good planning.

[10] Based on the testimony of Mr. Zelinka, the agreement of the Parties and the submissions of counsel, it is ordered that:

- (a) This matter is resolved in accordance with that Order ("Attached Order") which is annexed hereto and marked as Schedule A ; and
- (b) The Attached Order, subject to its specific terms, is in full force and effect.

"Steven Stefanko"

STEVEN STEFANKO
VICE CHAIR

SCHEDULE A
ORDER

THE BOARD ORDERS that in accordance with the provisions of section 17(50) of the *Planning Act*, R.S.O. 1990 c.P.13 that the appeal is allowed in part and the proposed amendment to the Official Plan, as modified and recommended for approval by the appellant and The Corporation of the City of London (the "City") annexed hereto and filed as Exhibit No. 21 in these proceedings, is hereby approved in part in accordance with this Order, save and except for that area of the mapping outlined in Attachment 1 which shall be withheld from approval.

THE BOARD ORDERS that in accordance with the provisions of section 51(56) of the *Planning Act* R.S.O. 1990 c.P.13 that the appeal is allowed in part and the Board approves the Draft Plan of Subdivision as modified and recommended for approval by the appellant and The Corporation of the City of London (the "City") annexed hereto and filed as Exhibit No. 22 in these proceedings and as shown on the draft plan of subdivision approval hereby attached as Attachment 2, subject to the conditions of draft plan approval set out in Attachment 4 which are hereby approved in part in accordance with this Order, save and except for that area of the mapping outlined in Attachment 2 which shall be withheld from approval

THE BOARD ORDERS that in accordance with section 34(26) of the *Planning Act*, the appeal is allowed in part and the Board revised Zoning By-law Z-1 is amended in part by the attached amendment showing mapping as modified and recommended for approval by the appellant and The Corporation of the City of London (the "City") annexed hereto and filed as Exhibit No.23 in these proceedings in accordance with this Order, save and except for that area of the mapping outlined in Attachment 3 which shall be withheld from approval.

AND THE BOARD FURTHER ORDERS that the further partial approval of the Plan as modified shall be strictly without prejudice to, and shall not have the effect of limiting, (a) the rights of a party to seek to modify, delete or add to the unapproved policies and' schedules in the Plan, or (b) the jurisdiction of the Board to consider and approve modifications, deletions or additions to the unapproved policies and schedules in the Plan on a general, area-specific or site-specific basis, as the case may be, provided that parties shall be bound by the commitments made by them to scope their issues to a site-specific or area-specific basis as depicted on the attachments.

AND THE BOARD FURTHER ORDERS that the withheld area may be brought before the Board for consideration at any time by the appellant or the City of London and shall be determined through the hearing process or as otherwise consented to by the parties and approved by the Board.

AND THE BOARD FURTHER ORDERS THAT pursuant to s. 51(56.1) of the *Planning Act* the City of London shall have the authority to clear the conditions of draft plan approval and to administer final approval of the plan of subdivision as partially approved by the Order for the purposes of s. 51(58) of the Act. In the event that there are any difficulties implementing any of the conditions of draft plan approval, or if any changes are required to be made to the draft plan, the Board may be spoken to.

AND THE BOARD FURTHER ORDERS that it may be spoken to in the event some matter should arise in connection with the implementation of this Order.

" ATTACHMENT - 1 "

