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<b>TO:</b>	<b>CHAIR AND MEMBERS BUILT AND NATURAL ENVIRONMENT COMMITTEE</b>
	<b>MEETING ON MONDAY SEPTEMBER 26, 2011</b>
<b>FROM:</b>	<b>D.N. STANLAKE DIRECTOR OF DEVELOPMENT PLANNING</b>
	<b>DAVID AILLES MANAGING DIRECTOR, DEVELOPMENT APPROVALS BUSINESS UNIT</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: BANMAN DEVELOPMENTS (LEGENDARY) INC. REQUEST FOR EXTENSION OF DRAFT APPROVAL EAST OF WHARNCLIFFE RD. SOUTH AT LEGENDARY DRIVE</b>

<b>RECOMMENDATION</b>
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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 Banman Developments (Legendary) Inc., relating to the property located east of Wharncliffe Road South at Legendary Drive:

- (a) The Approval Authority **BE ADVISED** that Municipal Council **SUPPORTS** a two (2) year extension for that portion of the draft approved plan not yet registered, as submitted by Legend Developments Ltd. (File No. 39T-02502) certified on June 24, 2003 by Murray Fraser, FKS Surveying Ltd., Drawing No. c-draftplan-sk3, which shows a balance of 93 single detached lots and three (3) future development blocks, served by 1 secondary collector road and 3 local streets, **SUBJECT TO** the revised conditions contained in the attached Appendix "39T-02502-1"; and
- (b) The Applicant **BE ADVISED** of the following claims and revenues information:

Estimated Costs – Developer Built	
Urban Works Reserve Fund – General	<b>\$950,000</b>
Urban Works Reserve Fund - Stormwater Management	
Capital Expense	
Other	
<b>Total</b>	<b>\$950,000</b>
Estimated Revenues	
CSRF	<b>\$1,473,027</b>
UWRF	<b>\$ 593,433</b>
<b>Total</b>	<b>\$2,066,460</b>

**NOTE:**

- 1. 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.

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### PREVIOUS REPORTS PERTINENT TO THIS MATTER

**October 14, 2003** – Report to Public Participation meeting at Planning Committee on application for Draft Plan of subdivision approval and associated Zoning By-law amendment.

**March 24, 2005** – Report to Planning Committee meeting on special provisions for Phase 1 lands subdivision agreement.

**October 16, 2006** – Report to Planning Committee recommending a two (2) year extension of Draft Plan approval.

**October 16, 2006** – Report to Planning Committee meeting on special provisions for Phase 3A lands subdivision agreement.

**June 18, 2007** – Report to Planning Committee meeting on special provisions for Phase 2 lands subdivision agreement.

**June 16, 2008** - Report to Planning Committee meeting on special provisions for Phase 2A lands subdivision agreement.

**September 22, 2008** – Report to Planning Committee meeting recommending a three (3) year extension of Draft Plan approval.

**November 8, 2010** – Report to Built & Natural Environment Committee on special provisions for the Phase 3B subdivision agreement.

### RATIONALE

1. An extension for two (2) years 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 developed in accordance with current municipal servicing and design standards.

