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Draft Approval Extension 39T-04503  
A. MacLean

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>G. KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES &amp; CHIEF BUILDING OFFICIAL</b>
<b>SUBJECT:</b>	<b>REQUEST FOR EXTENSION OF DRAFT APPROVAL  CLAYBAR SUBDIVISION 1139 FANSHAWE PARK ROAD WEST DRAFT APPROVED PLAN 39T-04503  CLAYBAR DEVELOPMENTS INC.  MEETING ON SEPTEMBER 4, 2012</b>

**RECOMMENDATION**

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the request from Claybar Developments Inc, for the property located at 1139 Fanshawe Park Road West:

- a) The Approval Authority **BE ADVISED** that Council supports the granting of a 3 year extension of the draft plan of subdivision, submitted by Claybar Developments Inc.(File 39T-04503), prepared by Stantec Consulting Inc., certified by Jeremy C.E. Matthews, as red-line amended, which shows a total of 23 low density residential blocks, one (1) medium density residential block, one (1) high density residential block, one (1) commercial block, three (3) school blocks, walkway and various reserve blocks served by one (1) new collector road and five (5) new local streets, **SUBJECT TO** the revised conditions contained in the attached Appendix "39T-04503"; and,
- b) The applicant **BE ADVISED** that the Director of Development Finance has summarized claims and revenues information in the attached Appendix "A".

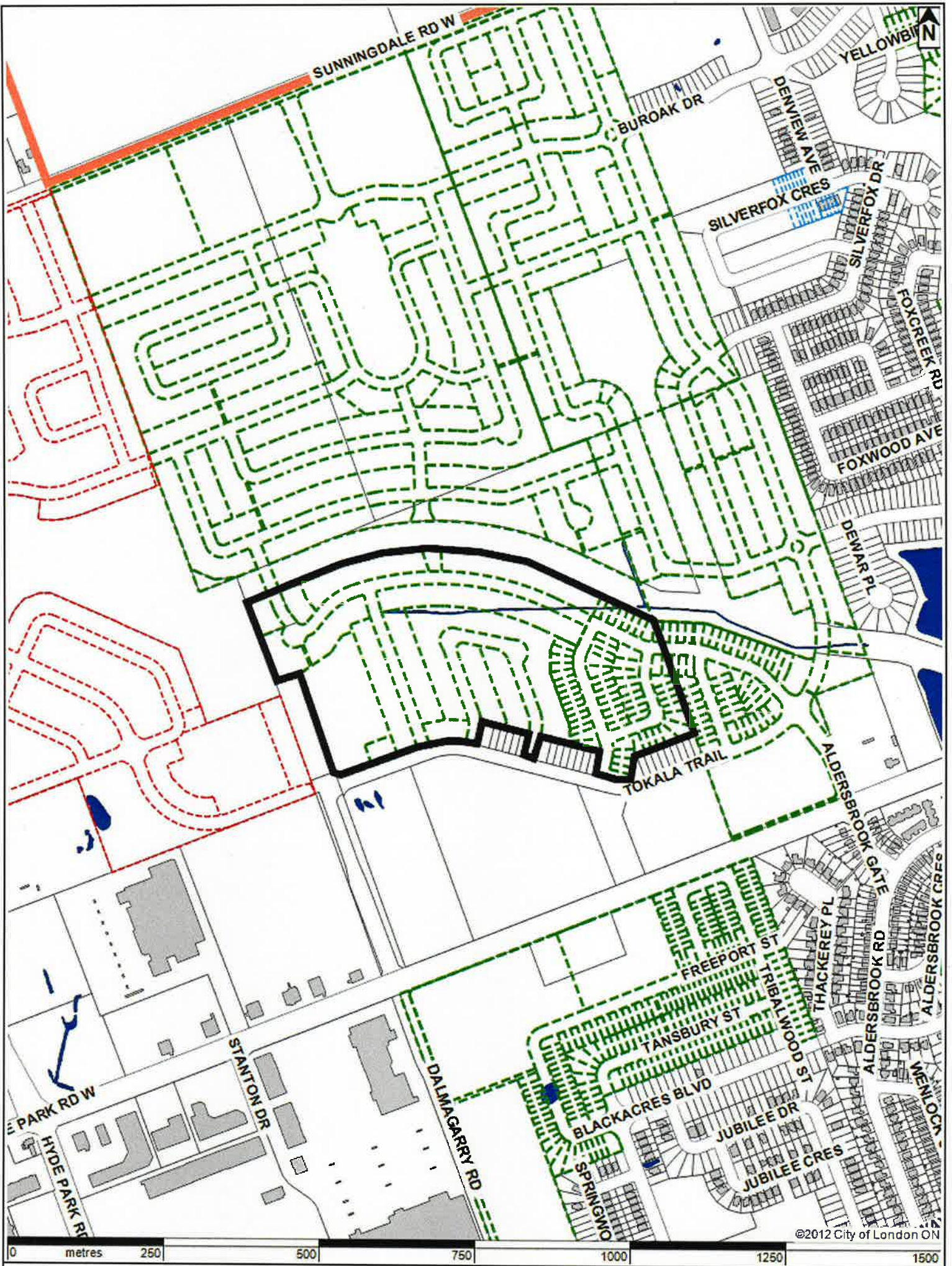
**PREVIOUS REPORTS PERTINENT TO THIS MATTER**

**September 13, 2010 - Report to Planning Committee on Special Provisions for Phase I (33M-623).**

**July 2009 - 39T-04503/O-7644/Z-6717 - Report to Planning Committee on Draft Plan of Subdivision, Official Plan and Z-1 Zoning By-law amendments.**

**BACKGROUND**

This extension of draft approval request for three years is being considered by Council, consistent with the Council's delegation By-law (CP-13) for plan of subdivision approval.