OMB Case No. PL130130
39T-12503/OZ-8052

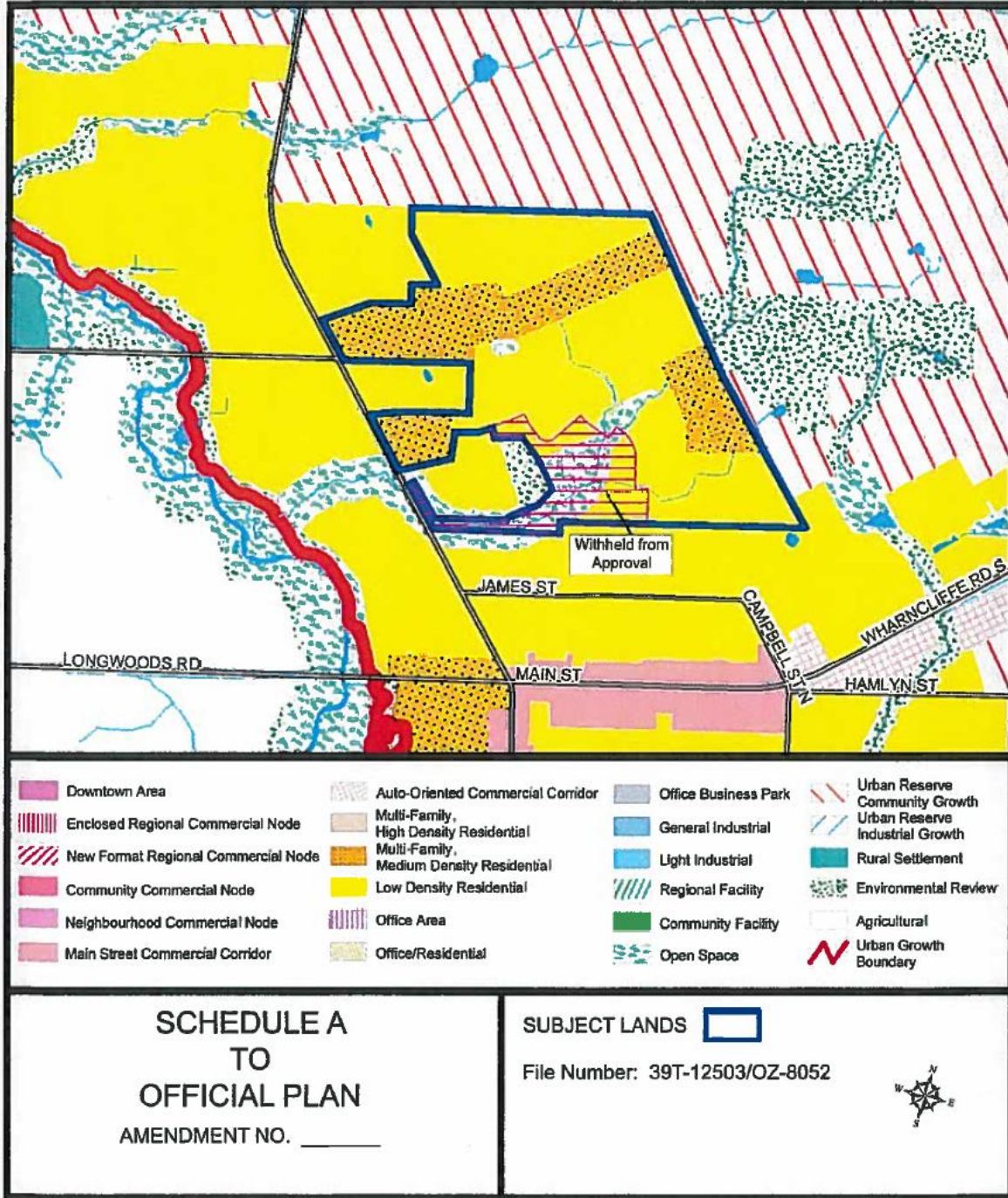
OFFICIAL PLAN AMENDMENT NO. _____

THE AMENDMENT

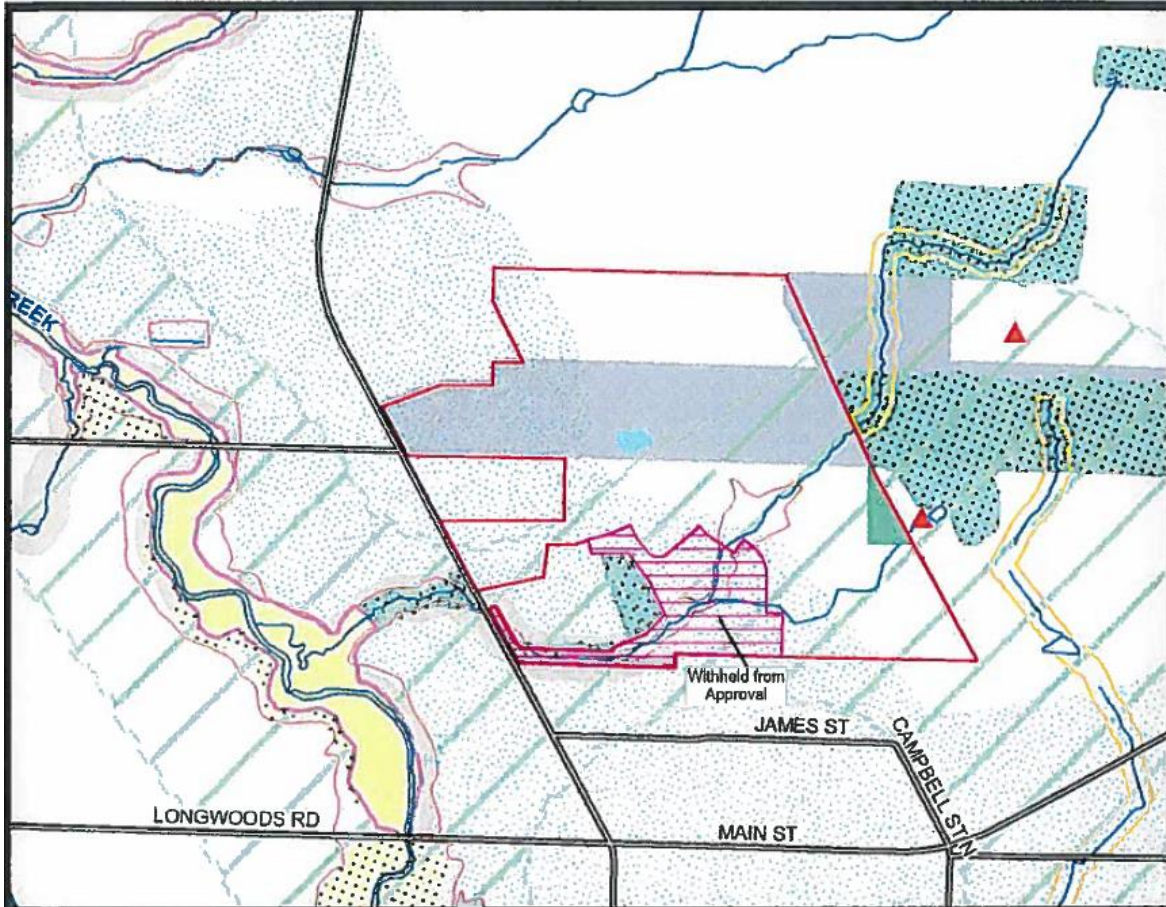
The Official Plan for the City of London is amended as follows with respect to the lands at 3924 and 4138 Colonel Talbot Road:

1. Schedule "A" – Land Use is amended by changing the designation of certain of the lands at 3924 and 4138 Colonel Talbot Road from "Environmental Review", "Open Space" and "Low Density Residential" to "Open Space", "Low Density Residential" and "Multi-Family, Medium Density Residential" as shown on the attached Schedule "A".
2. Schedule "B-1" Natural Heritage Features is amended by removing "Unevaluated Vegetation Patches", "Unevaluated Corridors", "Unevaluated Wetlands" and a portion of a "Significant Corridor", and by adding a "Locally Significant Wetland" and a "Woodland", as shown on the attached Schedule "B-1";
3. Schedule "C" Transportation Corridors is amended by adding a "Primary Collector" road and a "Secondary Collector" road, as shown on the attached Schedule "C".

AMENDMENT NO: _____



AMENDMENT NO: _____



- | | | |
|-------------------------|------------------------------|---|
| ESAs | Unevaluated Corridors | Ground Water Recharge |
| Potential ESAs | Prov Significant Wetlands | Max Hazard Line |
| Significant Woodlands | Locally Significant Wetlands | Cons. Authority Bndry |
| Woodlands | Unevaluated Wetlands | SWS Bndry |
| Unevaluated Veg Patches | Pot Naturalization Area | Big Picture Meta-Cores and Meta-Corridors |
| Significant Corridors | Pot Upland Corridor | |