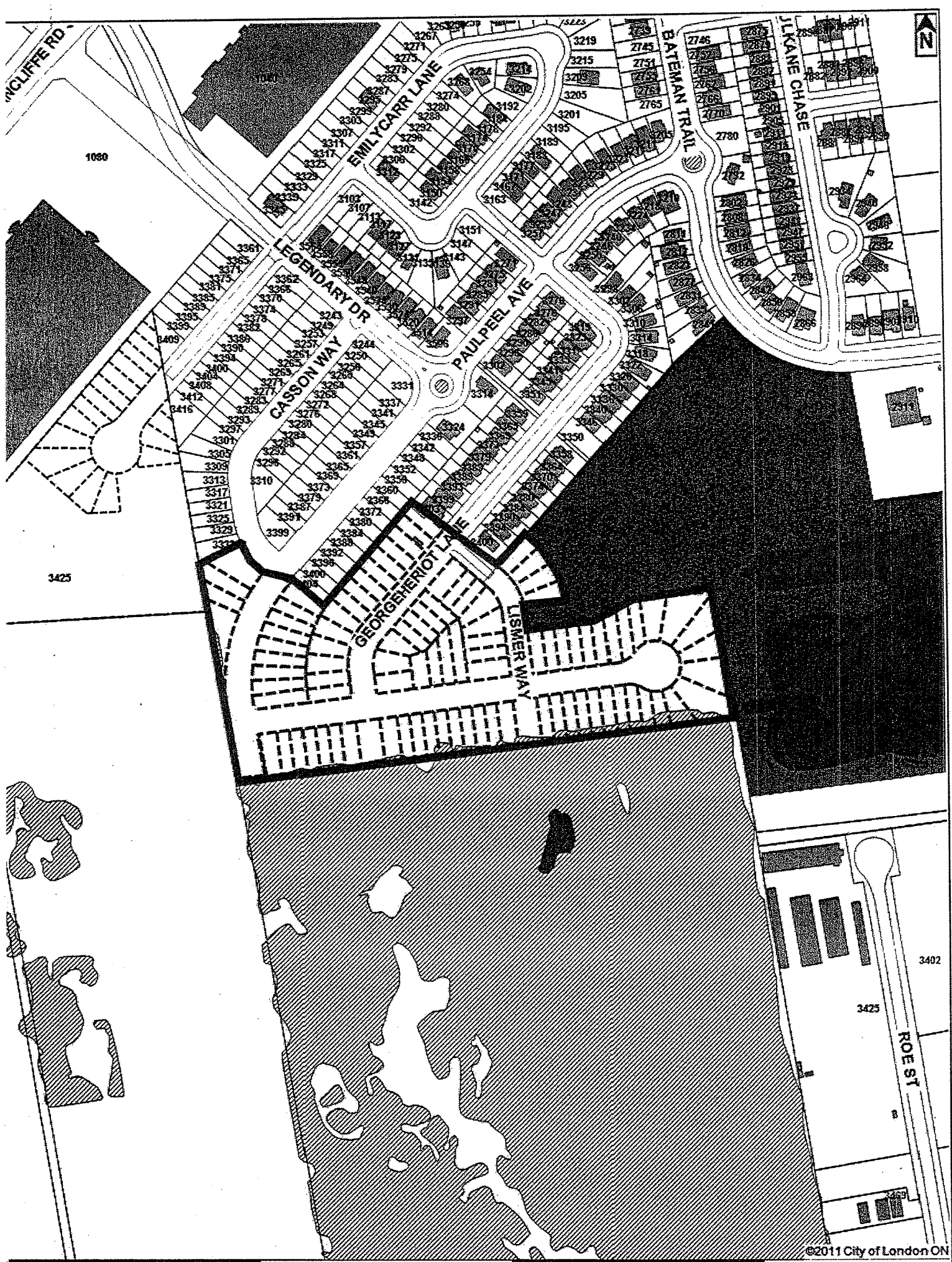
### BACKGROUND

The "Legend" subdivision is located within the North Longwoods Planning Area, which is bounded by Southdale Road on the north, the Bradley extension alignment on the south, White Oak Road on the east and Wharncliffe Road on the west.

The application for Draft Plan of Subdivision Approval was accepted on February 25, 2002. The public participation meeting was held on October 14, 2003 and the plan was draft approved on November 7<sup>th</sup>, 2003, subject to conditions. There were no requests for referral of the subject plan within the statutory appeal period.

To date, five phases of the draft plan of subdivision have received final approval, as follows:

- Phase 1 was registered as Plan 33M-518 on May 2, 2005;
- Phase 2 was registered as Plan 33M-581 on September 5, 2007;
- Phase 2A was registered as Plan 33M-594 on July 28, 2008;
- Phase 3A was registered as Plan 33M-582 on September 20, 2007;
- Phase 3B was registered as Plan 33M-625 on December 29, 2010.