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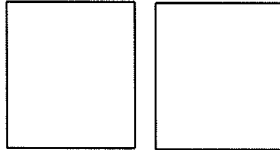
**LOCATION MAP**

Subject Site: 1139 Fanshawe Park Rd W  
 Applicant: Claybar Developments Inc  
 File Number: 39T-04503  
 Planner: Allister MacLean  
 Created By: Allister MacLean  
 Date: 2012-08-20  
 Scale: 1:7500

**LEGEND**

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





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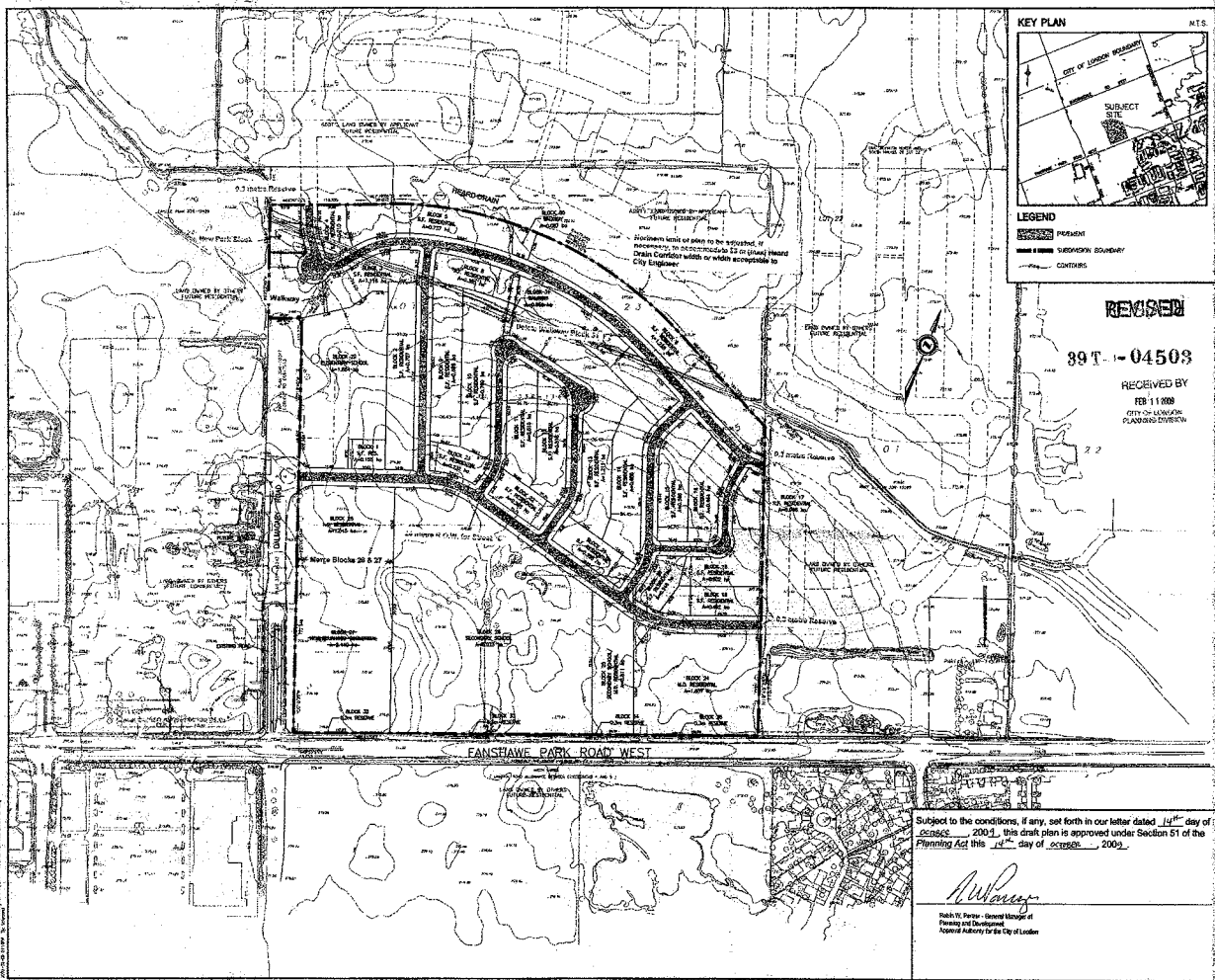
The Claybar subdivision is comprised of a 32 hectare (80 ac.) property located at 1139 Fanshawe Park Rd. West, east of Hyde Park Road. The application for Draft Plan of Subdivision Approval was originally accepted on July 9, 2004. After a number of modified versions of the plan it was approved by the Approval Authority on October 14, 2009. There were no appeals to the draft plan.

The Owner registered the first phase (33M-623 consisting of 24 sfd lots, one (1) school block and two (2) multi-family blocks) of this subdivision on November 29, 2010.

Due to the time required to complete the remainder of this subdivision, the owner is requesting a three (3) year extension to the draft approval.

<b>Date Request Accepted:</b> January 13, 2012	<b>Agent:</b> Steve Stapleton, Auburn Developments Inc.
<b>REQUESTED ACTION:</b> Request for a 3 year extension to draft approval.	

**Draft Approved Plan**



**Starlec**  
 111 Queen Avenue  
 London ON Canada  
 N6A 5Y7  
 Tel: 519.836.5000  
 Tel: 519.835.8325  
 www.starlec.com

**CLAYBAR SUBDIVISION  
 DRAFT PLAN  
 OF SUBDIVISION**  
 PART OF LOT 23  
 CONFESSION 3  
 (GEORGIAN TOWNSHIP OF LONDON)  
 IN THE  
 CITY OF LONDON  
 COUNTY OF MIDDLESEX

**REGISTRATION REQUIRED UNDER SECTION 11 OF THE PLANNING ACT**

**REMOVED**  
**39T-04503**  
 RECEIVED BY  
 FEB 11 2009  
 CITY OF LONDON  
 CLANDED DIVISION

**SCHEDULE OF LAND USE** (48 Pa.)

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URBAN RESIDENTIAL	1500

**OWNERS AUTHORIZATION**  
 I HEREBY AUTHORIZE THE CITY OF LONDON TO REGISTER THIS DRAFT PLAN OF SUBDIVISION.

**SURVEYORS CERTIFICATE**  
 I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THE INFORMATION CONTAINED THEREON ARE ACCURATE AND CORRECT.