SCHEDULE B-1
TO
OFFICIAL PLAN
AMENDMENT NO. _____

SUBJECT LANDS

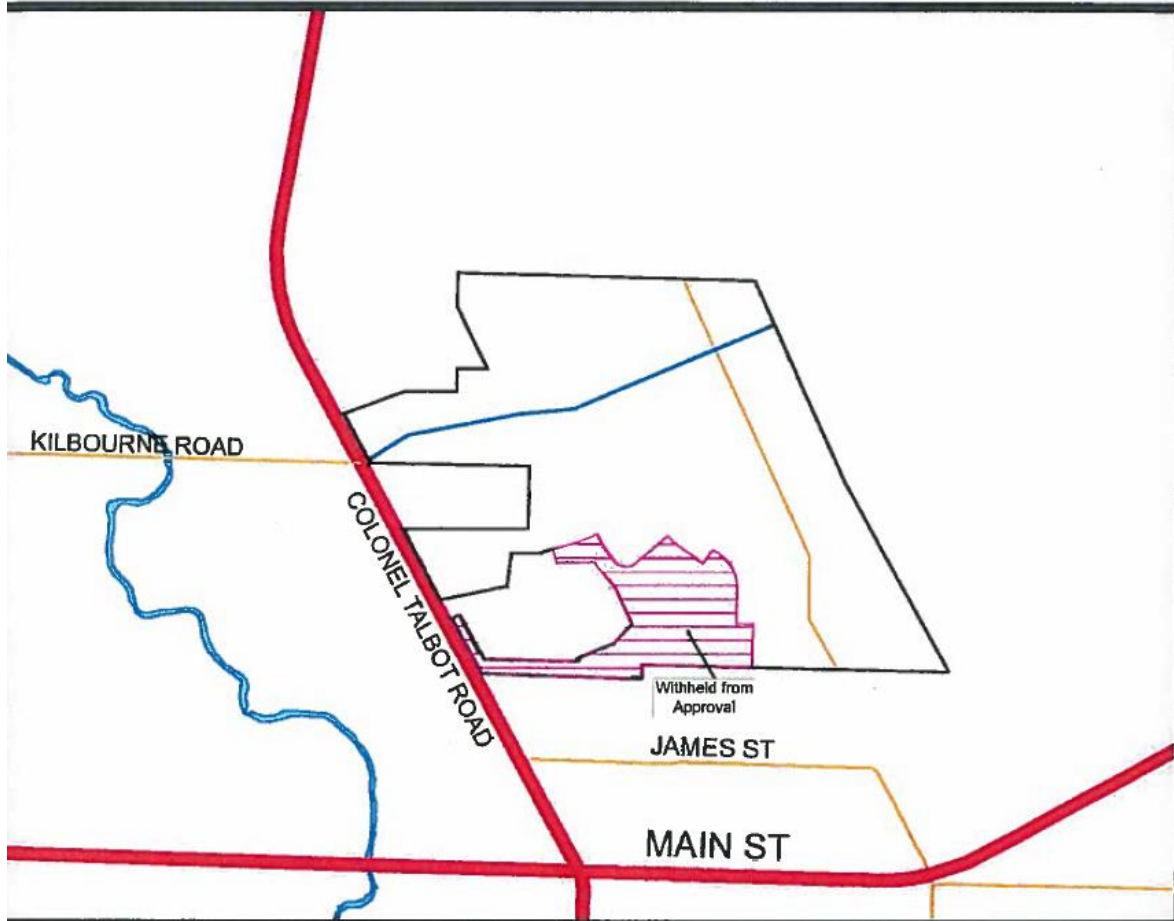
File Number: 39T-12503/OZ-8052



PL130130

OMB Case No. PL130130
39T-12503/OZ-8052

AMENDMENT NO:



ROADS CLASSIFICATION

- Secondary Collector
- Primary Collector
- Arterials

- Freeway
- Expressway

SCHEDULE C
TO
OFFICIAL PLAN
AMENDMENT NO. _____

SUBJECT LANDS 

File Number: 39T-12503/OZ-8052



"ATTACHMENT 2"



DATE: 08/14/2013
PROJECT: COLONEL TALBOT ROAD
DRAWN BY: J. HARRIS

THIS PLAN IS THE PROPERTY OF STANTEC INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF STANTEC INC.

**DRAFT PLAN OF SUBDIVISION
COLONEL TALBOT PROPERTY**

LOTS 71
EAST of the NORTH BRANCH
of the TALBOT ROAD
(located in the City of London,
and part of Section 51 of the
CITY OF LONDON,
COUNTY OF MONMOUTH

SCHEDULE OF LAND USE

- 1. RESIDENTIAL SINGLE-FAMILY
- 2. RESIDENTIAL MEDIUM-DENSITY
- 3. RESIDENTIAL HIGH-DENSITY
- 4. COMMERCIAL GENERAL
- 5. COMMERCIAL OFFICE
- 6. COMMERCIAL RETAIL
- 7. COMMERCIAL INDUSTRIAL
- 8. COMMERCIAL MIXED USE
- 9. COMMERCIAL PUBLIC USE
- 10. COMMERCIAL CULTURAL
- 11. COMMERCIAL RECREATION
- 12. COMMERCIAL EDUCATIONAL
- 13. COMMERCIAL HEALTH CARE
- 14. COMMERCIAL GOVERNMENT
- 15. COMMERCIAL PUBLIC UTILITY
- 16. COMMERCIAL TRANSPORTATION
- 17. COMMERCIAL AIRPORT
- 18. COMMERCIAL MARINE
- 19. COMMERCIAL PORT
- 20. COMMERCIAL AIRPORT
- 21. COMMERCIAL MARINE
- 22. COMMERCIAL PORT

LAND USE	Color	Symbol
RESIDENTIAL SINGLE-FAMILY	Light Blue	Blue Dotted
RESIDENTIAL MEDIUM-DENSITY	Light Green	Green Dotted
RESIDENTIAL HIGH-DENSITY	Light Yellow	Yellow Dotted
COMMERCIAL GENERAL	Light Red	Red Dotted
COMMERCIAL OFFICE	Light Purple	Purple Dotted
COMMERCIAL RETAIL	Light Orange	Orange Dotted
COMMERCIAL INDUSTRIAL	Light Brown	Brown Dotted
COMMERCIAL MIXED USE	Light Grey	Grey Dotted
COMMERCIAL PUBLIC USE	Light Cyan	Cyan Dotted
COMMERCIAL CULTURAL	Light Magenta	Magenta Dotted
COMMERCIAL RECREATION	Light Teal	Teal Dotted
COMMERCIAL EDUCATIONAL	Light Olive	Olive Dotted
COMMERCIAL HEALTH CARE	Light Lavender	Lavender Dotted
COMMERCIAL GOVERNMENT	Light Peach	Peach Dotted
COMMERCIAL PUBLIC UTILITY	Light Mint	Mint Dotted
COMMERCIAL TRANSPORTATION	Light Gold	Gold Dotted
COMMERCIAL AIRPORT	Light Silver	Silver Dotted
COMMERCIAL MARINE	Light Bronze	Bronze Dotted
COMMERCIAL PORT	Light Copper	Copper Dotted

OWNER'S AUTHORIZATION
The City of London, Monmouth County, Virginia, is authorized to approve the subdivision of the land shown on this plan.

