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TO:	CHAIR AND MEMBERS BUILT AND NATURAL ENVIRONMENT COMMITTEE
	PUBLIC PARTICIPATION MEETING ON MONDAY OCTOBER 31, 2011 - 4:35 P.M.
FROM:	D.N. STANLAKE DIRECTOR OF DEVELOPMENT PLANNING
	DAVID AILLES MANAGING DIRECTOR, DEVELOPMENT APPROVALS BUSINESS UNIT
SUBJECT:	APPLICATION BY: OLIVER & ASSOCIATES REQUEST FOR REVISION TO DRAFT APPROVAL 3557 COL. TALBOT ROAD

RECOMMENDATION

That, on the recommendation of the Director of Development Planning and the Managing Director of the Development Approvals Business Unit regarding a revision to the Draft Plan of Subdivision application of Oliver and Associates, relating to the property located at 3557 Col. Talbot Road:

- (a) The Built and Natural Environment Committee **BE REQUESTED** on behalf of the Approval Authority to conduct a public meeting on the proposed revised plan of subdivision and **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for a revision to the draft plan of subdivision of Oliver and Associates Realty Inc. relating to the property located at 3557 Col. Talbot Road;
- (b) The Approval Authority **BE ADVISED** that Municipal Council **SUPPORTS** the revised draft plan of residential subdivision, as submitted by Oliver and Associates Realty Inc., prepared by Cumming Cockburn Limited, certified by R. H. Kruys, Ontario Land Surveyor, drawing no. DP2-1, dated February 3, 2004, as revised by the plan prepared by IBI Group, certified by David Bianchi, Ontario Land Surveyor, Drawing No. DP1-1, dated June 22, 2011, and amended in red, which shows a total of 23 single detached dwelling lots, one open space block and one walkway access block, served by Clayton Walk and one internal road, **SUBJECT TO** the conditions contained in the attached Appendix "39T-00510-1"; and
- (c) The Applicant **BE ADVISED** of the estimated claims and revenues information identified in the body of the report.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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December 10, 2001 – Report to Planning Committee, recommending Official Plan and Zoning By-law Amendments, and Draft Approval for the Oliver plan of subdivision.

June 7, 2004 - Report to Planning Committee on a request for revisions to the draft approved plan of subdivision.

October 25, 2004 – Report to Planning Committee on a request for revisions to the draft approved plan of subdivision.

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November 8, 2004 – Follow-up report to Planning Committee concerning revisions to the draft approved plan.

October 15, 2007 – Report to Planning Committee recommending a three (3) year extension to draft plan approval. The requested extension was approved by Council on October 22, 2007.

August 24, 2009 – Report to Planning Committee recommending rezoning on a portion of the property located at 3637 Col. Talbot Road (immediately south of the Oliver subdivision).

May 2, 2011 – Report to Built & Natural Environment Committee recommending an 18 month extension to the draft plan approval lapse date.

RATIONALE

1. The revised lotting pattern and road modifications will be fully integrated with the surrounding development pattern.
2. Conditions of draft approval are being updated to reflect the recommended modifications to the draft plan.
3. The proposed modifications are in conformity with the policies of the Official Plan, and permitted by the existing zoning.
4. The proposed red-lined draft plan and associated conditions of draft plan approval represent good land use planning.

BACKGROUND

The Oliver and Associates Inc. subdivision comprises a 18.86 hectare (46.6 ac.) parcel of land located on the west side of Colonel Talbot Road, between Diane Crescent and Pack Road. The original application for Draft Plan of Subdivision Approval was accepted on June 27, 2000 and on August 2, 2001 the applicant submitted a revised plan. The Public Meeting was held on December 10, 2001. The applicant submitted a second revised draft plan on February 28, 2002. Draft approval was granted, subject to conditions and red line revisions, on March 8, 2002. There were no appeals to the draft approved plan of subdivision.

To date, two phases of the original draft plan have been registered (33M-461 and 33M-524). The portion of the draft plan remaining to be registered in Phase 3 currently shows 12 single detached residential lots, two residential development blocks and one open space block. The development is serviced by a temporary sewage pumping station. Undeveloped lots in this subdivision cannot proceed to building until sufficient upgrade capacity has been provided by the developer.