Subject to the conditions, if any, set forth in our letter dated 14<sup>th</sup> day of January, 2009, this draft plan is approved under Section 51 of the Planning Act this 14<sup>th</sup> day of January, 2009.

Paul W. Dwyer - General Manager of Planning and Development  
 Approval Authority for the City of London

Starlec  
 111 Queen Avenue  
 London ON Canada  
 N6A 5Y7  
 Tel: 519.836.5000  
 Tel: 519.835.8325  
 www.starlec.com

**AUBURN DEVELOPMENTS INC.**  
 CLAYBAR SUBDIVISION  
 London Ont Canada  
**DRAFT PLAN OF SUBDIVISION**  
 39T-04503

Project: 1514-00077  
 Scale: 1:1000  
 Drawing No: DP-1  
 Sheet: 1 of 1  
 Date: 2009-01-13

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A. MacLean**





**ANALYSIS**

The attached amendments to the conditions of draft approval are required to ensure that these lands are developed to today's standards. The changes to conditions are to address engineering issues. The amendments to the conditions of draft approval are shown as strikeouts(deletions) and shaded areas(additions) on the attached Appendix. A further redline amendment to the draft plan is also required to accurately reflect an expanded pathway connection at Block 31 (which was not addressed in the original redline amended plan).

As a result of these minor changes to the draft plan and the conditions of draft approval, an extension may be granted and there is no requirement for public notice of the changes (in accordance with Section 50 (33) & (47) of the Planning Act). If granted, the new draft approval lapse date would be October 14, 2015.

**CONCLUSION**

The attached revised conditions of draft approval are appropriate to ensure that this subdivision is developed under current City standards.

<b>PREPARED and RECOMMENDED BY:</b>	<b>REVIEWED BY:</b>
	
<b>ALLISTER MACLEAN SENIOR PLANNER</b>	<b>BRUCE HENRY MANAGER – DEVELOPMENT PLANNING</b>
<b>REVIEWED BY:</b>	<b>SUBMITTED BY:</b>
	
<b>JENNIE A. RAMSAY, P. ENG MANAGER-DEVELOPMENT SERVICES</b>	<b>G. KOTSIFAS, P.ENG MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES &amp; CHIEF BUILDING OFFICIAL</b>

August 23, 2012

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A. MacLean**

**Appendix "A"**

**Related Estimated Costs and Revenues**

<b>Estimated Costs – This Agreement</b>	
Claims from Urban Works Reserve Fund – General - Storm sewer – subsidy for oversizing	<b>\$459,652</b>
Stormwater Management	<b>Nil</b>
Capital Expense	<b>Nil</b>
Other	<b>Nil</b>
<b>Total</b>	<b>\$459,652</b>
<b>Estimated Revenues - This Agreement (2012 rates)</b>	
CSRF	<b>\$4,885,650</b>
UWRF	<b>\$1,968,219</b>
<b>Total</b>	<b>\$6,853,869</b>

1. Estimated Costs are based on approximations provided by the applicant. Final claims will be determined based on actual costs in conjunction with the terms of the subdivision agreement and the applicable By-law.
2. Estimated Revenues are calculated using 2012 DC rates and may take many years to recover. The revenue estimates includes DC cost recovery for "soft services" (fire, police, parks and recreation facilities, library, growth studies). There is no comparative cost allocation in the Estimated Cost section of the report, so the reader should use caution in comparing the Cost with the Revenue section.
3. The revenues and costs in the table above are not directly comparable. This subdivision, like others in the area, also relies on the recently constructed roadwork and SWM facilities, the cost of which is not reported above. Other growth related costs (like wastewater treatment plant and road capacity expansion) incurred to serve this subdivision and surrounding areas are not reported above, though the revenue for those service components is included in the "Estimated Revenues – This Agreement" section above. As a result, the revenues and costs reported above are not directly comparable. The City employs a "citywide" approach to recovery of costs of growth – any conclusions based on the summary of Estimated Costs and Revenues (above table) should be used cautiously.
4. The Owner should take note that there are currently significant delays in payment of claims from the Urban Works Reserve Fund.

Reviewed By:



Peter Christiaans  
Director, Development Finance

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**Additions/Deletions**

**APPENDIX 39T- 04503**

(Conditions to be included for draft plan approval)

**THE CORPORATION OF THE CITY OF LONDON'S CONDITIONS AND AMENDMENTS TO FINAL APPROVAL FOR THE REGISTRATION OF THIS SUBDIVISION, FILE NUMBER 39T-04503 ARE AS FOLLOWS:**

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

1. This draft approval applies to the draft plan submitted by Claybar Developments Inc., prepared by Stantec Consulting Inc., certified by Jeremy C.E. Matthews, File No. 39T-04503, drawing no. DP1, **as red-line amended**, which shows a total of 23 low density residential blocks, one (1) medium density residential block, one (1) high density residential block, one (1) commercial block, three (3) school blocks, walkway and various reserve blocks served by one (1) new collector road and five (5) new local streets.
2. This approval of the draft plan applies for three years, and if final approval is not given by that date, the draft approval shall lapse, except in the case where an extension has been granted by the Approval Authority.
3. The road allowances included in this draft plan shall be shown on the face of the plan and dedicated as public highways.
4. ~~The street(s) shall be named to the satisfaction of the Director, Development Approvals. The Owner shall within 90 days of draft approval submit proposed street names for this subdivision to the City.~~
5. ~~The municipal addresses shall be assigned to the satisfaction of the Director Development Approvals. The Owner shall request that addresses be assigned to the satisfaction of the City in conjunction with the request for the preparation of the subdivision agreement.~~
6. Prior to final approval, the Owner shall submit to the Approval Authority a digital file of the plan to be registered in a format compiled to the satisfaction of the City of London and referenced to NAD83UTM horizon control network for the City of London mapping program.
7. Prior to final approval, appropriate zoning 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 and/or land dedications (eg. 0.3 metre reserve blocks) 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~~

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Engineer, at no cost to the City.