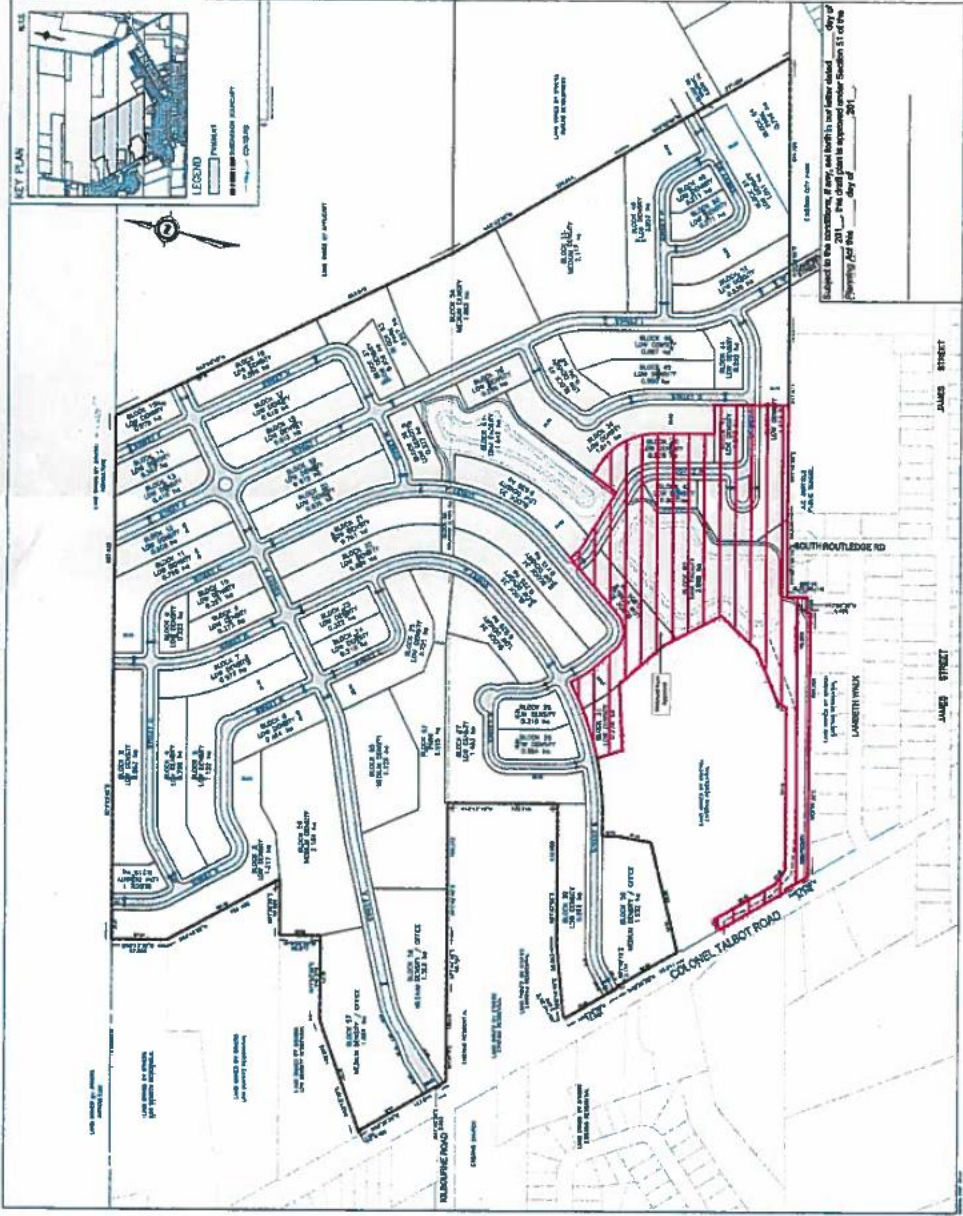
APPLICANT'S AUTHORIZATION
The City of London, Monmouth County, Virginia, is authorized to approve the subdivision of the land shown on this plan.

DATE: 08/14/2013
PROJECT: COLONEL TALBOT ROAD
DRAWN BY: J. HARRIS

COLONEL TALBOT DEVELOPMENT, INC.
COLONEL TALBOT PROPERTY
LONDON, VIRGINIA

**DRAFT PLAN OF SUBDIVISION
201-130130**

Scale: 1" = 100'
North Arrow



LEGEND

- Water Easement
- Sewer Easement
- Gas Easement
- Other Easement
- Utility Line
- Other

Scale: 1" = 100'

North Arrow

ATTACHMENT 3

OMB Case No. PL130130

39T-12503/OZ-8052

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 3924 and 4138 Colonel Talbot Road

WHEREAS Colonel Talbot Developments Inc. has applied to rezone an area of land located at 3924 and 4138 Colonel Talbot Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS upon approval of Official Plan Amendment Number _____ this rezoning will conform to the Official Plan;

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 3924 and 4138 Colonel Talbot Road from an Urban Reserve (UR3) Zone, an Environmental Review (ER) Zone, an Open Space (OS1) Zone and an Open Space (OS4) Zone to a Holding Residential R1 (h-R1-3) Zone, a Holding Residential R1 Special Provision (h-R1-3(7)) Zone, a Holding Residential R1 (h-R1-4) Zone, a Holding Residential R1 (h-R1-5) Zone, a Holding Residential R1 (h-R1-13) Zone, a Holding Residential R1/Residential R4 (h-R1-13/R4-6) Zone, a Holding Residential R1/Residential R6 (h-h-54-R1-3/R6-5) Zone, a Holding Residential R1/Residential R6 (h-R1-3/R6-5) Zone, a Holding Residential R1 Special Provision/Residential R6 (h-R1-3(7)/R6-5) Zone, a Holding Residential R5/Residential R6/Residential R7 (h-R5-3/R6-5/R7*H15*D30) Zone, a Holding Residential R5/Residential R6/Residential R7/Office (h-h-54-R5-3/R6-5/R7*H15*D30/OF) Zone, a Holding Open Space (h-OS1) Zone, a Holding Open Space (h-OS4) Zone and a Holding Open Space Special Provision (h-OS5()) Zone, as shown on the attached map.
2. Section 36 Open Space Zone of the By-law is amended by amending Subsection 36.4 Special Provisions to add a new OS5 Zone Variation to Clause 36.4(e) to read as follows:

"() OS5()

a) Regulation

Notwithstanding Section 3.9(2), the area of the lands so zoned shall be included with the Residential-zoned lands in the lot or block of which they form a part for the purpose of calculating lot area, density, lot coverage and landscaped open space."

3. 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. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said subsection.

PASSED in Open Council on _____

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading –
Second Reading –
Third Reading -

"ATTACHMENT 4"

THE CORPORATION OF THE CITY OF LONDON'S CONDITIONS AND AMENDMENTS TO FINAL APPROVAL FOR THE REGISTRATION OF THIS SUBDIVISION, FILE NUMBER 39T-12503, ARE AS FOLLOWS:

No. Condition

1. This draft approval applies to the draft plan, submitted by Auburn Developments Inc., prepared by Stantec Consulting Limited, certified by Jeremy Matthews, O.L.S., File No. 39T-12503, drawing no. DP3, which shows a total of 52 single detached residential Blocks, four (4) medium density residential blocks, three (3) medium density residential/office, two (2) SWM blocks, three (3) park/open space blocks and one (1) walkway block served by one (1) east west primary collector road and one (1) north south secondary collector road and fourteen (14) local streets.
2. This approval of the draft plan applies for five years, and if final approval is not given by that date, the draft approval shall lapse, except in the case where an extension has been granted by the Approval Authority.
3. The road allowances included in this draft plan shall be shown on the face of the plan and dedicated as public highways.
4. The Owner shall request prior to the submission of Design Studies that the streets shall be named to the satisfaction of 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. Prior to final approval, the Owner 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 designations shall be in effect for this proposed subdivision.
8. The Owner shall in agreement satisfy all the requirements, financial and otherwise, of the City of London, including, but not limited to, surfacing of roads, installation and maintenance of services, drainage and grading, tree planting and tree preservation in order to implement the conditions of this draft approval.
9. 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 specifications and satisfaction of the City.
10. The subdivision agreement between the Owner and the City of London shall be registered against the lands to which it applies.
11. In conjunction with registration of the Plan, the Owner shall provide to the appropriate authorities such easements and/or land dedications (e.g. 0.3m reserves) 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 purposes, to the satisfaction of the City, at no cost to the City.
12. The subdivision agreement between the Owner and the City of London may contain phasing arrangements satisfactory to the City.
13. The Owner shall implement the requirements of the City of London concerning sedimentation and erosion control measures during all phases of construction. The Owner's consulting engineer shall have these requirements established and approved by the City prior to any work on the site. Prior to the commencement of any grading or alteration on site, the

Owner shall enter into a site alteration agreement or a subdivision agreement and post the required security.

