

TO:	CHAIR AND MEMBERS BUILT AND NATURAL ENVIRONMENT COMMITTEE MEETING ON MONDAY SEPTEMBER 26, 2011
FROM:	D.N. STANLAKE DIRECTOR OF DEVELOPMENT PLANNING DAVID AILLES MANAGING DIRECTOR, DEVELOPMENT APPROVALS BUSINESS UNIT
SUBJECT:	APPLICATION BY: HIGHLAND GREEN LONDON INC. REQUEST FOR EXTENSION OF DRAFT APPROVAL 181 & 199 COMMISSIONERS RD. EAST

RECOMMENDATION

That, on the recommendation of the Director of Development Planning and the Managing Director of the Development Approvals Business Unit regarding a draft approval extension request for the Plan of Subdivision application of Highland Green London Inc., relating to the property located at 181 and 199 Commissioners Road East:

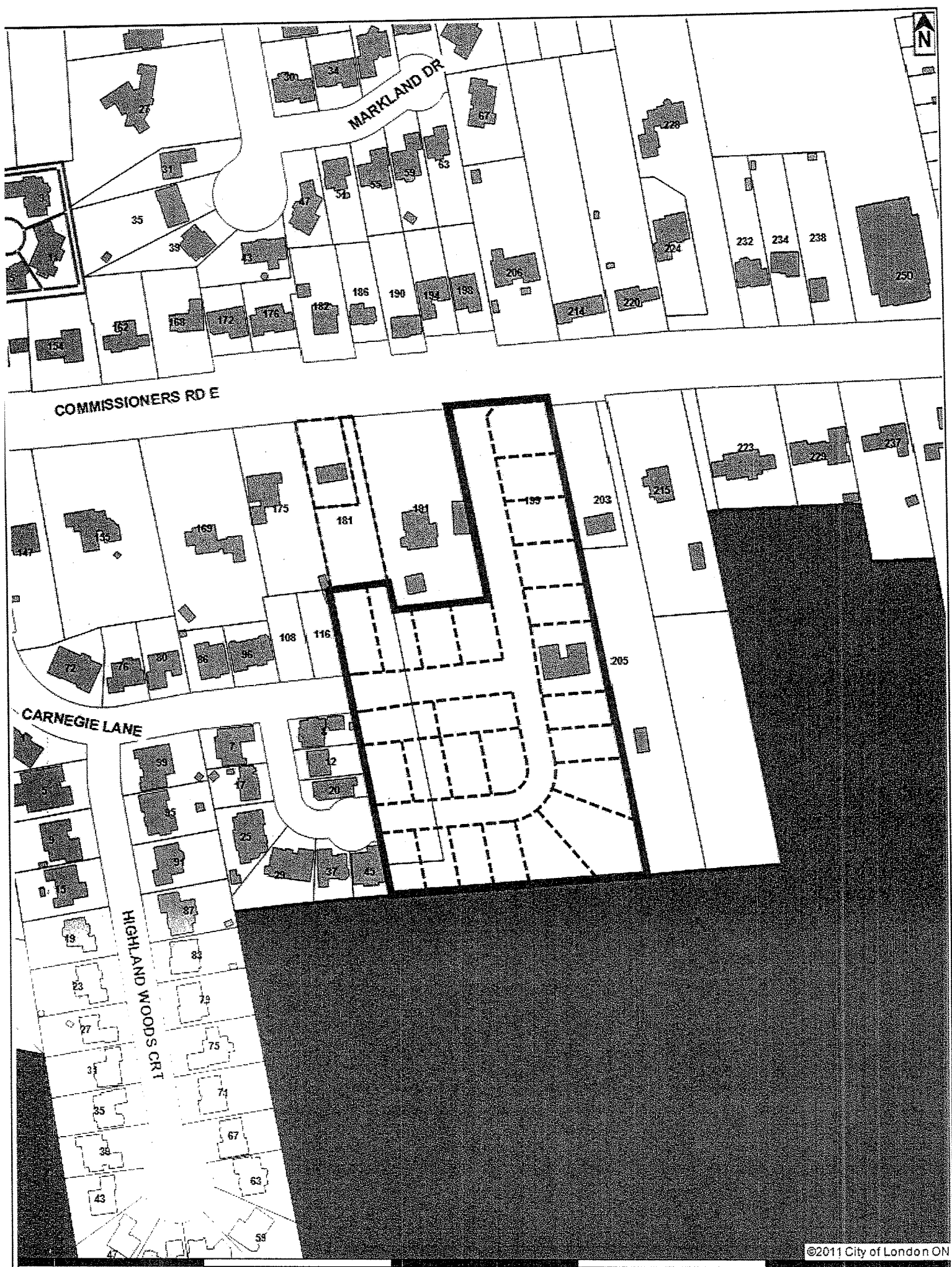
- (a) The Approval Authority **BE ADVISED** that Municipal Council **SUPPORTS** a one (1) year extension of draft approval for draft approved plan 39T-08501 submitted by Highland Green London Inc., prepared by ENG Plus (Project No. 06.257), certified by J. Andrew Smith OLS, on December 18, 2007, as red line amended, which shows 27 single detached residential lots served by an extension of Edwin Drive and an extension of Carnegie Lane SUBJECT TO the revised conditions contained in the attached Appendix "39T-08501-1".
- (b) The Applicant **BE ADVISED** of the following claims and revenues information:

Estimated Costs – Developer Built	
Urban Works Reserve Fund – General	Nil
Urban Works Reserve Fund - Stormwater Management	Nil
Capital Expense	Nil
Other	Nil
Total	Nil
Estimated Revenues	
CSRF	\$395,975
UWRF	\$159,525
Total	\$555,500

NOTE:
Estimated revenues are calculated using current rates for engineering services and the information is reported all in accordance with the Development Charges and Urban Works Fund By-law (ie C.P.-1473-212), and any amendments thereto.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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July 14, 2008 – Report to Planning Committee meeting on application for Draft Plan of subdivision approval and associated Zoning By-law amendment.



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LOCATION MAP

Subject Site: 181 & 199 Commissioners Rd. East
 Applicant: 1441380 Ontario Ltd.
 (Highland Green London Inc.)

File No: 39T-08501
 Planner: Terry Grawey

Date: 2011-06-06
 Scale: 1:2500

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

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



Agenda Item #	Page #

39T-08501
T. Grawey

July 21, 2008 – Report to special meeting of Planning Committee with revised recommendations, as directed by Committee at the July 14th meeting.

September 27, 2010 – Report to Environment & Transportation Committee meeting recommending the replacement of Conditions 28 & 29 (relating to the construction of a sanitary pumping station and forcemain) with a new condition requiring payment to cover the cost of basement flooding mitigation measures for homeowners in the area.

RATIONALE

1. An extension for one year will ensure that draft approval does not lapse, and provide a reasonable timeframe within which to complete the process for final approval and registration of this plan.
2. The revised conditions of draft approval will ensure that the subdivision is serviced and developed in accordance with current municipal design standards.

BACKGROUND

The initial application for Draft Plan of Subdivision Approval was accepted on May 28, 2007 and a revised plan was filed with the City on January 7, 2008. The Public Meeting was held at Planning Committee on July 14, 2008 and the plan of subdivision was draft approved on July 31, 2008, subject to conditions. There were no requests for referral of the subject plan within the statutory appeal period.

In August of 2008, the owner applied to sever off the northwest area, comprising Lots 26 & 27 on the draft plan, from the balance of the subdivision lands (Consent application B.050/08). The consent was approved on October 15, 2008 and the certificates were issued on April 7th, 2009. The two severed lots, which front onto Commissioners Road, are being developed separately and no longer comprise part of the draft plan of subdivision.

The draft approval issued in 2008 included two conditions (No.'s 28 & 29) requiring the owner to construct, operate and decommission a temporary pumping station and forcemain to accommodate sanitary flows from the area to the satisfaction of the City Engineer. As part of the design studies review, the owner prepared a Sanitary Sewer Servicing Study which stated that the temporary pumping station was not consistent with the proposed subdivision design concept and was too costly to construct. The study suggested cost sharing between the City and the developer to upsize the sewer section that is under capacity from Cathcart Street to Edward Street, to allow the development to proceed. However, the water, storm and sanitary sewers on Devonshire Avenue, between Wortley Road and Edward Street, are not scheduled to be replaced by the City until 2023 or beyond.

The Environmental and Engineering Services Department prepared a report in response to the Sanitary Sewer Servicing Study, outlining three options for addressing the sanitary servicing issue related to the subdivision, as follows:

1. Not permit the development to proceed.
2. Advance the City Infrastructure project from 2023 at a cost of \$2.4 million of Capital Budget with limited contribution from the developer.
3. Allow the development to proceed if, to satisfy certain servicing draft plan conditions the developer contributes \$189,000, which represents funding of 75% of the basement flooding mitigation measures to the first 70 homeowners who are determined to require protection and agree to have the works done. If take up is less than 70 houses, any remaining funds will be applied to other flooding mitigation measures. The remaining 25% would be covered by the City's Basement Flooding Grant Program.

Agenda Item #	Page #

39T-08501
T. Grawey

The Environmental and Engineering Services Department recommended to proceed on the basis of option 3 and at the meeting on October 4th, 2010, Municipal Council resolved:

That on the recommendation of the Director, Wastewater and Treatment, the Approval Authority BE REQUESTED to amend the Draft Approval for the plan of residential subdivision (File 39T-08501) by deleting conditions 28 and 29, relating to the construction of a temporary sanitary pumping station and forcemain, and replacing them with the following new condition:

28. Prior to final approval, the Owner shall provide a lump sum payment in the amount of \$189,000 to the City of London, to cover the cost of basement flooding mitigation measures for homeowners in the area, who are determined by the City to require protection and agree to have the works undertaken.

On January 19th, 2011, Draft Plan Approval was modified to replace Conditions 28 and 29 with the revised wording, as recommended by Council. No changes were made to the other conditions at that time.

In May, the City received a request and associated fee from the owner for an extension to the original lapse date of July 31, 2011, to allow sufficient time for final approval and registration of the subdivision. A three (3) month Administrative extension was granted by the Approval Authority to allow sufficient time for a full review of this request, resulting in the current lapse date of October 31, 2011.