11. Phasing of this subdivision (if any) shall be to the satisfaction of the General Manager of Planning and Development and the City Engineer. If phasing is to occur, a Phasing plan must be submitted by the Owner as part of the Design Studies Submission. Phase 4 must include at a minimum Street "A", Dalmagarry Road and all lands south of Street "A". The need for a temporary park will be addressed at the time each phase of this subdivision is brought forward for registration.

12. ~~In conjunction with the 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 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. In conjunction with 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 the Functional SWM and/or Drainage Servicing Report for these lands, the City of London and Ministry of the Environment standards and requirements, for review and acceptance by the City (SWM unit). 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. The Owner shall correct any deficiencies of the erosion and sediment control measures forthwith.~~

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

~~Prior to the issuance of any Certificate of Conditional Approval, any remedial or other works as recommended in the above accepted hydro geological report shall be implemented by the Owner, to the satisfaction of the City, at no cost to the City.~~

14. ~~Prior to any work 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~~

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

15. ~~Prior to the submission of engineering drawings, the Approval Authority shall be satisfied that sufficient sewage treatment and conveyance capacity is available to service the subdivision.~~
16. 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 the Owner shall have its professional engineer supply the City with a certificate of compliance upon completion in accordance with the plans approved by the City Engineer.
17. The Owner shall comply with all City of London standards, guidelines and requirements in the design of this draft plan and all required engineering drawings. Any deviation to the City's standards, guidelines, or requirements shall be completed to the satisfaction of the City Engineer and the Director, Development and Compliance Division General Manager of Planning and Development.
18. Prior to final approval, for the purposes of satisfying any of the conditions of draft approval herein contained, the Owner shall file with the Approval Authority a complete submission consisting of all required clearances, fees, and final plans, and to advise the Approval Authority in writing how each of the conditions of draft approval has been, or will be, satisfied. The Owner acknowledges that, in the event that the final approval package does not include the complete information required by the Approval Authority, such submission will be returned to the Owner without detailed review by the City.
19. For the 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 the Director, Development and Compliance Division General Manager of Planning and Development and the City Engineer. The Owner acknowledges that, in the event that a submission does not include the complete information required by the Director, Development and Compliance Division the General Manager of Planning and Development and the City Engineer, such submission will be returned to the Owner without detailed review by the City.
20. ~~Prior to final approval for the registration of any phase of the subdivision, the Approval Authority is to be advised in writing by the Finance Department, that all financial obligations/encumbrances owed to the City on the said lands have been paid in full, including property taxes and local improvement charges. Prior to final approval for the registration of the subdivision the Approval Authority, is to be advised in writing by the City that all financial obligations/encumbrances on the said lands have been paid in full, including property taxes and local improvement charges.~~
21. ~~Prior to any work on the site the Owner shall obtain and submit to the General Manager of Planning and Development a letter of archaeological clearance from the Southwestern Regional Archaeologist of the Ministry of Culture. No final approval shall be given, and no grading or other soil disturbance shall take place on the subject property prior to the letter of release from the Ministry of Culture.~~



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22. Prior to the construction of the new Heard Drain sanitary sewer and related SWM facilities (hereafter called the works) all to be completed by the City as a City Services project and prior to entering into a subdivision agreement with the land owner, the Owner(s) will collaborate with the City on the following but not limited to:

- Finalize the design of the Heard Drain sanitary sewer and SWM facilities;
- Finalize the width of the new Heard Drain corridor, size of other SWM ponds and associated corridors identified in the Foxhollow Stormwater Management Environmental Assessment (Foxhollow EA) and any addendums;
- Establish acceptable timing for the dedication of any lands and easements to the City for the construction of the works and disposition of extracted material;
- Work on the assumption the City will responsible for costs of the construction of the works and the Owner(s) agree to take the excavated material in place but not engineered;
- Establish conditions/make arrangements for the disposition of material associated with the construction of the works – the primary objective will be to place an estimated minimum of 100,000 cubic metres of the material excavated by the City on the lands owned or under the control by the same parties as is excavated from their lands (ie plans 39T-04503; 39T04510; 39T-05511; and 39T-05512);
- Provide for any temporary storage or stockpiling of excavated material;
- Possibly retaining of joint contractors/consultants;
- Working with other property owners directly impacted by the construction of the works on their lands and/or who receive benefits from the construction of the works;
- Entering into one or more subdivision agreements as may be necessary to formalize any conditions associated with the working agreements between the parties to provide for the staging and construction of the works and the disposition of the excavated material;

all of which has the objective to provide for the construction of the works by the City beginning in 2010 and which has a tender price for the construction of the works which is within a reasonable limit of the projected estimates for the construction of the works as identified in the proposed Development Charges By-law. (Currently estimated to be approximately \$18 m).

Sanitary

~~23. Prior to the commencement of the construction of the sanitary trunk sewer and the SWM facilities, the Owner agrees that there will be no cost to the City for any temporary stockpiling of material, grading or access easements, and the arrangements for the disposition of material beyond placement related to the construction of the works. The Owner shall also enter into an agreement with the City for the transfer of land for the works satisfactory to the City Engineer.~~

~~24. a) The Owner shall provide within 30 days, of a written request from the City Engineer,~~

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~~the City with documentation confirming their consent to allow City staff (or their consultants) to enter the subject lands for the purposes of completing the necessary studies to assist in the design of the Heard Drain channel reconstruction /remediation works with its related up stream SWM facilities and conveyance channels and for the construction of the trunk sanitary sewer as identified in the Foxhollow Stormwater Management Environmental Assessment (Foxhollow EA) and any addendums, the works.~~