14. The Owner shall not commence construction or install *any* services (e.g. Clearing of servicing of Land) involved with this plan prior to entering into a site alteration agreement or subdivision agreement and 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. MOE certificates; City/Ministry/Agency permits: Approved Works, water connection, water-taking, navigable waterways; approvals: UTRCA, MNR, MOE, City; etc.)
15. In conjunction with the Design Studies submission, the Owner shall have its professional engineer provide any recommended Environmental Assessment under the Municipal Class Environmental Assessment requirements for the provision of any services related to this plan or a written recommendation that an Environmental Assessment is not required. No construction involving installation of services requiring an Environmental Assessment shall be undertaken prior to fulfilling the obligations and requirements of the Province of Ontario's *Environmental Assessment Act*. In conjunction with the submission of engineering drawings, the Owner shall have its professional engineer provide an opinion for the need for an Environmental Assessment under the Municipal Class Environmental Assessment requirements for the provision of any services, related to this Plan. All Municipal Class Environmental Assessments must be completed prior to submission of engineering drawings.
16. The Owner's professional engineer shall provide inspection services during construction for all work to be assumed by the City, and have its professional engineer supply the City with a certificate of compliance upon completion in accordance with the plans approved by the City.
17. The Owner shall comply with all City of London standards, guidelines and requirements in the design of this draft plan including required engineering drawings. Any deviation to the City's standards, guidelines or requirements shall be completed to the satisfaction of the City.
18. Prior to final approval, for the purposes of satisfying any of the conditions of draft approval herein contained, the Owner shall file with the Approval Authority a complete submission

consisting of all required clearances, fees, and final plans, and to advise the Approval Authority in writing how each of the conditions of draft approval has been, or will be, satisfied. The Owner acknowledges that, in the event that the final approval package does not include the complete information required by the Approval Authority, such submission will be returned to the Owner without detailed review by the City.

19. For the purposes of satisfying any of the conditions of draft approval herein contained, the Owner shall file, with the City, complete submissions consisting of all required studies, reports, data, information or detailed engineering drawings, all to the satisfaction of City. The Owner acknowledges that, in the event that a submission does not include the complete information required by the City, such submission will be returned to the Owner without detailed review by the City.
20. Prior to final approval for the registration of the subdivision, the Approval Authority is to be advised in writing by the City that all financial obligations/encumbrances on the said lands have been paid in full including property taxes and local improvement charges.
21. Prior to the submission of engineering drawings, the Owner shall have its professional engineer certify that sufficient sewage treatment and conveyance capacity is available to service the subdivision, to the satisfaction of the City.
22. Prior to submission of engineering drawings for each phase of the subdivision to be registered, a lotting plan with any required walkways shall be submitted to Development Approvals that conforms to: the applicable zoning, red line revisions and conditions of draft approval. 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.

Planning

23. The Owner shall make a cash-in-lieu payment for street trees required in this plan.
24. As part of the Design Studies submission, the Owner shall confirm that the municipal infrastructure works required to service development in this plan are adequately planned and

financed in accordance with provisions in the 2014 Development Charges By-law Update and the Growth Management Implementation Strategy approved by Council, to the satisfaction of the Director of Development Finance.

25. In conjunction with the Design Studies submission, a Parking Study shall be prepared for areas Zoned R1-13 and R1-3, to demonstrate how on-street parking will be accommodated for the proposed lotting pattern, in accordance with the requirements of the Small Lot Study and to the satisfaction of the City. The approved parking plan shall be implemented through provisions in the subdivision agreement.
26. Phasing of this plan will be designed to ensure that adequate access and emergency access is provided and a second access will be required to serve more than 80 lots, to the satisfaction of the City.

Servicing

27. In accordance with City standards or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of sanitary services for this draft plan of subdivision:
 - a. Construct sanitary sewers to serve this Plan and connect them to the future municipal sewer system at such time as a municipal sanitary outlet is available to serve these lands. The expected outlet is a new trunk sewer to the existing Wonderland Pumping Station but this is subject to the completion of the Southwest Area Sanitary Servicing Master Plan. The timing and funding of the works required to serve this plan will be in accordance with the 2014 Development Charge Study;
 - b. Make provisions for oversizing of the internal sanitary sewers in this draft plan to accommodate flows from the upstream lands external to this plan, all to the specifications of the City Engineer. Arrangements be made to extend the trunk sewer to Colonel Talbot Road to service upstream external lands; and

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- c. Where trunk sewers are greater than 8 metres in depth and are located within the municipal roadway, the Owner shall construct a local sanitary sewer to provide servicing outlets for private drain connections, to the satisfaction of the City Engineer. The local sanitary sewer will be at the sole cost of the Owner. Any exception will require the approval of the City Engineer.

28. In conjunction with the Design Studies submission, the Owner shall have its consulting engineer prepare and submit the following sanitary servicing design information:

- a. Provide a sanitary drainage area plan, including the sanitary sewer routing and the external areas to be serviced to the satisfaction of the City Engineer;
- b. Provide a hydrogeological report which includes an analysis of the water table level of the lands within the subdivision with respect to the depth of the local sanitary sewers and an evaluation of additional measures, if any, which need to be undertaken in order to meet allowable inflow and infiltration levels as identified by OPSS 410 and OPSS 407.

29. In order to prevent any inflow and infiltration from being introduced to the sanitary sewer system, the Owner shall undertake the following:

- a. Throughout the duration of construction within this draft plan of subdivision, undertake measures within this draft plan to control and prevent any inflow and infiltration and silt from being introduced to the sanitary sewer system during and after construction, satisfactory to the City Engineer, at no cost to the City;
- b. Not allow any weeping tile connections into the sanitary sewers within this Plan;
- c. Permit the City to undertake smoke testing or other testing of connections to the sanitary sewer to ensure that there are no connections which would permit inflow and infiltration into the sanitary sewers;

- d. Have its consulting engineer confirm that the sanitary sewers meet allowable inflow and infiltration levels as per OPSS 410 and OPSS 407;and
 - e. Implement any additional measures recommended through the Design Studies stage.
30. Prior to the registration of any portion of this plan, the Owner shall obtain consent from the City Engineer to reserve capacity at the Greenway Pollution Control Plant for this subdivision. This treatment capacity shall be reserved by the City Engineer subject to capacity being available, on the condition that registration of the subdivision agreement and the plan of subdivision occur within one (1) year of the date specified in the subdivision agreement.