A report on a request from the landowner for extension of Draft Approval, was presented to the Built and Natural Environment Committee meeting of May 2, 2011. On the recommendation of Council an 18 month extension was granted, with updated conditions and a new lapse date of November 30th, 2012. The existing draft approved plan, as red line revised, is delineated on the Location Map.

The owner has recently requested revisions to the final phase (Phase 3) of the draft approved plan. These revisions will implement previously approved red line modifications that expand the open space corridor, and finalize the road & lotting pattern for developable lands within the plan. The proposed revisions will:

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- a) Maintain the lotting pattern unchanged for lots 21-27;
- b) Reconfigure Street "B" from a potential through road to become a cul-de-sac, with no plans for a future extension to the south of the Phase 3 boundary;
- c) Reconfigure and resize the lots fronting onto the proposed cul-de-sac; and
- d) Establish single detached residential lots on Blocks 50 & 51.

The overall effect of the proposed revisions will reconfigure the developable area of the plan from 12 single detached residential lots and two (2) low density townhouse blocks, to 23 single detached lots. No change is proposed to the size and configuration of the developable area or open space corridor block, as red line revised.

Location maps showing the Draft Plan (as currently approved) and the revised Draft Plan (as proposed by the applicant) are provided on pages 4 & 5.

PUBLIC NOTICE	
Notice of the public participation meeting to and proposed revisions to the draft approved plan of subdivision was mailed out to area residents on October 11 th , 2011.	Notice of the public participation meeting and proposed revisions to the draft approved plan of subdivision was published in "Living in the City" on October 15 th , 2011.
<p>Nature of Liaison:</p> <p>The draft approved plan of subdivision that is currently in effect shows 12 single detached residential lots and two townhouse blocks, served by Clayton Walk and one new internal road (Street "B") which may, in the future, be extended to the south. The revisions that are being proposed to the draft approved plan will:</p> <ul style="list-style-type: none"> a) Maintain the lotting pattern unchanged for lots 21-27; b) Reconfigure Street "B" from a potential through road, to become a cul-de-sac, with no plans for a future extension to the south of the subdivision boundary; c) Reconfigure the lots fronting onto the proposed cul-de-sac; and d) Establish single detached residential lots on Blocks 50 & 51, which are currently configured to accommodate street townhouses. <p>The overall effect of the proposed revisions will be to change the plan from 12 single detached residential lots and 2 townhouse blocks, to 23 single detached lots. Block "B" will continue to be zoned Open Space (OS4) and identified on the draft plan as an open space corridor. The applicant has not requested any changes to the Zoning currently in effect.</p>	
<p>Responses: None received to date</p>	