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### LOCATION MAP

### LEGEND

Subject Site: Legend North Longwoods Subdivision  
 File Number: 39T-02502-4

Location: East side of Wharncliffe Road,  
 south of Southdale Road  
 Planner: Terry Grawey

Date: 2011-06-13  
 Scale: 1:3700

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



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Banman Developments (Legendary) Inc. recently acquired the balance of the subject lands from Legend Developments and has requested an extension to the Draft Approval lapse date, which expires on October 31, 2011. The balance of the draft approved plan includes 93 single detached residential lots as well as several future development blocks and reserve blocks, served by one secondary collector road (Paul Peel Avenue) and three local streets.

<b>EVALUATION</b>
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**Agency Comments:**

The Planning, Engineering and Environmental Services Department has no objection to the extension of draft approval for the subdivision. *(Note: updated costs and revenues information and updated conditions have been recommended which reflect current municipal servicing standards. The updated conditions are reflected in the attached appendix)*

The subject lands are regulated by Upper Thames River Conservation Authority (UTRCA) in accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the Conservation Authorities Act. The regulation limit is comprised of a riverine flooding hazard. The UTRCA has jurisdiction over lands within the regulated area and requires that landowners obtain written approval from the Authority prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland. The UTRCA has no objection to this request for Extension of Draft Approval. The applicant should contact the UTRCA to confirm whether a permit or alternatively a clearance letter will be required in order to undertake works in the regulated area.

Union Gas requests that as a condition of final approval, the owner/developer provide easements required for the provision of gas services for this subdivision, in a form that is satisfactory to Union Gas.

**Recommended Actions:**

Recommended modifications include the replacement of several conditions, and the addition of new conditions (No.'s 52 to 67) that implement current municipal servicing requirements. A number of technical modifications are also included, which reflect changes in terminology and organizational structure.

Since 2005, five phases of the draft approved plan have been registered and the Owner has indicated that the remaining inventory of 93 lots will not be developed in 2012 at the earliest. An extension of two (2) years has been requested, to allow sufficient time for build-out of the subdivision. An extension of two (2) years is being recommended from the current lapse date of October 28<sup>th</sup>. This is considered a reasonable timeframe within which to complete the balance of the plan (93 lots) in one or two additional phases.

Substantive modifications and proposed new conditions are hi-lited as additions and deletions in attached "Appendix 39T-02502-1". The updated conditions also include a number of minor technical modifications, as noted above.

No changes are proposed to the road alignments or lotting pattern and the 2003 draft approved plan, as red line revised, will continue to guide the final phase of development. Similarly, the Residential (R1-3) Zoning has previously been approved (subject to removal of the "h" holding provision) and no further changes are contemplated or required.

**Consistency with the Official Plan and PPS:**

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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. Conditions of draft approval will ensure that full municipal services will be provided in accordance with municipal and Provincial policies.


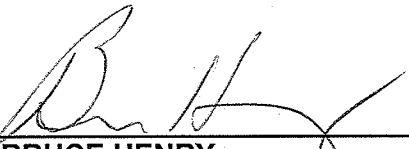

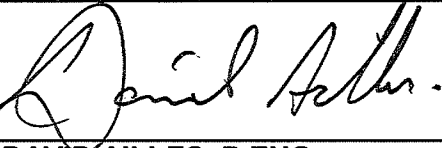
**Public Notice:**

Full public notice was previously provided with the draft plan approval and rezoning application for this subdivision. Since no changes are being proposed to the zoning or draft approved plan, a limited notice of the revised conditions will be provided to the Owner, parties prescribed under the Act and anyone who requested notice at the time of draft approval, in accordance with Section 50(45) of the *Planning Act*

<b>CONCLUSION</b>
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The plan of subdivision was draft approved in 2003 and five phases of the plan have been registered to date. A request for a three year extension of draft approval is being made by the Owner to service and market the balance of the lots.

Based on the input that has been received, modifications are being recommended which will update the terminology, and add or modify conditions to implement current municipal servicing standards. These modifications will not affect the approved zoning, or the previously approved road alignments and lotting pattern. An extension of two (2) years is being recommended, to provide sufficient time to complete the subdivision in one or two additional phases.