The subdivision review process for this plan has been proceeding over the past several months. The design studies component has been completed and the first submission of servicing drawings has recently been reviewed. One issue being further investigated is the road grade design along Edwin Drive, between Carnegie Lane and Commissioners Road. This matter is currently under review and it is anticipated that final approval/registration will occur within the next six to 12 months.

EVALUATION

Agency Comments:

The Environmental and Engineering Services Department has no objection to the extension of draft approval for this subdivision.
(Note: The EESD response included several modifications and new conditions of draft approval, which reflect updated City of London servicing standards. These updated conditions, and technical modifications, are reflected in the revised conditions appended to this report)

Recommended Actions:

Recommended modifications include the replacement of several conditions with updated requirements that reflect current servicing design terminology and engineering standards. The revised conditions reflect the 2009 Consent for the severance of Lots 26 and 27 (both of which are accessed from Commissioners Road) from the balance of the subdivision. Some new conditions have been added, including a condition that requires the establishment of a condominium to provide for the ongoing maintenance of a private drainage system that serves Lots 1 to 4. Several minor technical modifications are also being proposed to update administrative procedures and job titles. No changes have been made to the road pattern or land use configuration in the approved draft plan.

An extension period of one year from the October 31st lapse date is being recommended. This should provide a sufficient timeframe within which to complete the review of engineering drawings and allow for final registration of the plan.

Substantive modifications being proposed to the current conditions are hi-lited as additions and

Agenda Item #	Page #

39T-08501
T. Grawey

deletions in attached "Appendix 39T-08501-1". One notable revision is the addition of Condition 82, which requires the Owner to apply for draft plan of condominium approval (and, if required, an associated Zoning By-law amendment) on Lots 1 to 4, to provide for the long-term maintenance of the private dry well system that receives surface drainage from these lots.

Consistency with the Official Plan and PPS:

The subject lands are designated Low Density Residential in the City Of London Official Plan, which permits single detached dwellings and secondary uses. The draft plan of subdivision has been previously reviewed and found to be consistent with relevant policies of the Official Plan and the 2005 Provincial Policy Statement.


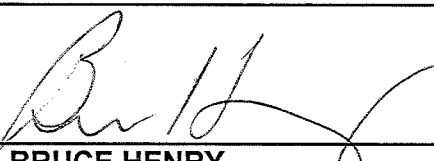

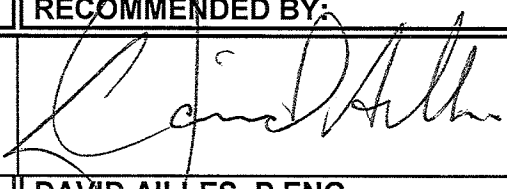
The proposed subdivision achieves an efficient development and land use pattern through residential intensification in an established community, and utilization of existing public services and infrastructure. Conditions of draft approval will ensure that the full municipal services are provided in accordance with current servicing standards and Provincial policies.

Public Notice:

Notice was provided to area residents at the time of the January 2011 revisions to the sanitary servicing conditions. Given that no changes are being made to the zoning or lotting pattern in the draft approved plan, full public notice is not required for this extension. In accordance with Section 50(45) of the *Planning Act*, notice of the revised conditions will be provided to the owner, persons prescribed under the Act, and to anyone who requested to be notified in response to the previous 2011 notice.

CONCLUSION

The plan of subdivision was draft approved in 2008 and servicing drawings are currently under review. The request for extension of draft approval is being made by the owner to allow sufficient time within which to complete the servicing drawings review and final registration of the plan. A one year extension is being recommended, together with modifications to the conditions of draft approval which will update terminology and implement current municipal servicing standards. These modifications do not affect the approved zoning or lotting pattern.

PREPARED BY:	SUBMITTED BY:
	
TERRY GRAWEY SENIOR PLANNER – DEVELOPMENT PLANNING	BRUCE HENRY MANAGER – DEVELOPMENT PLANNING
RECOMMENDED BY:	RECOMMENDED BY:
	
D. N. STANLAKE DIRECTOR OF DEVELOPMENT PLANNING	DAVID AILLES, P.ENG. MANAGING DIRECTOR OF DEVELOPMENT APPROVALS

September 15, 2011
TG/tg

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Agenda Item #	Page #

39T-08501
T. Grawey

**“Appendix 39T-08501-1”
Conditions of Draft Approval**

THE CORPORATION OF THE CITY OF LONDON’S CONDITIONS AND AMENDMENTS TO FINAL APPROVAL FOR THE REGISTRATION OF THIS SUBDIVISION, FILE NUMBER 39T-08501 ARE AS FOLLOWS:

NO.	CONDITIONS
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Standard

1. This draft approval applies to the draft plan, as red-line amended, submitted by 1441380 Ontario Ltd. (File No. 39T-08501 prepared by ENG Plus, surveyor J. Andrew Smith, Callon Dietz Inc. (Project No. 06.257, dated December 18, 2007), which shows 27 single-detached lots, served by two local streets.
2. This approval of the draft plan applies ~~for three years~~ until October 31, 2012, 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 Street 'A' shall be named Edwin Drive.
5. ~~The municipal address shall be assigned to the satisfaction of the Director of Development Planning.~~
The Owner shall request that municipal addresses be assigned to the satisfaction of the Director of Development Planning.
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 shall be in effect for this proposed subdivision.
8. The Owner shall satisfy all the requirements, financial and otherwise, of the City of London in order to implement the conditions of this draft approval.
9. The subdivision agreement between the Owner and the City of London shall be registered against the lands to which it applies.
10. ~~The Owner shall grant to the appropriate authorities such easements as may be required for utility, road or drainage purposes.~~

In conjunction with registration of the Plan, the Owner shall provide to the appropriate authorities such easements as may be required for all municipal works and services associated with the development of the subject lands, such as road, utility, drainage or stormwater management (SWM) purposes, to the satisfaction of the City Engineer, at no cost to the City.

11. This subdivision shall be constructed in one phase, to the satisfaction of the Managing Director, Development Approvals Business Unit and the City Engineer.

Agenda Item #	Page #

39T-08501
T. Grawey

12. a) Prior to any work on the site, the Owner shall post security and construct temporary measures to control silt to the specifications of the City Engineer. These measures are to remain in place until no longer needed, to the satisfaction of the City Engineer.
- b) The Owner shall have its professional engineer inspect the measures on a daily basis and keep a log of the dates inspected and any deficiencies identified. The Owner shall have any deficiencies corrected forthwith. The logs shall be made available to the City Engineer upon request.

13. ~~Prior to the submission of engineering drawings, the Owner shall have a report prepared by a qualified consultant, and if necessary a detailed hydro geological investigation carried out by a qualified consultant, to determine the effects of the construction associated with this subdivision on the existing ground water elevations and domestic or farm wells in the area, to the satisfaction of the City Engineer. If necessary, the report shall also address any potential contamination impacts that may be anticipated or experienced as a result of the said construction. Any recommendations outlined in the report shall be reviewed and approved by the City Engineer, included in the pertinent agreement(s) with the City of London prior to any work on the site. Should any remedial works be recommended in the report, the Owner shall complete these works prior to issuance of Certificate of Approval, to the satisfaction of the City, at no cost to the City.~~

Prior to the acceptance of 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, private domestic or farm wells in the area and to assess the impact on the water balance of the subject plan, identifying all required mitigation measures, 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.

Any recommendations outlined in the report are to be reviewed and approved by the City Engineer, prior to any work on the site. Any remedial works recommended in the report shall be constructed or installed by the Owner, prior to the issuance of a Certificate of Conditional Approval, to the satisfaction of the City Engineer, at no cost to the City.

14. ~~Prior to any grading on the site, the Owner shall decommission and permanently cap any abandoned water wells located on the property, in accordance with the Ontario Water Resources Act and the Ministry of Environment requirements and file the necessary reports with the Ministry of the Environment and the City of London.~~

Prior to any work on the site, the Owner shall determine if there are any abandoned wells in this Plan and shall decommission and permanently cap any abandoned wells located in this Plan, in accordance with current provincial legislation, regulations and standards. It is the responsibility of the Owner to determine if any abandoned wells exist in this Plan. In the event that an existing well in this Plan is to be kept in service, the Owner shall protect the well and the underlying aquifer from any development activity.

15. ~~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 Engineer.~~

~~Prior to registration of this plan, the Owner shall obtain consent from the City Engineer to reserve capacity at the Greenway/Adelaide 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

Agenda Item #	Page #

39T-08501
T. Grawey

allotted treatment capacity and, also, the loss of his right to connect 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.

16. Prior to final approval, all required connections from this plan to all municipal services shall be available. No servicing of these lands shall take place until adequate servicing connections are available.
17. The Owners professional engineer shall provide inspection services for all work during construction by its professional engineer 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 Engineer.
18. The Owner shall comply with all City of London standards, guidelines and requirements in the design of this draft plan. Any deviation to the City's standards, guidelines, or requirements shall be completed to the satisfaction of the City Engineer and Managing Director, Development Approvals Business Unit.
19. 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.
20. For the purpose 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 and/or detailed engineering drawings, all to the satisfaction of the Director of Development Planning and the City Engineer. The Owner acknowledges that, in the event that a submission does not include the complete information required by the Director of Development Planning and the City Engineer, such submission will be returned to the Owner without detailed review by the City.
21. That prior to final approval, the Owner shall pay in full all financial obligations/encumbrances on the said lands, including property taxes and local improvement charges.