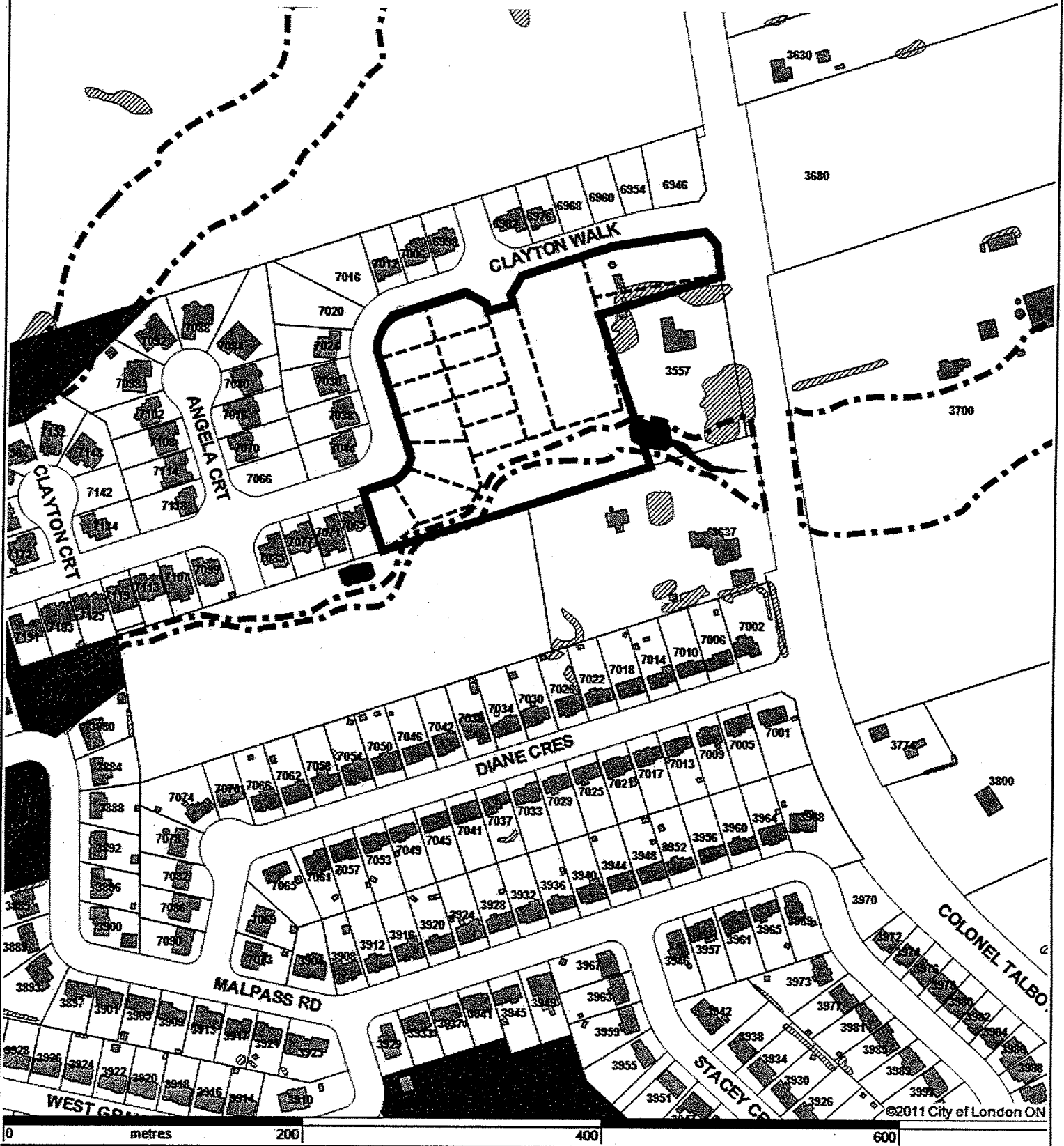
EVALUATION OF REVISED DRAFT PLAN

Agency Comments:

The Development Approvals Business Unit has no objection to the proposed red-line revisions, subject to a number of additions and revisions to the conditions of draft approval which pertain to the revised roadway alignment and lotting pattern (*Note: the updated conditions of draft approval are reflected in attached Appendix 39T-00510-1*).



DRAFT APPROVED PLAN (EXISTING)








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LOCATION MAP

LEGEND

Subject Site: North Lambeth (Oliver) Subdivision
Location: 3557 Col. Talbot Road
File Number: 39T-00510