~~b) Upon notice from the City of its acceptance of the engineering drawings for this Sanitary/SWM project, the Owner shall, within 30 days after the issuance of the tender call, dedicate the necessary lands free and clear of any encumbrances to the City for these works including any necessary working easements. This shall include lands along the future road right of way from Medway Park Drive in the adjacent Foxhollow Development 39T-02505 Subdivision to the Heard Drain Corridor.~~

25. The Owner shall construct sanitary servicing to the limits of their property, to the satisfaction of the City Engineer, in order to provide for the servicing of external parcels of land adjacent to their draft plan and within the community plan.
26. ~~Prior to the commencement of the construction of the sanitary trunk sewer and the SWM facilities, the Owner agrees that there will be no cost to the City for any temporary stockpiling of material, grading or access easements, and the arrangements for the disposition of material beyond placement related to the construction of the works. The Owner shall also enter into an agreement with the City for the transfer of land for the works satisfactory to the City Engineer.~~
27. In conjunction with the submission of the design studies reports, the Owner shall have his consulting engineer prepare and submit report(s) describing the functional designs of the sanitary and stormwater servicing confirming that the upstream connections are adequate to serve any upstream lands in the sewershed satisfactory to the City Engineer. Further, at the same time, the Owner shall provide copies of the report(s) to the upstream landowners (stakeholders) for an opportunity to comment. EESD will consider any comments received from third parties up to the time of acceptance of the design studies.
28. The Owner shall oversize sanitary sewers (save and except the trunk sewer with the Heard Drain corridor) for the subdivision plan in order to serve upstream lands external to this plan and tributary to sanitary sewers within this draft plan, if necessary, to the satisfaction of the City Engineer.
29. The Owner shall provide for access for maintenance, operation and construction of the trunk sanitary sewer including working easements within the road corridor or within the Heard Drain Corridor to the satisfaction of the City Engineer.
30. The Owner shall construct the sanitary sewers within this plan to serve this plan and external drainage areas and connect them to the extension of the trunk sanitary sewer. The outlet for the trunk sanitary sewer is the existing trunk sanitary sewer through the adjacent property (Foxhollow Developments 39T-02505), in accordance with the approved Fox Hollow SWM Environmental Assessment or Foxhollow EA Addendum or, if applicable according to the City Engineer, the Heard Drain Realignment Class EA Implications Report, Stantec.
31. The Owner shall construct local sanitary sewers where trunk sewers are greater than 8 metres in depth and are located within the municipal roadway, to provide servicing outlets for private drain connections. These local sanitary sewers will be at the sole cost

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of the Owner. Any exception for private drain connections to trunk sewers greater than 8 metres in depth will require the approval of the City Engineer.

32. 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 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.

33. As part of the Design Studies submission, the Owner shall provide an analysis to indicate the water table level of lands within the subdivision and an evaluation of additional measures, if any, which need to be undertaken in order to meet allowable inflow and infiltration levels as identified by OPSS 410 and OPSS 407. This is to be provided prior to design drawings submissions. Additional measures identified shall be incorporated into the design drawings for the subdivision.
34. Through design and throughout the duration of construction within this draft plan of subdivision, the Owner shall control and prevent any inflow and infiltration and silt from being introduced to the sanitary sewer system, all at the Owner's cost. Quality control measures and submission of reports of these quality control measures to the City to confirm that the constructed works meet acceptable inflow and infiltration works will be required. The Owner will also be required to take measures to prevent inflow and infiltration from entering the sanitary sewer system after construction of the sanitary sewer works, all satisfactory to the City Engineer and all at no cost to the City.
35. The Owner shall not allow any weeping tile connections into the sanitary sewers within this plan.
36. The Owner shall not request a Certificate of Conditional Approval for any works in this draft plan until such time as the trunk sanitary sewer works which are to be constructed by the City of London are constructed and commissioned as identified in the Foxhollow EA and any addendum except for certain lots and/or blocks that may be released at the discretion of the City Engineer.

**Storm and Stormwater Management:**

37. The Owner shall provide the City with a temporary working easement for construction purposes of approximately 18 metres on each side of the corridor (in addition to the dedicated 53 m corridor) to allow the City to undertake the excavation and disposal and grading necessary to match grades at the boundary of the Heard Drain corridor. All work must be to the satisfaction of the City Engineer and in accordance with the accepted Functional Design of the Foxhollow Storm Drainage and Stormwater Management work.
38. The Owner shall provide all appropriate land dedication areas, working and access easements adequate for the construction of the new Heard Drain Corridor and the trunk sanitary sewer within and/or adjacent to this corridor as identified in the Fox Hollow Municipal Class EA Study Stormwater Management EA and any addendum and

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subsequently, the relocation of a portion of the Heard Drain and the proposed utility corridor recommended by Stantec in "Realignment Class EA Implications Report" and will be confirmed by the accepted Fox Hollow Functional and Detailed Design and all to the specifications and to the satisfaction of the City Engineer. The easements shall be in accordance with Figure/Appendix "—" attached.

39. The Owner shall provide the design and construction of the proposed storm/drainage servicing works for the subject lands (excluding the channel works) and connect to the relevant SWM Facility(s) and the Heard Drain Channel Remediation/Reconstruction Servicing works with the approved Fox Hollow functional and detailed design for proposed storm/drainage and SWM servicing works for the subject lands, all to the specifications and to the satisfaction of the City Engineer.
  
40. The Owner shall provide the land dedications for the City construction of the Fox Hollow functional and detailed design for proposed storm/drainage and SWM servicing works for the subject lands, all to the specifications and to the satisfaction of the City Engineer for proposed storm/drainage servicing works for the subject lands and connect to the relevant SWM Facility #2 and the Heard Drain Channel Remediation/Reconstruction Servicing works, in accordance with the accepted preferred servicing option of the Fox Hollow Municipal Class EA Study and addendum or the accepted Fox Hollow Functional Design all to the specifications and to the satisfaction of the City Engineer.
  