PARKLAND:

22. Prior to registration, the Owner shall make a cash payment in lieu of the 5% parkland dedication pursuant to City of London By-law CP-9.
23. Prior to the submission of engineering drawings, the Owner shall have a Tree Preservation Report and Plan prepared for lands within the proposed draft plan of subdivision. Tree preservation shall be established prior to grading/servicing design to accommodate maximum tree preservation. The Tree Preservation Report and Plan shall focus on the preservation of quality specimen trees within Lots and Blocks and shall be completed in accordance with the current City of London Guidelines for the preparation of Tree Preservation Reports and Tree Preservation Plans to the satisfaction of the Director of Development Planning. The Owner shall incorporate the approved Tree Preservation Plan on the accepted grading plans.
24. Prior to the submission of engineering drawings and concurrently with the submission of engineering drawings, the Owner shall prepare and submit a detailed tree replanting plan which covers Lots 20 to 25, inclusive identified on the draft plan of subdivision, as amended. The species selected to be planted both on the municipal road allowance and

Agenda Item #	Page #

39T-08501
T. Grawey

on the future proposed lots shall meet the requirements of the City of London Guidelines for Tree Planting. The re-naturalization/tree replanting plan shall be prepared in consultation with the City Planning Division and to the satisfaction of the Director of Development Planning. All planting work on the public road allowance shall be undertaken within one year of registration of this plan, at the sole expense of the Owner, completed to the satisfaction of the Director of Development Planning. For Lots 20 to 25, inclusive, all plantings will be completed within one year of issuing the first building permit for the lot. Required securities to be posted and warranty periods shall be contained within the subdivision agreement and will be established to the satisfaction of the Director of Development Planning.

PLANNING:

- 25. Prior to final approval, the Owner shall remove, or demolish any accessory structures that exist on the subject lands necessary to bring any proposed lot into compliance with the zoning by-law.
- 26. Prior to submission of engineering drawings, the Owner shall have a qualified acoustical consultant prepare a noise study concerning the impact of traffic noise which considers alternative noise abatement measures that are to be applied in accordance with the requirements of the M.O.E. and the City Official Plan to be reviewed and accepted by the Director of Development Planning. The final accepted recommendations shall be constructed or installed by the Owner or may be incorporated into the subdivision agreement.
- 27. As part of the engineering drawing submission, the Owner shall incorporate enhanced landscaping and design on the north limit of proposed Lot 5, as amended, and the face of the dwelling, and in the side-exit of the local road accessing to Commissioners Road E, to the satisfaction of the Director of Development Planning. Any fence treatment shall consist of wrought iron, consistent with the fence treatment on the south side of Commissioners Road E.

SANITARY:

- 28. Prior to final approval, the Owner shall provide a lump sum payment in the amount of \$189,000 to the City of London, to cover the cost of basement flooding mitigation measures for homeowners in the area, who are determined by the City to require protection and agree to have the works undertaken.
- 29. ~~(Deleted January 2011)~~
- 30. The Owner shall not connect any weeping tile connections into the sanitary sewers within this plan and all lots shall be connected to municipal sanitary sewers.

STORM/STORMWATER MANAGEMENT:

- 31. a) The Owner shall have its consulting professional engineer design and supervise the construction of the storm/drainage system to service this plan and the total catchment area, to the specification and satisfaction of the City Engineer and according to the requirements of the following:
 - i) The SWM targets and criteria for the Thames Valley Area Subwatershed Study;
 - ii) The approved storm/servicing and Stormwater Management Functional Report for these lands;
 - iii) City of London SWM Pond requirements (update January 2003);

Agenda Item #	Page #

39T-08501
T. Grawey

- iv) The City's Drainage and Waste Discharge By-laws, lot grading standards, policies, requirements and practices;
 - v) Ministry of the Environment SWM Practices Planning and Design Manual; and
 - vi) Applicable Acts, Policies, Guidelines, Standards and Requirements of all relevant SWM agencies.
- b) The Owner shall construct the storm/drainage system to service this plan and the total catchment area, entirely at its own expense, to the satisfaction of the City Engineer and according to the requirements in part (a) above.
32. ~~The Owner shall, concurrent with the submission of design studies, develop an erosion/sediment control plan that will identify all erosion and sediment control measures for the subject lands. This plan will be in accordance with City of London and Ministry of the Environment standards and requirements, all to the specification and satisfaction of the City Engineer. This plan shall include measures to be used during all phases of construction. The Owner's professional engineer shall submit these measures as a component of the Functional Stormwater Management and Storm/Drainage Servicing Report, and is to have these measures established and approved by the City Engineer prior to any work on the site.~~
- Prior to acceptance of the Design Studies submission, the Owner shall develop an erosion/sediment control plan (ESCP) that will identify all erosion and sediment control measures for the subject lands in accordance with City of London and Ministry of the Environment standards and requirements, all to the satisfaction of the City Engineer. This Plan is to include measures to be used during all phases on construction. Prior to any work on the site, the Owner shall submit these measures as a component of the Functional SWM and/or Drainage Servicing Report for these lands and shall implement these measures satisfactory to the City Engineer. The Owner shall correct any deficiencies of the erosion and sediment control measures forthwith.
33. ~~The Owner shall implement the SWM soft measure Best Management Practices (BMP's) within the plan to the specification and 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.~~
- Prior to the acceptance of the Design Studies submission, the Owner shall implement 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.
34. Prior to final approval, the Owner's consulting engineer shall certify 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 the City, or any approval given by the City Engineer, 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.
35. Prior to the submission of engineering servicing drawings, the Owner shall have its consulting professional engineer identify the major and minor storm flow routes for the entire catchment area(s) to the satisfaction of the City Engineer.