<b>PREPARED BY:</b>	<b>SUBMITTED BY:</b>
	
TERRY GRAWEY SENIOR PLANNER – DEVELOPMENT PLANNING	BRUCE HENRY MANAGER – DEVELOPMENT PLANNING
<b>RECOMMENDED BY:</b>	<b>RECOMMENDED BY:</b>
	
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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**“Appendix 39T-02502-1”  
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-02502 ARE AS FOLLOWS:**

<b>NO.</b>	<b>CONDITIONS</b>
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**Standard**

1. This approval applies to that portion of the draft approved plan not yet registered, as submitted by Legend Developments Ltd. (File No. 39T-02502) certified on June 24, 2003 by Murray Fraser, FKS Surveying Ltd., Drawing No. c-draftplan-sk3, which shows a balance of 93 single detached lots and three (3) future development blocks, served by 1 secondary collector road and 3 local streets.
2. This approval of the draft plan applies until October 31, ~~2014~~ 2013, 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(s) shall be named to the satisfaction of the Director of Development Planning. The Owner shall within 90 days of draft approval, submit proposed street names to the satisfaction of the Director of Development Planning.~~
5. ~~The municipal addresses 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 agrees in writing to satisfy all the requirements, financial and otherwise, of the City of London including in order to implement the conditions of this draft approval. but not limited to, surfacing of roads, installation and maintenance of services, drainage and grading, tree planting and tree preservation.
9. The subdivision agreement between the Owner and the City of London be registered against the lands to which it applies.
10. ~~The Owner shall provide to the appropriate authorities such easements as may be required for road, utility 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

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cost to the City.

11. The subdivision agreement between the Owner and the municipality shall contain phasing arrangements to the satisfaction of the Managing Director, Development Approvals Business Unit and the City Engineer.
12. ~~In conjunction with design studies submission, the Owner shall develop an erosion/sediment control plan that will identify all erosion and sediment control measures for the subject lands in accordance with City of London and Ministry of the Environment standards and requirements, all to the satisfaction of the City Engineer. This plan is to include measures to be used during all phases of construction. Prior to any work on the site, the Owner shall implement these measures satisfactory to the City Engineer.~~

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.

13. No construction or installations of *any* kind (eg. Clearing or servicing of land) involved with this plan shall be undertaken 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 Managing Director, Development Approvals Business Unit in writing; (eg. MOE certificates; City/Ministry/Agency permits: Approved Works, water connection, water-taking, navigable waterways; approvals: UTRCA, MNR, MOE, City; etc; etc.)
14. Prior to final approval, 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 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. Should any remedial works be recommended in the report, the Owner agrees to complete these works to the satisfaction of the City, at no cost to the City.
- ~~15. The Owner shall prior to final approval have the identified treed area on the east limit of the plan (Block 341 and lots 272-277) assessed for potential tree retention within the development.~~
16. ~~That the Owner agrees that at the time of development,~~ the Owner shall install signage as the streets are constructed, indicating "Possible Future Transit Stop Area" in the approximate stop locations. The exact stop locations shall be field located as the adjacent sites are built, at which time the developer shall install a 1.5 metre wide concrete pad between the curb and the boulevard, at the finalized stop locations.
17. That prior to final approval of this plan and subject to the satisfaction of the London District Catholic School Board, the Owner shall agree in the subdivision agreement to include a suitable warning clause advising future purchasers that this area may be accommodated in temporary facilities and/or bused outside in the neighbourhood for their education.

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18. That prior to final approval of this plan and subject to the satisfaction of the Thames Valley District School Board, the Board may require the Owner to agree in the subdivision agreement to include a suitable clause to advise future purchasers that this area has been designated a "Holding Zone" for school accommodation purposes and students will be accommodated at a "Holding School".

19. ~~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.

20. Prior to final approval, the Owner shall make the necessary arrangements with the affected property owner(s) for the construction of any portion of the outlet sewers extending to this subdivision and situated on private lands outside this plan, and to provide satisfactory easements over the sewers as necessary, all to the specifications of the City Engineer, should this subdivision proceed prior to development of the subdivisions west and east of the subject lands.