Failure to register the plan within the specified time may result in the Owner forfeiting the allotted treatment capacity and, also, the loss of its right into the outlet sanitary sewer, as determined by the City Engineer. In the event of the capacity being forfeited, the Owner must reapply to the City to have reserved sewage treatment capacity reassigned to the subdivision.

Watermains

31. The Owner shall construct private water services to the existing municipal watermains on Campbell Street to service the Lots and Blocks in the plan, all to the satisfaction of the City Engineer and at no cost to the City.
32. The Owner shall, in conjunction with the submission of engineering drawings, have its professional engineer provide confirmation that the watermains are adequate to service the Lots and Blocks in this plan (e.g. Capacity requirements, effect on existing water infrastructure, hydraulics, water quality etc.), all to the satisfaction of the City.

33. In conjunction with the Design Studies submission, the Owner shall have its consulting engineer prepare and submit the following water servicing design information, all to the satisfaction of the City Engineer:
- a. A water servicing report which addresses the following:
 - i. Identify external water servicing requirements;
 - ii. Confirm capacity requirements are met;
 - iii. Identify need to the construction of external works;
 - iv. Identify the effect of development on existing water infrastructure – identify potential conflicts;
 - v. Water system area plan(s)
 - vi. Water network analysis/hydraulic calculations for subdivision report;
 - vii. Phasing report;
 - viii. Oversizing of watermain, if necessary and any cost sharing agreements.
 - ix. Water quality; and
 - x. Identify location of valves and hydrants.
 - b. Design calculations which demonstrate there is adequate water turnover to address water quality requirements for the watermain system or recommend the use of the following:
 - i. valving to shut off future connections which will not be used in the near term; and/or
 - ii. automatic flushing devices to maintain water quality, with it being noted that the water flushed by the device is to be measured (by a water meter in a meter pit) and the cost of water charged to the Owner; and/or
 - iii. make suitable arrangements with Water Operations for the maintenance of the system in the interim.
 - c. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall implement the accepted recommendations to address the water quality requirements for the watermain system, to the satisfaction of the City Engineer, at no cost to the City.

Stormwater Management

34. The Owner shall have its consultant engineer submit the required storm/drainage and Stormwater Management (SWM) servicing works design for the subject lands including the required design studies and engineering drawings upon the Municipal Class EA for the storm/drainage and SWM servicing works has been completed and accepted by approval agencies and the public.
35. The Owner shall acknowledge that location of the proposed SWM facility will be confirmed by a Municipal Class EA that will incorporate Environmental Impact Study (EIS) and Functional/Detailed Design for this facility that is intended to service the drainage area that will include the external drainage lands and may incorporate the modifications/realignment(s) to the existing tributaries/watercourses and enclosure in the conduit system is considered the Schedule 'B' activity and the City will be required to complete its Municipal Class EA, this EA study cost is intended to be included in the 2014 Draft DC cost assessment of this SWM Facility. It should be noted that the design and construction of this facility is subject to the schedule established by 2014 DC and the Council approvals of any updates.
36. The Owner shall have its consultant engineer shall submit the required storm/drainage and SWM servicing works design that will be in compliance with the Municipal Class EA and Functional detailed design for the proposed municipal SWM Facility and storm/drainage conveyance systems within this plan and adjacent lands in accordance with the Dingman Creek Subwatershed Study Update and the accepted Municipal Class EA for these works, all to the satisfaction of the City Engineer.
37. The Owner shall implement all recommended applicable mitigation and compensation measures in accordance with the accepted Class EA study for the subject lands.
38. The Owner shall acknowledge that proposed storm/drainage and SWM outlet for the subject lands is a tributary/Anguish Municipal Drain of Dingman Creek.

39. The Owner shall agree that the proposed storm/drainage and SWM outlet for the subject lands is the Dingman Creek tributary/Anguish Municipal Drain therefore prior to discharge to the system the designation of the Anguish Municipal Drain under the Drainage Act must be revoked and thereby designated under the Ontario Water Resources Act.

40. The Owner shall be required to undertake the Geotechnical evaluation that will include the slope stability analyses and to confirm the development limits, as well the Hydrogeological evaluation for the subject lands will be required that will include, but not be limited to, a water balance analysis.

41. The Owner shall have its consulting professional engineer provide the functional and detailed design and subsequently construct proposed storm/drainage and SWM servicing works for the subject lands, all to the satisfaction and specification of the City Engineer and according to the requirements of the following:
 - a. The SWM criteria and environmental targets for the Dingman Creek Subwatershed Study Updates;

 - b. the Municipal Class EA for the storm/drainage and SWM servicing works being completed and accepted by approval agencies and the public;

 - c. The approved Storm/Drainage and SWM Servicing Functional Report for the subject lands;

 - d. The City's Waste Discharge and Drainage By-Laws, lot grading standards, policies, requirements and practices;

 - e. The Ministry of the Environment SWM Practices Planning and Design Manual; and;

 - f. Applicable Acts, Policies, Guidelines, Standards and Requirements of all relevant SWM agencies.

42. The Owner shall have its professional engineer ensure that all geotechnical issues and required setbacks related to the slope stability associated with the open watercourses that are adequately addressed for the subject lands, all to the satisfaction of the City Engineer and The Upper Thames River Conservation Authority.
43. The Owner shall ensure that the Erosion and Sediment Control Plan (ESCP) be executed in accordance with the City Engineer's approval procedure and criteria and due to the close proximity of the open watercourse. In the event of failure to properly implement and maintain the required ESCP, an ESCP security will be used to undertake all necessary clean-up work for the subject lands, all to the satisfaction of the City Engineer.
44. The Owner shall prior to issuing a Certification of Conditional Approval for lots and blocks in this plan or as otherwise approved by the City Engineer, the required storm/drainage and SWM related works to serve the plan to be registered must be constructed and operational in accordance with the approved design criteria, all to the satisfaction of the City Engineer.
45. Prior to issuing a Certification of Conditional Approval, the Owner's professional engineer shall identify major and minor storm flow routes for the subject land and those flow routes shall be constructed and be operational all to the satisfaction of the City Engineer.
46. The Owner shall agree to promote the implementation of 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 and the approval of the City Engineer.
47. Except as permitted by approved drawings, the Owner shall ensure that any increased and accelerated stormwater runoff from this subdivision shall not cause damage to downstream lands, properties or structures beyond the limits of this subdivision and notwithstanding anything to the contrary of any requirements of the city or any approval given by the City Engineer, the indemnity provided shall apply to 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.