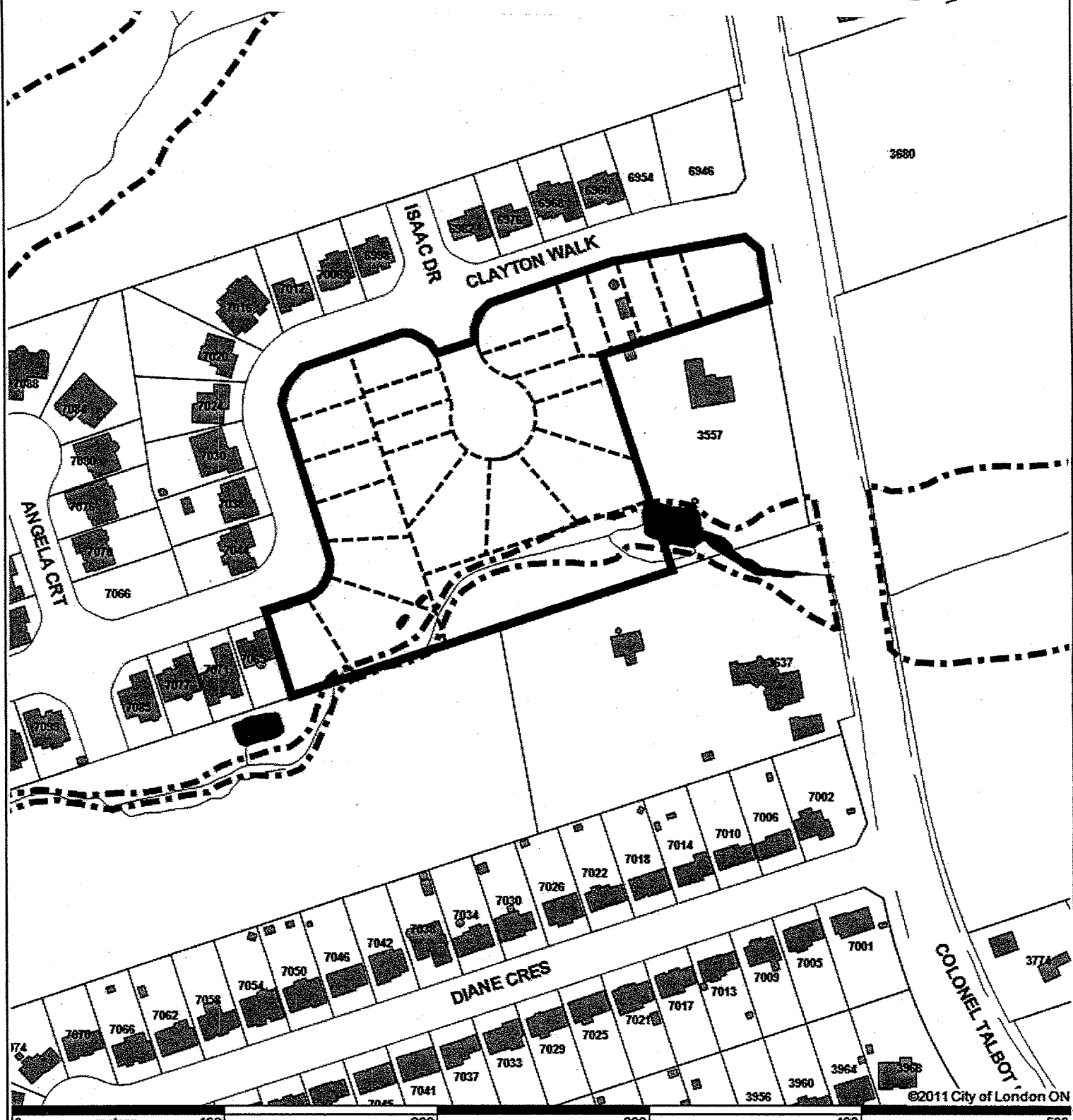
Planner: Terry Grawey
Date: 2011-09-27
Scale: 1:3500

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





DRAFT PLAN (AS PROPOSED)



©2011 City of London ON

LOCATION MAP

Subject Site: Oliver North Talbot Subdivision
File Number: 39T-00510 (Revised Plan)

Planner: Terry Grawey
Date: 2011-10-20
Scale: 1:2500

Corporation of the City of London
Prepared By: City Managers Department



LEGEND

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

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There are no major works associated with this subdivision. The sanitary pumping upgrade and other related costs are to be at the sole expense of the owner. The following Claims and Revenues information has been estimated for this draft plan of subdivision:

Estimated Costs – Developer Built:

Urban Works Reserve Fund – General	Nil
Urban Works Reserve Fund - Stormwater Management	Nil
Capital Expense	Nil
Other	Nil
Total	Nil

Estimated Revenues:

CSRF	\$ 364,297
UWRF	\$ 146,763
Total	\$ 511,060

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

Parks Planning and Design recommends that draft plan conditions 14, 18 and 41 be retained and that in addition to requiring cash-in-lieu of parkland for the residential lots in this plan, a new condition be added to provide for the purchase of the open space corridor (Block "B") by the City at the hazard lands rate of 27:1, in accordance with current Council policy.

Upper Thames River Conservation Authority:

A portion of the subject lands are regulated by the UTRCA in accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the *Conservation Authorities Act*. 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 the area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland

The subject property is located within an area identified with Highly Vulnerable Aquifers as well as a Significant Groundwater Recharge Area and a Source Protection Plan is being developed by the Authority under the provisions of the *Clean Water Act*. No significant threats to drinking water are identified for this property.

Authority staff have been involved in reviewing the configuration of Lots 21-23 and 32-34. The applicant is proposing to bring fill in to raise the rear of these lots and we have agreed in principle to allow some filling subject to the applicant demonstrating that there will not be any negative impact on the adjacent lands. While we are of the opinion that there is a solution wherein the adjacent lands should not be negatively be impacted by the placement of fill on the subject lands, the applicant's consultants have yet to satisfactorily demonstrate this to the UTRCA. As such, the UTRCA is requesting that the approval of the revised draft plan be subject to conditions (*Note: the two conditions recommended by the UTRCA have been included as Conditions 89 & 90 in Appendix 39T-00510-1 attached*).