WATER:

Agenda Item #	Page #

39T-08501
T. Grawey

36. The Owner shall connect the proposed watermain to serve this plan to the existing municipal 300 mm (12") diameter water main on Commissioners Road E, the existing municipal 200 mm (8") diameter watermain on Carnegie Lane and the existing municipal 100 mm (6") diameter watermain on Edwin Drive.

TRANSPORTATION:

37. At the time of registration, the Owner shall dedicate sufficient land to widen Commissioners Road E to 18 metres (59.06 ft.) from the centreline of the original road allowance.
38. At the time of registration, the Owner shall dedicate 6.0 m x 6.0 m "daylighting triangles" at the intersection of Edwin Drive and Commissioners Road E in accordance with Section 4.24 of Zoning By-law no. Z.-1, and such "daylighting triangles" shall be shown and dedicated as public highways on the final plan.
39. The Owner shall construct a 1.5 metres (5') sidewalk on one side of the following streets within a time-frame as directed by the City Engineer:
- i) Carnegie Lane – north boulevard
 - ii) Edwin Drive – west boulevard, from Carnegie Lane to Commissioners Road E
40. The Owner shall design and construct Edwin Drive access at Commissioners Road E to rights-out only using a design satisfactory to the City Engineer.
41. The Owner shall direct all construction traffic associated with this draft plan of subdivision to use Commissioners Road E or other routes as designated by the City Engineer from time to time.
42. Prior to the submission of engineering drawings, the Owner shall notify the Utilities Co-ordinating Committee (UCC) that the extension of Edwin Drive in this draft plan of subdivision, being the extension of Edwin Drive, is a non-standard cross section previously approved under Plan 33M-433.
43. The Owner shall establish and maintain a Traffic Management Plan (TMP), when directed by the City, in conformance 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 TMP is a construction scheduling tool intended to harmonize a construction project's physical requirements with the operational requirements of the City of London, the transportation needs of road users and access concerns of area property owners. 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 for this plan of subdivision.
44. At the time of registration, the Owner shall dedicate 0.3 metre road reserve blocks at the following locations:
- i. West side of Street 'A' abutting lands (191 Commissioners Road E) outside of this plan, and
 - ii. North boundary of the subdivision, east of Street 'A', and
45. As part of the design studies submission, the Owner shall have its consulting engineer identify in a report and on acceptable drawings how the grading issues will be resolved upon the removal of the existing retaining walls at the east limit of Carnegie Lane and Edwin Drive in Plan M-433 to the west of this plan. Any remedial action required outside the boundaries of this plan shall be at the cost of the Owner.

Agenda Item #	Page #

39T-08501
T. Grawey

46. ~~The Owner shall have the common property line of Commissioners Road E graded in accordance with the City of London Standard "Subdivision Grading Along Arterial Roads" at no cost to the City, except as permitted otherwise by the Urban Works Reserve Fund By-law.~~

The Owner shall have the common property line of Commissioners Road East 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 centreline line grades on Commissioners Road East are the existing centreline of road grades as determined by the Owner's professional engineer, satisfactory to the City Engineer. From these, the Owner's professional engineer is to determine the elevations along the common property line which will blend with the existing road, all to the satisfaction of the City Engineer.

47. During the construction of Edwin Drive, the Owner shall remove the temporary turning circle at the limit of Edwin Drive in Plan 33M-433, all at no cost to the City. Upon completion of the removal of the temporary turning circle, the City shall provide \$10,000 to the Owner, which the City presently holds for this work.
48. ~~The Owner shall prior to final approval or concurrently with registration of plan of subdivision, established the necessary easements and joint use and maintenance agreements which serves both Lots 26 and 27, as amended, to the satisfaction of the Director of Development Planning and further the Owner shall agree to construct a mutual driveway access to Commissioners Road E to serve proposed Lots 26 and 27.~~

OTHER SERVICE ISSUES:

49. Where services required by this plan are located outside this plan, the Owner shall demonstrate that arrangements have been made for these services all satisfactory to the City Engineer. Confirmation of the arrangements shall be submitted in conjunction with the design studies.
50. ~~Prior to the submission of engineering drawings, the Owner shall have its professional engineer determine the need for an Environmental Assessment for the provision of any services related to this plan.~~

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

51. The Owner shall not burn any materials on site.
52. ~~Prior to the issuance of a Certificate of Conditional Approval, the Owner shall have the existing access and services to 199 Commissioners Road East and 205 Commissioners Road East relocated and/or reconstructed to the satisfaction of the City Engineer. Any portion of existing services not used shall be abandoned and capped to the satisfaction of the City Engineer, all at no cost to the City.~~

Prior to the issuance of a Certificate of Conditional Approval, the Owner shall have the existing access and services to 199 Commissioners Road East, 203 Commissioners Road East, 205 Commissioners Road East and 279 Commissioners Road East relocated and/or reconstructed to the satisfaction of the City Engineer. Any portion of existing services not used shall be abandoned and capped to the satisfaction of the City Engineer, all at no cost to the City. In addition, the Owner shall regrade areas within Lot 10 (199 Commissioners Road East) to be compatible with the proposed subdivision grading and drainage, to the satisfaction of the City Engineer.