48. The Owner shall agree to provide all adequate easements, if required, at no cost to the City, in relation to stormwater/drainage and SWM servicing works of the subject lands, all to the satisfaction of the City Engineer.
49. The Owner shall obtain storm outlet (s) permit (s) or any other permits and approvals from areas the Upper Thames River Conservation Authority (UTRCA) that will be associated with the proposed development or servicing in the regulated areas, all to the satisfaction of the City engineer.

Transportation

50. The Owner shall submit an updated Transportation Impact Assessment as part of design studies in accordance with our Transportation Impact Assessment Guideline to the satisfaction of the City Engineer. The Owner's traffic engineer shall meet with staff to discuss the scope and requirements of this study prior to undertaking the study.
51. The Owner shall implement all recommendations outlined in the approved traffic impact assessment to the satisfaction of the City Engineer.
52. The Owner shall provide a road widening dedication on Colonel Talbot Road measured 18 m from the centre line of the road allowance.
53. The Owner shall restrict access to Colonel Talbot Road by establishing a Block for a 0.3 metre (1 foot) reserve along the entire Colonel Talbot Road frontage.
54. The Owner shall align Street 'A' perpendicular to and opposite Kilbourne Road to the satisfaction of the City Engineer.
55. The Owner shall classify and construct Street 'A' to primary collector road standards with a maximum width of 2 through lanes and right-of-way width of 21.5 metres to the satisfaction of the City Engineer.

56. The Owner shall classify and construct Street 'E'/Street "I" to secondary collector road standards and align the street with Campbell Street to the satisfaction of the City Engineer.
57. The Owner shall construct turn lanes on Colonel Talbot Road at Street 'A' and at Street 'K' with sufficient storage and taper to accommodate traffic anticipated by the full build-out of the subdivision and all lands that will have access to Street 'A' and Street 'K' at Colonel Talbot Road to the satisfaction of the City Engineer. The Owner shall construct turn lanes as per the requirements of the approved Transportation Impact Assessment as a condition of the Certificate of Conditional Approval.
58. The Owner shall verify the adequacy of the decision sight distance on Colonel Talbot Road at Street 'A' and at Street 'K'. If the sight lines are not adequate, these accesses are to be relocated and/or road work undertaken to establish adequate decision sight distance.
59. The Owner shall construct a boulevard gateway treatment on Street 'A' at the intersection of Colonel Talbot Road with a right-of-way width the lesser of 28.0 metres or the appropriate width determined through the approved Transportation Impact Assessment for a minimum length of 45.0 metres tapered back over a distance of 30.0 metres to the primary collector road width of 21.5 metres. If the traffic impact assessment indicates a longer left turn lane is required the plan shall be red lined amended to provide a longer left turn lane as indicated in the approved traffic impact assessment.
60. The Owner shall construct a boulevard gateway treatment on Street 'K' at the intersection of Colonel Talbot Road with a right-of-way width as determined through the Transportation Impact Assessment for a minimum length of 45.0 metres tapered back over a distance of 30.0 metres to the local road width of 20.0 m. If the traffic impact assessment indicates a longer left turn lane is required the plan shall be red lined amended to provide a longer left turn lane as indicated in the traffic impact assessment.
61. The Owner shall construct roundabouts at the intersection of Street 'A' and Street 'E'/'I'. The roundabout will be constructed in accordance with the Design Specifications &

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Requirements Manual and to the satisfaction of the City Engineer. The roundabout, including splitter islands or approved alternatives, will be constructed as a condition of the Certificate of Conditional Approval.

62. The Owner shall construct traffic calming measures along the primary collector Street 'A', including parking bays, a raised intersection with Street 'L'/'B' to the satisfaction of the City Engineer.
63. The Owner shall construct traffic calming measures along the secondary collector Street 'I', including parking bays and a raised intersection with Street 'O' and/or other measures to the satisfaction of the City Engineer.
64. The Owner shall construct traffic calming measures along Street 'K', including a raised intersection with Street 'J'/'M' and/or other measures to the satisfaction of the City Engineer.
65. The Owner shall establish and maintain a Traffic Management Plan (TMP) in conformance with City guidelines and to the satisfaction of the City Engineer for any construction activity that will occur on existing arterial 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 will be submitted and become a requirement of the subdivision servicing drawings process for this plan of subdivision.
66. The Owner shall direct all construction traffic associated with this draft plan of subdivision to utilize Colonel Talbot Road and Street 'K' or other routes as designated by the City. South Routledge Road can be utilized as an emergency secondary access if required.
67. In conjunction with the submission of engineering drawings, the Owner shall have its professional engineer provide confirmation that all streets in this plan have centerline radii which conforms to the City of London Standard "Minimum Centreline Radii of Curvature of Roads in Subdivisions."

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68. The Owner shall install street lighting on all streets in this plan to the satisfaction of the City Engineer, at no cost to the City.
69. The Owner shall construct a 1.5 metre (5') sidewalk(s) as required by the City within 1.0 metre of the outer limit of any road allowance to the satisfaction of the City Engineer, at no cost to the City.
70. In conjunction with the Design Studies submission, the Owner shall provide, to the City for review and acceptance, a geotechnical report or update the existing geotechnical report recommendations to address all geotechnical issues with respect to the development of this plan, including, but not limited to, servicing, grading and drainage of this subdivision, road pavement structure, dewatering and any other requirements as needed by the City.

Wells

71. 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 aquifer from any development activity.
72. 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 springs, water wells 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 Engineer. 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.

73. The Owner shall implement all hydrogeological measures outlined in the accepted report to the satisfaction of the City. Prior to the issuance of any Certificate of Conditional Approval, any remedial or other works as recommended in the above accepted hydro geological report shall be implemented by the Owner, to the satisfaction of the City Engineer, at no cost to the City.

Parks & Open Space

74. The Owner shall satisfy the parkland requirements for this subdivision through required dedications and/or cash-in-lieu, in accordance with the provisions of By-law CP-9 and to the satisfaction of the Manager of Environmental & Parks Planning.

75. Prior to submission of Design Studies, an Environmental Assessment shall be prepared by the City for the proposed creation or maintenance of any infrastructure proposed within the Natural Heritage System and an EIS shall be completed for any alternative location identified within the Natural Heritage System to assess potential impacts, identify mitigation measures and determine appropriate compensation mitigation in accordance with relevant legislation and Official Plan policies.

76. The recommendations of the approved Environmental Assessment and associated EIS shall be implemented to the satisfaction of the City through appropriate zoning requirements, engineering drawings, and as required in clauses in the subdivision agreement(s).

77. The Owner shall, within two years of registration of any phase of development, prepare and deliver to the all homeowners adjacent to any open space, an education package which explains the stewardship of the natural area, the value of existing tree cover, and the protection and utilization of the grading and drainage pattern of these lots. The educational package shall be prepared to the satisfaction of the City.