Official Plan & Zoning:

Developable lands within the Phase 3 area are designated "Low Density Residential" in the Official Plan. An "Open Space" designation applies to the drainage tributary corridor that extends along the southern edge of the plan. The changes being proposed to the draft plan - creating a cul-de-sac at the southerly terminus of Street 'B' and lotting out two low density residential blocks, are within the designated Low Density Residential area and will not affect the

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Open Space corridor (identified as Block "B" on the draft plan).

The western half of the residential area is zoned h*R1-8, which permits single detached dwellings on lots having minimum area of 600 square metres and minimum frontages of 15 metres. The eastern half, which currently includes the two low density blocks, is zoned h*R2-3*R4-1, which permits street townhouses, as well as single detached, semi-detached, duplex and converted dwellings. The single detached lots require a minimum area of 370 square metres and a minimum frontage of 12 metres.

The R2-3*R4-1 zoning on the eastern half of the plan contemplates a range of low density residential uses, including single detached dwellings. The same (R2-3*R4-1) Zone also applies to the residential properties on the north side of Clayton Walk, which have been lotted and developed for single detached residential units. While a change in zoning is not required to accommodate the proposed relotting for single detached dwellings, the individual lots would no longer be suitable for street townhouses and the R4-1 Zoning should be removed to reflect the revised lotting pattern. This will be implemented through a condition of draft approval, requiring the owner to apply for a rezoning to remove the R4-1 Zone.

The open space block (Block "B") has previously been red line revised and widened to include adjacent buffer lands along the drainage corridor. This expanded corridor is zoned Open Space (OS4) in recognition of the flood and slope hazard conditions. The current OS4 Zoning generally reflects the hazard lands boundary delineation and no changes are required as a result of the proposed residential relotting. Minor refinements to the OS4 boundary can be made, if necessary, to reflect the accurate delineation of the hazard line, as confirmed by the UTRCA.

Future Development to the South:

In 2005, the property that abuts the Oliver subdivision on the south side (3637 Col. Talbot Road) was rezoned to a Holding Residential R6 (h*h-5*R6-1*D10), which permits single detached cluster housing at a density of up to 10 units per hectare. At the same time, the drainage tributary corridor that runs along the common property boundary (including lands below the Regulatory floodline and adjacent hazard lands) was zoned Open Space (OS4).

In April 2008, a Consent application was approved, which severed the westerly portion of the property from the existing single detached residential site fronting on Col. Talbot Road. The retained residential site was subsequently rezoned in 2009 (pursuant to a condition of the consent) to h-17*R1-16, to recognize the existing use of the single detached dwelling site. The zoning on the westerly (conveyed) parcel remained as h*h-5*R6-1*D10 on the tablelands, and Open Space (OS4) along the drainage corridor.

The Oliver subdivision currently includes provision for two future public access road connections to service the property to the south. One public road connection was established opposite Angela Court in the second phase of the subdivision (registered as Plan 33M-524). The original concept plan for the area showed this future connection extending to the south and east, with single detached residential lots fronting on both sides, and ultimately connecting to Street 'B' in Phase 3 of the Oliver subdivision; however, this design is no longer feasible as the potential development envelope is limited in size and the drainage corridor is being maintained in its current alignment.

Given the size of the development envelope and maximum permitted density, it is estimated that the cluster housing site would be able to accommodate a maximum of 20 units. Access to this site can be easily accommodated via the existing public road opposite Angela Court and there is no need for the second public road access that was originally contemplated in Phase 3 of the Oliver subdivision.

Open Space Corridor:

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The open space area identified as Block "B" in the draft approved plan, includes part of a drainage tributary corridor that outlets to the Dingman Creek. The lands immediately adjacent to the watercourse are below the Regulatory floodline, and additional lands provide a buffer adjacent to the watercourse. This corridor is regulated by the UTRCA under Section 28 of the *Conservation Authorities Act*. In recognition of the environmental & hazard constraints, the corridor lands were zoned Open Space (OS4) on the Oliver subdivision and property to the south.