Agenda Item #	Page #

39T-08501
T. Grawey

53. As part of the detailed design drawings, the Owner shall identify locations of all existing infrastructure, ie, water, septic, storm, hydro, driveways, etc., and their decommissioning or relocation, to the satisfaction of the City Engineer.
54. As part of the design studies submission, the Owner shall have his consulting engineer investigate whether there is a municipal drain located on this site. Should there be a municipal drain, the Owner shall identify and prepare a report of any works required to keep this municipal drain in operation or the decommissioning of the drain, to the satisfaction of the City Engineer.
55. Upon registration of the plan, the Owner shall register a warning clause on the title of Lots 10 to 25, as amended, inclusive to advise potential purchasers that their use and enjoyment of their property may be negatively impacted by proximity of golf course operations on an adjoining property.
56. As part of the design studies submission, the Owner shall have its consulting engineer identify how the grading issues will be resolved along the west limit of this plan, to the satisfaction of the Director of Development Planning and City Engineer, any remedial action is at the cost of the Owner.
57. As part of the design studies submission, the Owner shall provide the dwelling design on Lot 5 by incorporating street-oriented development to avoid the need for a noise attenuation wall along Commissioners Road E, to the satisfaction of the Director of Development Planning.
58. Upon registration of the plan, the Owner shall convey an easement over the east limit of Lot 26, as amended, in favour of 191 Commissioners Road E for a possible future common driveway access in the event the lands at 191 Commissioners Road E develop.

New Conditions:

59. Prior to the acceptance of servicing drawings, the Owner shall contact the Utilities Coordinating Committee (UCC) should the right-of-way for Carnegie Lane and Edwin Drive, between Carnegie Lane and Commissioners Road East, be less than the City standards of 20.0 metres. Carnegie Lane and Edwin Drive, between Carnegie Lane and Commissioners Road East, are to have a minimum pavement width of 8.0 metres. It is noted the plan of subdivision may require adjustments to accommodate the pavement widths.
60. The Owner shall have its professional engineer design and supervise the construction of Edwin Drive, between Commissioners Road East and Carnegie Lane to City standards with regards to the existing grade and conditions along the boundary of this street and the abutting lands to the west, to the specifications of the City Engineer. The Owner shall make any necessary adjustments to the right-of-way, pavement, boulevard, sidewalks, utilities and services to accommodate the existing grades and conditions without requiring a retaining wall and to the satisfaction of the City Engineer, at no cost to the City.
61. The Owner shall construct storm sewers to serve this plan and connect them to the existing municipal sewer system, namely, the existing 600 mm (24") diameter storm sewer on Commissioners Road East.
62. In conjunction with the submission of the design studies, the Owner shall have their consulting engineer submit a stormwater servicing report/plan satisfactory to the City Engineer. This report shall include identification of the major and minor stormwater overland flow routes for the entire catchment area to the satisfaction of the City Engineer.

Agenda Item #	Page #

39T-08501
T. Grawey

63. Prior to the issuance of a Certificate of Conditional Approval for lots and blocks in this plan or as otherwise approved by the City Engineer, all storm/drainage and stormwater management (SWM) works, including major and minor storm flow routes, shall be constructed and operational in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the City Engineer.
64. The Owner shall not commence construction or installations of any services (eg. clearing or servicing of land) involved with this Plan prior to obtaining all necessary permits, approvals and/or certificates that need to be issued in conjunction with the development of the subdivision, unless otherwise approved by the City in writing (eg. Ministry of the Environment Certificates, City/Ministry/Government permits: Approved Works, water connection, water-taking, crown land, navigable waterways, approvals: Upper Thames River Conservation Authority, Ministry of Natural Resources, Ministry of the Environment, City, etc.)
65. Throughout the duration of construction within this draft plan of subdivision, the Owner shall 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.
66. Following construction of the sanitary sewers, the Owner shall have it's consulting engineer confirm that the sanitary sewers meet allowable inflow and infiltration levels as per OPSS 410 and OPSS 407. Also, if requested, the Owner shall permit the City to undertake smoke testing of the system at any time prior to assumption of the subdivision.
67. The Owner shall 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 sewer. Alternatively, the City may require the Owner to undertake smoke testing at his own cost for this purpose and provide a record of the results to the City. The City may require smoke testing to be undertaken until such time as the sewer is assumed by the City.
68. Prior to the acceptance of the Design Studies submission, the Owner shall have it's professional engineer determine if there is sufficient water turnover to ensure water quality and determine how many homes need to be built and occupied to maintain water quality in the water system. If the water quality cannot be maintained in the short term, the Owner shall install automatic blow offs, where necessary, to the satisfaction of the City Engineer, or make suitable arrangements with Water Operations for the maintenance of the system in the interim.
69. 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 Engineer.
70. 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 specifications and satisfaction of the City Engineer.
71. 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 Engineer.
72. In the event the Owner wishes to phase this plan of subdivision, in conjunction with the Design Studies submission, the Owner shall submit a phasing plan, all to the specifications and satisfaction of the City Engineer. If this plan is developed in phases and any temporary measures are required, these temporary measures shall be

Agenda Item #	Page #

39T-08501
T. Grawey

constructed to the specifications and satisfaction of the City Engineer, at no cost to the City.

73. In the event the draft plan develops in phases, prior to final approval 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.