21. The Owner shall not burn any materials on site.

22. The Owner shall agree that prior to the issuance of Provision of Certificate of Approval, a 1.8 metre high solid board privacy fence shall be constructed along the rear property line of lots 277 to 315 inclusive where there is an interface with lands zoned for commercial use.

23. The Owner shall include in all offers of purchase and sale a clause which advises purchasers and any subsequent Owners the following Noise Warning Clause:

"Purchasers/tenants are advised that sound levels due to nearby commercial operations may on occasions interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality's and the Ministry of Environment's noise criteria."

24. Prior to the submission of servicing drawings, in order to address the issue of on-street parking within small lot developments, the Owner shall design and agree to implement an on-street parking plan, whereby one on street parking space for each two dwelling units is to be used as the basis for the design, to the satisfaction of the Director of Development Planning. A parking plan is required for each registered phase of development and it will form part of the subdivision agreement for the registered plan.

25. Prior to the submission of servicing drawings, the Owner shall submit a plan developed in the context of the road network established by the North Longwoods Area Plan which identifies the traffic calming measures required along the secondary collector road network to discourage through traffic and excessive vehicle speeds.

Alternatively, in lieu of preparing a traffic calming plan, the ~~Transportation Division will accept~~ Owner shall install the following traffic calming measures;

- i) curb extensions along the north side of Legendary Drive from the western boundary of the plan of subdivision to Paulpeel Avenue with the parking bay



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removed for utilities (fire hydrants) and for transit stop locations as defined by the London Transit Commission,

- ii) curb extensions along the east side of Paulpeel Avenue from the eastern boundary to the southern boundary of the plan of subdivision with the parking bay removed for utilities (fire hydrants) and for transit stop locations as defined by the London Transit Commission,
- iii) reduced curb radii (5.0 metre) on the inbound approach to all local roads intersecting the secondary collector road network.

~~26. That a roundabout be constructed at the intersection of Paulpeel Avenue and Legendary Drive to the satisfaction of the City Engineer.~~

27. ~~The Owner shall develop the future residential development blocks (Lot 191, Blocks 341, 342, 343 and 354) with adjacent lands.~~ The Owner shall agree to only develop Block 343 with adjacent lands to the west. Prior to final approval, the Owner shall apply for a Zoning By-law amendment to add a holding provision which will only permit development after this block has been consolidated with adjacent lands.

28. That prior to final approval, if the location of the future development block (Block 355) to access the lands to the south (Johnstone property) is not acceptable to Banman Developments (Legendary) Inc., the onus shall be placed on the two property owners to come to an agreement for access arrangements between their properties. An agreement to shift the location of Block 355 will not require a formal amendment to the conditions of the draft approval.

29. ~~The owner shall fence the east limit of lots 34 through 38, inclusive with a 1.5 metre chain link fence.~~ Within one (1) year or registration, the Owner agrees to install a 1.5 metre high chain-link fence, without gates, in accordance with City Standard SPO-4.8 along the rear limits of lots 34 through 53 and the south interior side yard of lot 49 adjacent to park blocks 83 and 84 in registered plan 33M-518, to the satisfaction of the Director of Development Planning.

~~30. The Owner shall monument all lots adjacent to open space areas to be assumed by the City, to the satisfaction of the Director of Development Planning. Any fencing arrangements shall be to the satisfaction of the General Manager of Planning and Development.~~

31. ~~The Owner shall connect the proposed sanitary sewers to serve this plan to a municipal sewer system, namely, the existing 200 mm (8") sanitary sewer at Paulpeel Avenue and Georgeheriot Lane.~~

The Owner shall construct sanitary sewers to serve this plan and connect them to the existing municipal sewer system, namely, the existing 300 mm (12") diameter sanitary sewers located within this Plan from the east limit of this Plan over Lots 27 and 28 in this Plan, along Lismer Lane from the east end to Lismer Way; and along Lismer Way from Lismer Lane to the north limit of this Plan.

32. Prior to or in conjunction with the servicing design for this site, the Owner shall agree to have its consulting professional engineer identify the major and minor storm flow routes for the total catchment area, all to the satisfaction of the City Engineer.