Downstream sections of the drainage corridor have been acquired by the City and incorporated into the open space network as components of Southwinds Park. Over the long term, it would be appropriate to complete the public open space connection between Dingman Creek and Col. Talbot Road. In addition to providing an environmental & hazard protection function, this corridor could accommodate a future pedestrian access path. Condition 17 currently requires that cash-in-lieu be provided for the lots in this subdivision and Parks Planning and Design has requested that the open space/hazard land corridor in this plan (Block "B") be purchased by the City at the hazard land rate, pursuant to City of London Parkland Conveyance By-law CP-9.

To provide for emergency access, egress and ongoing maintenance, it is recommended that a 3 metre wide access/walkway corridor be established to connect Clayton Walk and Block "B", between Lots 22 and 23. Without this walkway corridor Block "B" would be landlocked, with no means of access by the City. Over the long-term, a continuous public open space corridor is planned to extend from Dingman Creek through to Col. Talbot Road with several points of access available for residents of the area.

Modified Road & Lot Pattern:

The modifications being requested by the Owner are relatively minor in nature and consistent with the overall pattern of development. The cul-de-sac at the terminus of Street 'B' will eliminate an unnecessary road extension through Block "B" and maintain the integrity of the open space corridor over the long term. The reconfiguration of Blocks 50 and 51 into individual lots is permitted under the current zoning, and consistent with the previously established road pattern for the area.

Two red line modifications are being recommended to the revised draft plan application. One modification will realign the boundary of Block 'B', to provide for a wider open space corridor adjacent to Lots 21, 22, 23, 32, 33 & 34, consistent with the UTRCA hazard land delineation. This is the same boundary modification that was approved for the previous draft plan. As has been discussed, a modification is also being recommended to establish a 3 metre wide walkway block between Clayton Walk and Block "B". Minor adjustments will be required to the lot widths on Clayton Walk to accommodate the 3 metre access corridor but the number of lots will not be affected.

Sanitary Capacity:

Phase 3 of the draft plan has not been able to advance to final approval as studies and flow monitoring indicated that there was insufficient capacity available in the pumping station and or the force main. Working with City Administration, the developer's consulting engineer has been completing additional studies and working on a variety of strategies- all of which would appear to indicate that with certain additional modifications to the infrastructure works, the required capacity to service the remaining lots within Phase 3 as revised is expected to be available. However, additional calculations and perhaps some additional testing may be required to ensure both sufficient pumping capacity and conveyance capacity can be made available. Final results of the added studies are expect to be concluded by the end of the year and cost estimates for the work to be to be completed entirely by the developer will be determined at that time.

Revised Conditions:

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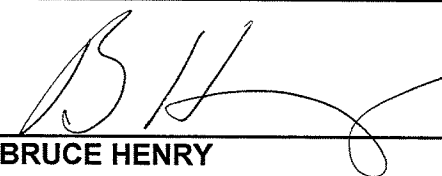
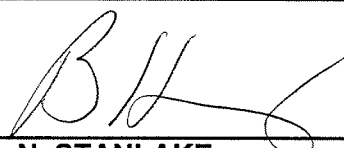
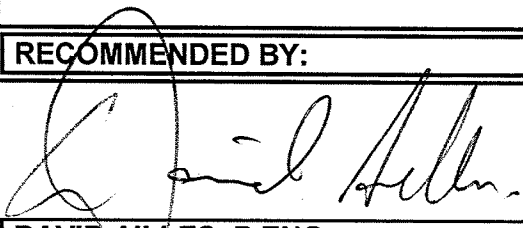
The conditions of draft approval being recommended for the **revised** Phase 3 plan are similar to the updated conditions that were approved for the extension request in May. Some wording modifications and new conditions have been proposed to address the revised lotting pattern. Conditions that have been satisfied in previous phases of the subdivision are recommended for deletion.

Proposed changes to the conditions of draft approval are hi-lited as additions and deletions in the attached Appendix 39T-00510-1. The attached draft plan shows the revised lotting pattern proposed by the owner and recommended red line modifications.

CONCLUSION

The Owner has requested modifications to the final phase of the North Lambeth (Oliver) draft plan of subdivision, which was granted an 18 month extension on May 12th. The proposed changes will reconfigure Street 'B' to become a cul-de-sac and establish single detached residential lots on Blocks 50 & 51, which are currently configured to accommodate street townhouse units.