74. 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 the services from this subdivision into any unassumed services.

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

i) In the event discharge is to unassumed services, the unassumed services must be completed and conditionally accepted by the City;

ii) The Owner must provide a video inspection on all affected unassumed sewers; Any damages caused by the connection to unassumed services shall be the responsibility of the Owner.

75. 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 design flows, to the satisfaction of the City Engineer, for sewers or on storage volume in the case of a SWM facility. The Owner's payments to third parties shall:

i) commence upon completion of the Owner's service work, connections to the existing unassumed services; and

ii) continue until the time of assumption of the affected services by the City.

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

77. 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 Engineer and Chief Building Official immediately, and if required by the City Engineer and Chief Building Official, the Owner shall, at his own expense, retain a professional engineer competent in the field of methane gas to investigate these deposits and submit a full report on them to the City Engineer and Chief Building Official. 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 Engineer and Chief Building Official shall be implemented and carried out under the supervision of the professional engineer, to the satisfaction of the City Engineer 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 engineer 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.

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

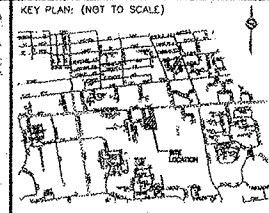
Agenda Item #	Page #

39T-08501
T. Grawey

"Guidelines for Notification to Public for Major Construction Projects".

- 79. All costs related to the plan of subdivision shall be at the expense of the Owner, unless specifically stated otherwise in this approval.
- 80. The Owner shall remove any temporary works when no longer required and restore the land, at no cost to the City, to the specifications and satisfaction of the City Engineer.
- 81. The Owner shall decommission any existing infrastructure affected by the development of this site, at no cost to the City, including cutting the water service and capping it at the watermain, as required by and to the specifications of the City Engineer.
- 82. Prior to final approval, the Owner shall apply for and receive draft plan of condominium approval (and if required, an associated Zoning By-law amendment) on Lots 1, 2, 3 and 4, to provide for the ongoing maintenance of the private drywell system that receives surface drainage from these lots. The ongoing maintenance and associated cost of the system shall be identified as the sole responsibility of the benefitting lot owners.

COMMISSIONERS ROAD EAST



**DRAFT PLAN OF SUBDIVISION
HIGHLAND GREEN SUBDIVISION
LEGAL DESCRIPTION**

PLAN OF SURVEY
OF PART OF
LOT 28
CONCESSION 1
IN THE
CITY OF LONDON
(GEOGRAPHIC TOWNSHIP OF WESTMINSTER)
NOW THE
COUNTY OF MIDDLESEX

OWNER'S CERTIFICATE

I HEREBY AUTHORIZE HIGHLAND GREEN LONDON INC. TO SUBMIT THIS DRAFT PLAN OF SUBDIVISION

A. SOWAH, PRESIDENT
HIGHLAND GREEN LONDON INC.
(THE COMMISSIONERS RD E)
DATE: Dec 18, 2007

MARGARET FRICHER
CITY COMMISSIONERS RD E
DATE: Dec 18, 2007

SURVEYOR'S CERTIFICATE

I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED, AS SHOWN ON THIS PLAN, AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

J. ANDREW SMITH, OLS
ONTING LAND SURVEYOR
CALLON DETZ INCORPORATED
DATE: DEC 18, 2007

SUBJECT TO THE CONDITIONS, IF ANY SET FORTH IN OUR LETTER DATED 31ST DAY OF JULY 2005, THIS DRAFT PLAN IS APPROVED UNDER SECTION 51 OF THE PLANNING ACT, THIS 31ST DAY OF JULY 2008

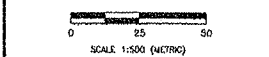
Robin W. Procter - General Manager of Planning and Development
Approval Authority for the City of London

REQUIREMENTS OF SECTION 51(1) OF THE PLANNING ACT

- (A) SEE PLAN (C) SEE PLAN (I) SEE PLAN
- (B) SEE PLAN (F) SEE PLAN (J) SEE PLAN
- (D) SEE PLAN (G) SEE PLAN (H) SEE PLAN
- (E) SEE PLAN (M) WASTEWATER (K) SEE PLAN

SCHEDULE OF LAND USE (IN Ha.)

LOTS 1 TO 26 - LOW DENSITY SINGLE FAMILY RESIDENTIAL	1.883
BLOCK 27 - SINGLE FAMILY BLOCK	0.263
ROADS	0.637
TOTAL	2.883



AS PER CITY OF LONDON / DATE SUBMITTED (ON 26, 2008)	DATE	BY
AS PER CITY OF LONDON / DATE (ON 18, 2007)	DATE	BY
AS PER CITY OF LONDON / DATE (ON 18, 2007)	DATE	BY

ENG PLUS Engineers Landscape Architects and Building Designers

DRAWN BY: AI
 PLAN FILE No: HIGHLAND GREEN SUBDIVISION
 DISK No:
 SCALE: 1:500
 DATE: Dec. 15, 2008 PROJECT No: 00.297

RECEIVED BY
 JAN 07 2008
 CITY OF LONDON
 PLANNING DIVISION