41. Prior to the issuance of a Certificate of Conditional Approval, the Owner shall have his professional engineer design and oversee the construction of the proposed storm/drainage to service the total catchment area, all to the satisfaction of the City Engineer and according to the requirements of the following:
  - a. The City's SWM criteria and the environmental targets for the Medway Creek Subwatershed Study.
  - b. The preferred storm/drainage and SWM servicing option of the Municipal Class EA and any addendum for the Fox Hollow lands or the accepted Fox Hollow Functional Design.
  - c. The accepted Functional Report for the proposed SWM Facility # 2
  - d. The Ministry of Environment's SWM Practices Planning and Design Manual (2003) and the City of London's Design Specifications and Requirements Manual (Environmental and Engineering Services Department – October 2003).
  - e. The City's Waste Discharge and Drainage By-laws and lot grading standards, policies, requirements and practices; and
  - f. All applicable Acts, Policies, Guidelines, Standards and Requirements of the relevant SWM agencies, including the City, the Ministry of the Environment and the Upper Thames River Conservation Authority.
  
42. The Owner shall not apply for a Certificate of Conditional Approval until the Heard Drain Channel Reconstruction/Remediation and Servicing and the relevant SWM Facility #2 works are constructed and operational and the proposed storm/drainage servicing works for the subject site can be connected, all to the specifications and satisfaction of the City Engineer. Notwithstanding the foregoing, the City Engineer may in his discretion release Block 28 in this plan.
  
43. The Owner shall be responsible to fill the existing Heard Drain, at a time identified by the City Engineer, with suitable engineered fill material all at no cost to the City.
  
44. Prior to the submission of engineering drawings, the Owner shall have it's professional geotechnical engineer address all geotechnical issues and all required setbacks related to slope stability and the adequacy of outlet systems conveyance capacities during post

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development conditions, all to the satisfaction of the City Engineer and the Upper Thames River Conservation Authority.

45. Prior to or in conjunction with the servicing design for this site, the Owner shall have its professional engineer identify the major and minor storm flow routes for the entire catchment area(s) to the satisfaction of the City Engineer.
46. ~~The Owner shall ensure that increased and accelerated stormwater runoff from this subdivision does 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. Prior to the acceptance of engineering drawings, 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 or any approval given by the City, the Owner shall indemnify the City against any damage or claim for damages arising out of or alleged to have arisen out of such increased or accelerated stormwater runoff from this subdivision.~~
47. ~~In conjunction with the design studies, the Owner shall submit 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.~~
48. The Owner shall promote the implementation of SWM soft measure Best Management Practices (BMP's) within the plan, where possible, to the satisfaction of the City Engineer. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this plan and the approval of the City Engineer.
49. The Owner shall make all necessary adjustments including easement conveyances to preserve the temporary outlet for 1139 Fanshawe Park Road West, until such a time as a permanent outlet becomes available all at the cost of the Owner.

Water Mains

50. The Owner shall construct watermains to serve this plan and connect the proposed watermains to the existing municipal sewer system, namely, the 400 mm (16") on Fanshawe Park Road West.
51. ~~The Owner shall be required to provide a 300 mm (12") watermain feed on the future Dalmagarry Road for this draft plan of subdivision.~~
52. ~~With the submission of the Design Studies, the Owner shall have its professional engineer provide a water servicing report which addresses the following:~~
  - ~~i) identify external water servicing requirements;~~
  - ~~ii) confirm capacity requirements are met;~~
  - ~~iii) identify need for the construction of external works;~~
  - ~~iv) identify the effect of development on existing water infrastructure/identify potential conflicts;~~
  - ~~v) water system area plan(s);~~

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- ~~vi) water network analysis/hydraulic calculations for subdivision report;~~
- ~~vii) phasing report;~~
- ~~viii) oversizing of water main/cost sharing agreements.~~

53. ~~In conjunction with the 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.~~

~~Prior to the issuance of any Certificates of Conditional Approval, the Owner shall have its professional engineer address water quality requirements for this Subdivision by implementing any accepted recommendations of the accepted water servicing report, by the use of the following:~~

- ~~i) design calculations which demonstrate there is adequate water turnover to maintain water quality; and/or~~
- ~~ii) the use of valving to shut off future connections which will not be used in the near term; and/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 charged to the Owner. Please note that where automatic flushing devices will be used, calculations of the turnover required to maintain chlorine residual are to be provided in order to initialize the settings for the automatic flushing device.~~

~~all to the satisfaction of the City, at no cost to the City.~~

Streets, Transportation & Surveys

Roadworks

- 54. ~~The Owner shall not request a Certificate of Conditional Approval until access can be provided through one of the proposed secondary collector road connections to Fanshawe Park Road W., as identified in the Official Plan, through lands abutting this plan of subdivision to the east or west is established.~~
- 55. ~~The Owner shall align Street 'A' at Dalmagarry Road so Street 'A' can continue westerly in accordance with the alignment of Street 'A' in the Official Plan.~~
- 56. ~~The Owner shall construct Street 'A' at the eastern boundary of the subject property in alignment with the proposed secondary collector road to the east as shown in the proposed draft plan of subdivision 39T-05511.~~
- 57. ~~The Owner shall construct Street 'F' at the eastern boundary of the subject property in alignment with the proposed secondary collector road to the east as shown in the proposed draft plan of subdivision 39T-05511.~~
- 58. ~~The Owner shall construct Street 'F' at the northern boundary of the subject property in alignment with the proposed secondary collector road to the north as shown in the proposed draft plan of subdivision 39T-04510.~~

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- 59. ~~The Owner shall construct Street 'A' to secondary collector road standards.~~
- 60. The Owner shall ensure a minimum of 5.5 metres (18') will be required along the curb line between the projected property lines of irregular shaped lots around the bends and/or around the cul-de-sacs.
- 61. The Owner shall eliminate/limit the bulge in the curb line on Streets 'C', 'E' and 'F' to only a maximum offset from the standard radius required to achieve the minimum curb distance for driveways, as approved by the City Engineer. Further, the bulge in the street line is only to be to the extent required to achieve the minimum frontage for the abutting lots.
- 62. The Owner shall install centre islands on Street 'C', east leg, and Street 'F', to the specifications of the City Engineer and at no cost to the City.
- 63. The Owner shall have its professional engineer design.
  - i) Street 'C' to have a minimum road pavement width (excluding gutters) of 8.0 metres (26.2') with a minimum road allowance of 20 metres (66').
- 64. The Owner shall construct all roads shown in this plan of subdivision such that alignments match joining roads outside this plan.