The proposed modifications are in keeping with the overall development concept for the area. Some revisions are required to the conditions of draft approval to reflect the updated lotting pattern. In accordance with Section 50(45) of the Planning Act, notice of the revised plan and conditions of draft approval will be provided to the landowner, persons who are prescribed under the Act, and to anyone who has requested to be notified. The proposed draft plan as red-lined amended and associated conditions of draft plan approval represent good land use planning.

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

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October 20, 2011
TG/tg

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**“Appendix 39T-00510-1”
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-00510 ARE AS FOLLOWS:

NO.

CONDITIONS

1. This approval applies to Phase 3 of the draft plan submitted by Oliver and Associates Realty Inc., prepared by Cumming Cockburn Limited, certified by R. H. Kruys, Ontario Land Surveyor, File No. 39T-00510, drawing no. DP2-1, dated February 3, 2004, as revised by the plan prepared by IBI Group, certified by David Bianchi, Ontario Land Surveyor, Drawing No. DP1-1, dated June 22, 2011, and amended in red, which shows a total of 23 single detached dwelling lots, one open space block and one walkway access block, served by Clayton Walk and one internal road.
2. These conditions of draft approval supercede the previous conditions of draft approval, as it relates to this draft plan, as granted by the Approval Authority on March 8, 2002, June 29, 2004, November 22, 2007 and May 12, 2011.
3. This approval of the draft plan applies until November 30, 2012 and if final approval is not given by that date, the draft approval shall lapse, except in the case where an extension has been granted by the Approval Authority.
4. The road allowances included in this draft plan shall be shown and dedicated as public highways.
5. The Owner shall request that municipal addresses be assigned to the satisfaction of the Director of Development Planning in conjunction with the request for preparation of the subdivision agreement.
- ~~6. Municipal address shall be assigned to the satisfaction of the Director of Development Planning.~~
7. 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.
8. Prior to final approval, the appropriate zoning shall be in effect for this proposed subdivision. Prior to final approval the Owner shall complete and submit an application for rezoning, to remove the R4-1 Zone on the lots located east of Street “B”/Isaac Drive.
9. The Owner ~~agrees in writing to~~ shall satisfy all the requirements, financial and otherwise, of the City of London including, but not limited to, surfacing of roads, installation and maintenance of services, drainage and grading, tree planting and tree preservation to implement the conditions of draft approval.
10. The subdivision agreement between the Owner and the City of London shall be registered against the lands to which it applies once the plan of subdivision has been registered.
11. 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

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associated with the development of the subject lands, such as road, utility, drainage or stormwater management (SWM) purposes, to the satisfaction of the City Engineer, at no cost to the City.

12. 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.
 13. 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 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.
 14. The Owner shall implement the requirements of the City of London concerning sedimentation and erosion control measures during all phases of construction. The owners consulting engineer shall have these requirements established and approved by the City Engineer, prior to any work on the site.
 15. The Owner shall not commence construction or installations of any services (eg. clearing or servicing of land) involved with this Plan prior to obtaining all necessary permits, approvals and/or certificates that need to be issued in conjunction with the development of the subdivision, unless otherwise approved by the City in writing (eg. Ministry of the Environment Certificates, City/Ministry/Government permits: Approved Works, water connection, water-taking, crown land, navigable waterways, approvals: Upper Thames River Conservation Authority, Ministry of Natural Resources, Ministry of the Environment, City, etc.).
 16. 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, private domestic or farm wells in the area and to assess the impact on the water balance of the subject plan, identifying all required mitigation measures, to the satisfaction of the City Engineer. If necessary, the report is to also address any contamination impacts that may be anticipated or experienced as a result of the said construction. Any recommendations outlined in the report are to be reviewed and approved by the City Engineer, prior to any work on the site. Any remedial works recommended in the report shall be constructed or installed by the Owner, prior to the issuance of a Certificate of Conditional Approval, to the satisfaction of the City Engineer, at no cost to the City.
 17. The Owner shall pay cash-in-lieu for all of the units/lots pursuant to the City of London By-law CP-9.
- ** Within 6 months of the date of registration of the plan of subdivision the Owner shall sell Block "B" (as red line revised) to the City at the hazard lands rate of \$13,728 per hectare, in accordance with By-law C.P.-9.
18. The Owner shall prepare, and agree to deliver to the all homeowners adjacent to Block B an 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 shall be prepared to the satisfaction of Director of Development Planning.