33. The Owner shall promote the implementation of SWM soft measure Best Management Practices (BMP's) within the plan, where possible, 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 and the approval of the City Engineer.

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34. The Owner shall ensure that 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 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. ~~The Owner shall connect to the proposed watermain to serve this plan to a municipal water system, namely, to the existing 200 mm (8") diameter watermain on Georgeheriot Lane.~~
- The Owner shall construct watermain to serve this plan and connect them to the existing municipal watermain system, namely, the existing 250 mm (10") diameter watermain on Paulpeel Avenue, the existing 200 mm (8") diameter watermain on Georgeheriot Lane and the existing 150 mm (6") diameter watermain on Lismer Way.
- ~~36. The Owner shall agree that once construction of any private services, ie: water, storm or sanitary, to service the lots or blocks in this plan is completed and any proposed relotting of the plan is undertaken, all the previously installed services must be constructed in standard location, in accordance with the approved final lotting and approved revised servicing drawings, all to the specifications of the City Engineer and at no cost to the City.~~
- ~~37. The Owner shall agree that, in the event that an emergency access is required by the Director of Development Planning for this subdivision, this requirement will be subject to satisfying the City Engineer with respect to all technical aspects, including adequacy of site lines, provision of channelization, adequacy of road geometries and structural design, etc.~~
38. 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:
- 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.
- ~~39. Prior to registration of the plan, the Owner shall provide a cash in lieu contribution for downstream sanitary sewer flooding mitigation to address downstream flooding problems in the Gordon Avenue Sewer. The program of addressing downstream flooding is to be addressed by the City of London. The cash in lieu contribution would be equivalent to a calculation of storage costs equivalent to two hours peaked flow at City of London Design Criteria.~~
40. In conjunction with design studies submission, the Owner shall have its 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.
41. 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

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requirements shall be completed to the satisfaction of the City Engineer and Managing Director, Development Approvals Business Unit.

42. 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.
43. 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.
44. 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.
45. 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.
46. Prior to submission of engineering drawings, the Owner shall have its professional engineer determine the need for an Environmental Assessment under the Class EA requirements for the provision of any services related to this plan. No construction involving installation of services requiring an EA is to be undertaken prior to fulfilling the obligations and requirements of the Province of Ontario's Environmental Assessment Act.
47. If any temporary measures of any phase of this subdivision are required, these temporary measures shall be constructed to the specifications and satisfaction of the City Engineer, at no cost to the City.
48. 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.
49. 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.
50. 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 or detailed engineering drawings, all to the satisfaction of the Managing Director, Development Approvals Business Unit and the City Engineer. The Owner acknowledges that, in the event that a submission does not include the complete information required by the Managing Director, Development Approvals Business Unit and the City Engineer, such submission will be returned to the Owner without detailed review by the City.
51. ~~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.~~

Prior to final approval for the registration of the subdivision by the Approval Authority, the Director of Development Planning is to be advised in writing by the Finance Department.

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City of London, that all financial obligations/encumbrances owing to the City on the said lands have been paid in full, including property taxes and local improvement charges.

52. Prior to registration 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 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.

53. 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.
54. 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.
55. 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. The local sanitary sewer will be at the sole cost of the Owner. Any exception will require the approval of the City Engineer.
56. 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. It is noted the major and minor storm flows for this phase (Phase 4) are permitted to drain to the existing White Oak SWM Facility # 2.
57. Any additions or alterations to the proposed development that were not included in the original Water Servicing Report shall be included in a Revised Water Servicing Report including servicing to the proposed blocks.
58. The Owner shall address water quality requirements for the phasing of the watermain in the subdivision by the use of:
- i) Design calculations which demonstrate there is adequate water turnover to maintain water quality;
  - ii) The use of valving to shut off future connections which will not be used in the near term; or
  - iii) The use of 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 charge to the Owner.
59. 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.

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60. 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.

61. 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.

62. 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.

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

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

65. 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.

66. The Owner shall prepare a street tree planting plan and provide the City with cash-in-lieu for the cost of street tree planting on boulevards within the plan of subdivision, in accordance with the City's Tree Planting Policy for New Subdivision Development.