Sidewalks/Bikeways:

- 65. The Owner shall construct a 1.5 metres (5') sidewalk on both sides of the following streets:
  - i) ~~Street 'A'~~
  - ii) ~~Dalmagarry Road~~
  - iii) ~~Street "F"~~
- 66. The Owner shall construct a 1.5 metre (5') sidewalk on one side of the following streets:
  - i) Street 'B' – west boulevard
  - ii) Street 'C' – outside boulevard
  - iii) Street 'D' – west boulevard
  - iv) Street E – east boulevard
- 67. The Owner shall ensure that the pedestrian linkage, Blocks 30 and 31, are to be constructed to the specifications of the City Engineer, including lighting if necessary, in accordance with City requirements and standards.

Boundary Road Works:

- 68. ~~The Owner shall construct Dalmagarry Road from Street 'A' to the northerly limit of the existing traveled portion of the street as a fully serviced secondary collector street at no expense to the City, to the satisfaction of the City Engineer.~~

Road Widening:

- 69. ~~The Owner shall dedicate sufficient land to widen Fanshawe Park Road West to 18.0 metres (59.06') from the centerline of the original road allowance.~~

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70. ~~The Owner shall install:~~

- i) ~~curb extensions along the south side of Street 'A' from the easterly limit of the subdivision to Dalmagarry Road with the parking bay removed for utilities (fire hydrants) and for transit stop locations as defined by the London Transit Commission.~~

71. The Owner shall construct curb extension bulb-outs (without parking bays) along Street 'F' at the intersections of Street 'B', Street 'D' and Street 'E'.

72. The Owner shall install speed cushions on Street 'F' and Street 'B', to the satisfaction of the City Engineer.

73. ~~The Owner shall provide additional land (if necessary) and construct a roundabout at the intersection of Street 'A' and Dalmagarry Road, at no cost to the City. The Owner shall install street lighting at this intersection, to the satisfaction of the City Engineer.~~

74. The Owner shall direct all construction traffic associated with this draft plan of subdivision to utilize routes as designated by the City Engineer.

75. The Owner shall ensure any emergency access required is satisfactory to 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.

76. The Owner shall construct a temporary turning facility for vehicles at the following locations:

- i) ~~Street 'A' – east limit, if the extension of this street through adjacent lands is not available~~
- ii) ~~Street 'F' – north limit, if the extension of this street through adjacent lands is not available~~

to the specifications of the City Engineer.

77. ~~The Owner shall direct all construction traffic associated with this draft plan of subdivision to utilize Fanshawe Park Road West or other routes as designated by the City Engineer.~~

Planning

78. All lots/blocks abutting park blocks shall be fenced with 1.5 meter high chain link fence ~~as per current City standards in accordance with current City park standards (SPO 4.8) or approved alternate.~~ Fencing shall be completed to the satisfaction of the Manager of Parks Planning and Design within one (1) year of registration of the plan of subdivision.

79. All lots/blocks abutting Open Space blocks used primarily for stormwater management facilities and or conveyance systems shall be monumented as per City standards and to the satisfaction of the City Engineer. Further, the subdivision agreement shall include a clause that should the property owner desire to construct a fence at the interface with the Open Space SWM blocks, fencing shall be ~~limited to black 1.5meter high chain link fencing in accordance with current City park standards (SPO 4.8) or approved alternate.~~

80. All park blocks shall be sufficiently protected from sediment throughout the construction period. A sediment barrier shall be established along the park block limits to the satisfaction of EESD and Parks Planning and Design.



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81. No grading shall occur within proposed park blocks except where determined to be appropriate by the Manager of Parks Planning and Design.
82. The Owner shall dedicate to the City Block 30, a portion of Block 31 (the additional area included by the expanded width of the walkway) and the proposed Park Block 36 in partial satisfaction of the required parkland dedication. ~~This dedication satisfies the parkland requirement for Block 29 and 60 single detached lots. The under dedication of parkland in the amount of 4.78 ha. may be used to address all or a portion of the over dedication of parkland (the District Park) in the Foxfield Subdivision (Plan 39T-02505). Alternatively, the Owner may provide cash in lieu in the amount of \$370,500 per hectare prior to final approval of any phase within this draft plan or any other arrangement satisfactory to the General Manager of Planning and Development. The parkland dedication for the remaining lands will be provided through cash-in-lieu payment prior to the issuance of a building permit as per By-law CP-9.~~
83. The proposed elementary school Block 29 or another suitable block as agreed to by the Manager of Parks Planning and Design shall be developed as a temporary park with play equipment as per current City Standards at no cost to the City ~~within one year of registration of the first phase.~~ The Owner will be reimbursed by the City for the costs attributed to the playground equipment and the original installation within three years of the installation of the temporary park.
84. Prior to any work on the site and as part of the Design Studies submission, the Owner shall have a Tree Preservation Report and Plan prepared for lands within the proposed draft plan of subdivision and submitted to the City. 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 ~~the Director, Development and Compliance Division General Manager of Planning and Development.~~ The Owner shall incorporate the approved Tree Preservation Plan on the accepted grading plans.
85. As part of the Design Studies submission, the Owner shall submit for approval an on-street parking plan (if necessary), 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 ~~the Director, Development and Compliance Division General Manager of Planning and Development.~~ The approved parking plan required for each registered phase of development and will form part of the subdivision agreement for the registered plan.
86. As part of the Design Studies submission, the Owner shall submit a plan to the Approval Authority proposing the lotting pattern for all residential Blocks, which shall be consistent with the approved zoning for these blocks and acceptable to the ~~the Director, Development and Compliance Division General Manager of Planning and Development.~~ The accepted lotting pattern shall be reflected on the final registered plan.
87. Within one (1) year of registration of the plan, the Owner shall prepare and deliver to all homeowners an education package which advises potential purchasers of the ongoing agricultural activities occurring in the vicinity. The educational package shall be prepared to the satisfaction of ~~the Director, Development and Compliance Division General Manager of Planning and Development.~~
88. Within one year of registration of the plan, the Owner shall prepare and deliver to all homeowners adjacent to the open space, and education package which explains the stewardship of natural area, the value of existing tree cover, and the protection and utilization of the grading and drainage pattern on these lots. The educational package