78. The Owner shall, as part of the design studies, have a qualified consultant prepare a detailed Tree Preservation Plan to the satisfaction of the City. Where lot grading conflicts arise in the subdivision, the grading as recommended in the detailed Tree Preservation Plan shall be

implemented and where possible to the satisfaction of the City Engineer and Manager of Environmental & Parks Planning.

79. The Owner shall fence the boundary between lots or blocks adjacent to open space areas conveyed to the City with a 1.5m high chain link fencing without gates in accordance with SPO4.8 or approved alternate measures acceptable to the Manager of Environmental & Parks Planning. Fencing shall be completed, to the satisfaction of the City, within one year of the registration of the plan which contains the open space block. This condition does not apply to any block which contains a SWM facility.
80. The subdivision agreement shall contain a clause which permits a homeowner to construct a fence entirely on their property where the lot/block abuts a SWM facility block provided the fencing is chain link and in accordance with SPO4.8 standards.
81. The Owner shall not grade into any open space area without City approval. Where Lots or Blocks abut an open space area, all grading of the developing Lots or Blocks at the interface with the open space areas are to match grades to maintain existing slopes, topography and vegetation. In instances where this is not practical or desirable, any grading into the open space shall be to the satisfaction of the Manager of Environmental & Parks Planning and City Engineer.
82. The subdivision plan to be registered shall incorporate pedestrian and bicycle multi-use pathway corridors pursuant to Section 51(25)(b) of the Planning Act, in accordance with the approved Bicycle Master Plan to the satisfaction of the Manager of Environmental & Parks Planning and at no cost to the City. Any land that is required beyond a 5 metre corridor width will be credited toward the parkland dedication requirement for this plan.
83. In conjunction with the Design Studies submission, the Owner shall identify, to the satisfaction of the Manager of Environmental & Parks Planning, the multi-use pathway system that connects east-west through the proposed park blocks without impacting existing vegetation.

84. The subdivision plan to be registered shall incorporate Block 64 to the north, to “square-off” Lambeth Optimist Park, with a minimum frontage of 30 metres or such other lesser minimum frontage on Street ‘Q’ to the satisfaction of the Manager of Environmental & Parks Planning. This will be credited toward the parkland dedication requirement for this plan.

Agencies

85. The Owner shall provide the grading drawings to the UTRCA with sufficient lead time for review and comment prior to the final submission of engineering drawings to the City for approval and make necessary Permit applications to the UTRCA at that time.

86. The Owner shall provide for the installation of community mail boxes in the subdivision, in consultation with Canada Post and to the satisfaction of the Approval Authority.

87. In conjunction with the Design Studies submission, the Owner shall identify London Transit Stop locations, in consultation with London Transit and to the satisfaction of the Approval Authority. Pads for the approved transit stop locations shall be identified on the servicing drawings and installed at no cost to the City.

88. Prior to grading and soil disturbance, the Owner shall confirm that the Ministry of Culture has been consulted and that there are no archaeological concerns with the plan of subdivision to be registered.

General

89. Prior to the issuance of a Certificate of Conditional Approval for each construction stage of this subdivision, all servicing works for the stage must be completed and operational, all to the specification and satisfaction of the City.

90. Prior to final approval, the Owner shall make arrangements with the affected property Owner(s) for the construction of any portions of services situated on private lands outside

this plan, and shall provide satisfactory easements over the sewers as necessary, all to the specification and satisfaction of the City .

91. The Owner shall connect to all existing services and extend all 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.

92. In the event the draft plan develops in phases, upon registration of any phase of this subdivision, the Owner shall provide land and/or easements along the routing of services which are necessary to service upstream lands outside of this draft plan to the limit of the plan.

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

94. 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.

95. No weeping tile connections will be permitted into the sanitary sewers within this plan.

96. 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 its 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.

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 Engineer, 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.

97. The Owner shall have the common property line of Colonel Talbot Road graded in accordance with the City of London Standard "Subdivision Grading Along Arterial Roads" at no cost to the City.

Further, the grades to be taken as the centerline line grades on Colonel Talbot Road are the future centerline of road grades as determined by the Owner's professional engineer and accepted by the City. From these, the Owner's professional engineer is to determine the elevations along the common property line which will blend with the reconstructed road.

98. The Owner shall advise the City in writing at least two weeks prior to connecting, either directly or indirectly, into any unassumed services constructed by a third party, and to save the City harmless from any damages that may be caused as a result of the connection of services from this subdivision into any unassumed services.

99. Prior to connection made to an unassumed service, the following will apply:

- a. The unassumed services must be completed and Conditionally Accepted by the City; and,
- b. The Owner shall complete a video inspection on all affected unassumed sewers to the satisfaction of the City.

100. The Owner shall pay a proportional share of the operational, maintenance and/or monitoring costs of any affected unassumed sewers or SWM facilities (if applicable) to third parties that have constructed the services and/or facilities, to which the Owner is connecting. The above-noted proportional share of the cost shall be based on contributing flows for sewers or on storage volume in the case of a SWM facility. The Owner's payments to third parties, shall:
- a. Commence upon completion of the Owner's service work connections to the existing unassumed services; and
 - b. Continue until the time of assumption of the affected services by the City.
101. The Owner, with respect to any services and/or any facilities constructed in conjunction with this plan, shall permit the connection into and use of the subject services and/or facilities by outside Owners whose lands are serviced by the said services and/or facilities, prior to the said services and/or facilities being assumed by the City.
102. The Owner shall construct all municipal services for the subject lands at the sole expense of the Owner. The details of the services required will be established by the City Engineer after particulars of engineering design are provided by the Owner, in accordance with the policies and standards of the City prevailing at the time the Subdivision Agreement is approved by City Council.
103. The Owner shall agree to include in the subdivision agreement minimum side yard setbacks as specified by the City for building(s) which are adjacent to rear yard catch basin leads which are not covered by an easement on lots in this plan.
104. The Owner shall have its 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 "Guidelines for Notification to Public for Major Construction Projects".

105. The Owner shall comply with the City's tree planting policy with respect to provisions of trees for this subdivision.
106. The Owner shall decommission and remove any abandoned infrastructure and restore all affected areas, at no cost to the City, including but not limited to cutting the water service and capping it at the watermain, private irrigation systems, electrical systems, private pathways, temporary retaining walls etc. all to the specifications and satisfaction of the City.
107. 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.
108. Prior to the acceptance of engineering drawings, the Owner's professional engineer shall certify 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 or any approval given by the City, the Owner shall indemnify the City against any damage or accelerated stormwater runoff from this subdivision.
109. As a condition of approving infrastructure projects within the Natural Heritage System, the City may require specific mitigation and the Owner shall be required to implement reasonable compensatory mitigation measures that an area identified in the accepted environmental impact study to address impacts to natural features and functions caused by the construction or maintenance of the infrastructure.