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shall be prepared to the satisfaction of the ~~Director, Development and Compliance Division General Manager of Planning and Development~~.

89. The Owner shall set aside Blocks 25, 28 and 29 as a school sites, for three years.
90. For residential blocks proposed for street townhouse dwellings, the Owner shall as part of the registration of the plan make the necessary legal arrangements to establish a minimum of a one (1.0) metre rear yard maintenance easement where the units to be built do not provide direct access to the rear yard from the garage for "internal unit" (not "end unit") Owners. (Planning)
91. The Owner shall obtain all necessary permits from the UTRCA prior to the commencement of any soil disturbance within the regulated area under the jurisdiction of the UTRCA.
92. The Owner agrees to register on title and include in all Purchase and Sale Agreements the requirement that the homes to be designed and constructed on corner lots abutting the collector road in this Plan, are required to have a side entry garage, with driveway access from Street "A", a main entry of the home which fronts the collector road and limited chain link or decorative fencing along no more than 50% of the exterior sideyard abutting the collector road. Further, the owner shall obtain approval of their proposed design from the ~~Director, Development and Compliance Division General Manager of Planning and Development~~ prior to any submission of an application for a building permit for corner lots with an exterior sideyard abutting the collector road in this Plan.
93. ~~All lots/blocks abutting Open Space blocks used primarily for stormwater management facilities and or conveyance systems shall be monumented as per City standards and to the satisfaction of the City Engineer. Further, the subdivision agreement shall include a clause that should the property owner desire to construct a fence at the interface with the Open Space SWM blocks, fencing shall be limited to black 1.5meter high chain link fencing.~~

GENERAL CONDITIONS

94. ~~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. Prior to the issuance of a Certificate of Conditional Approval for each construction stage of this subdivision, all servicing works for the stage and downstream works must be completed and operational, in accordance with the approved design criteria and accepted drawings, all to the specification and satisfaction of the City.~~
95. 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 of the City Engineer.
96. In the event that relotting of the plan is undertaken, the Owner shall relocate and construct services to standard location, all to the specifications and satisfaction of the City Engineer.
97. In the event the draft plan develops in phases, upon registration of any phase of this subdivision, the Owner shall provide land and/or easements along the routing of services which are necessary to service upstream lands outside of this draft plan to the limit of the plan.

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98. ~~The Owner shall have the common property line of Fanshawe Park Road West graded in accordance with the City of London Standard "Subdivision Grading Along Arterial Roads" at no cost to the City. Further, the grades to be taken as the centerline line grades on Fanshawe Park Road West are the existing centerline of road grades. From these, the Owner's professional engineer is to determine the elevations along the common property line which will blend with the existing road grades, all to the satisfaction of the City Engineer.~~

99. a) 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.

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

c) In the event discharge is to unassumed services, the unassumed services must be completed and Conditionally Accepted by the City;

d) 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.

100. The Owner shall pay a proportional share of the operational, maintenance and/or monitoring costs of any affected unassumed sewers or SWM facilities (if applicable) to third parties that have constructed the services and/or facilities, to which the Owner is connecting. The above-noted proportional share of the cost shall be based on 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.

101. 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.

102. a) 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.

b) 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

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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.

103. In conjunction with the Design Studies submission, the Owner shall have its 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.
104. The Owner shall have its 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".
105. The Owner shall not commence construction or installations of any services including the clearing or servicing of lands within 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 Environment, City; etc.)
106. If this plan is developed in phases and any temporary measures are required, these temporary measures shall be constructed by the Owner to the specifications and satisfaction of the City Engineer, at no cost to the City.
107. All costs related to the plan of subdivision shall be at the expense of the Owner, unless specifically stated otherwise in this approval.
108. 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.
109. The Owner shall provide a security in the amount of \$60,000 to ensure that the Erosion and Sediment Control Plan (ESCP) be executed in accordance with the City's approval procedure and criteria. In the event of failure in properly implementing and maintaining the required ESCP, the ESCP security will be used to undertake all necessary clean-up work, all to the satisfaction of the City.
110. The Owner shall remove all other existing accesses and restore all affected areas, all to the satisfaction of the City, at no cost to the City.
111. All through intersection and connections with existing streets and internal to this subdivision shall align with the opposing streets based on the centrelines of the street aligning through their intersections thereby having these streets centred with each other, unless otherwise approved by the City.
112. The Owner shall install street lighting on all streets in this plan to the satisfaction of the City, at no cost to the City.
113. Should any temporary turning circle exist on the abutting streets at the time this plan is registered, the Owner shall remove any existing temporary turning circles and restore the road including sidewalks to the satisfaction of the City, at no cost to the City.

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114. 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.
115. In conjunction with the Design Studies submission, the proposed block lotting plan shall be reviewed and accepted with respect to City services, road geometries, easements requirements, etc., to the satisfaction of the City.
116. The Owner shall decommission any abandoned infrastructure, at no cost to the City, including cutting the water service and capping it at the watermain, all to the specifications and satisfaction of the City.
117. The Owner shall co-ordinate the work associated with this Plan of Subdivision with the City's proposed construction of the Heard Drain adjacent to the north boundary of this plan, to the satisfaction of the City, at no cost to the City.