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19. Prior to the submission of engineering drawings, the Owner shall have a qualified acoustical consultant prepare a noise study concerning the impact of traffic noise between Block 50 and lot 49, and to apply alternative site design and noise abatement measures that do not include a continuous noise attenuation wall. Any noise attenuation feature to protect outdoor amenity space will not extend closer to the front yard than the rear façade of the building. Such measures shall be in accordance with the requirements of the M.O.E. to be reviewed and accepted by the Director of Development Planning. The final accepted recommendations shall be incorporated into the subdivision agreement with the City of London.
20. The Owner agrees shall not grade into any open space area. Where lots or blocks abut an open space area, all grading of the developing lots or blocks at the interface with the open space areas are to match grades to maintain existing slopes, topography and vegetation. In instances where this is not practical or desirable, any grading into the open space shall be to the satisfaction of the Managing Director, Development Approvals Business Unit.
- ~~21. The next phase of final approval shall include a public road connection to Colonel Talbot Road.~~
22. In conjunction with Design Studies submission, the Owner shall implement SWM soft measure Best Management Practices (BMP's) within the Plan, where possible, to the satisfaction of the City Engineer. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this Plan and the approval of the City Engineer.
23. Prior to the issuance of any Certificates of Conditional Approval for this Plan, the Owner shall construct and have operational the major and minor storm flow routes and all sewer services for the subject lands, to the satisfaction of the City Engineer.
24. In conjunction with Design Studies submission, the Owner's professional engineer shall identify major and minor storm flow routes for the subject lands, to the satisfaction of the City Engineer.
25. Prior to final approval, the Owner's consulting engineer shall certify that increased and accelerated stormwater runoff from this subdivision will not cause damage to downstream lands, properties or structures beyond the limits of this subdivision. Notwithstanding any requirements of the City, or any approval given by the City Engineer, the Owner shall indemnify the City against any damage or claim for damages arising out of or alleged to have arisen out of such increased or accelerated stormwater runoff from this subdivision.
26. In conjunction with Design Studies submission, the Owner shall have it's professional engineer provide a water servicing report that provides confirmation that the main sizing will be adequate to service 3493 Colonel Talbot Road to the north and which addresses the following:
 - i) Identify external water servicing requirements;
 - ii) Confirm capacity requirements are met;
 - iii) Identify need to the construction of external works;
 - iv) Identify the effect of development on existing water infrastructure – identify potential conflicts;
 - v) Water system area plan(s)
 - vi) Water network analysis/hydraulic calculations for subdivision report;
 - vii) Phasing report;
 - viii) Oversizing of watermain - cost sharing agreements.

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27. Any dead ends and open sides of road allowances created by this draft plan, or by phasing of this plan, shall be terminated in 0.3 metre reserves to be conveyed to, and held in trust, by the City of London until required for the future production of such road allowance.
- ~~28. As part of the submission of engineering drawings, the subdivider shall agree to verify the adequacy of the decision sight distance on Colonel Talbot Road at Clayton Walk. If the sight lines are not adequate, this street is to be relocated and/or road work undertaken to establish adequate decision sight distance at this intersection.~~
29. The Owner shall require all construction vehicles for all phases to access the site via Clayton Walk.
30. The Owner shall install and maintain signs indicating construction and commercial vehicles are not to access the subdivision from Diane Crescent or Malpass Road.
- ~~31. The Owner shall dedicate a 0.3 m (1 ft) reserve block on both sides of Clayton Walk for a distance of 26 metres west from Colonel Talbot Road.~~
- ~~32. The Owner shall dedicate a 0.3 m (1.0) reserve block along the interface with the Colonel Talbot Road frontage.~~
- ~~33. The Owner shall widen the road allowance of Clayton Walk from Colonel Talbot Road to 45 metres (147.6') west to a minimum 22.5 metres (75'). The widened portion of Clayton Walk is to be equally aligned from the centerline of the road and tapered back to the 20.0 m road allowance width to the satisfaction of the City Engineer.~~
- ~~34. The Owner shall dedicate 6.0m X 6.0m "daylighting triangles" at the intersection of Clayton Walk with Colonel Talbot Road in accordance with the Z-1 Zoning By-law, Section 4.24.~~
35. The Owner shall provide traffic calming circles at the following intersections to the satisfaction of the City Engineer:
Clayton Walk and Street B &
Clayton Walk and Street E
The applicant will re-lot the subdivision to accommodate the traffic calming circles. The traffic calming measures selected for these locations are subject to the approval of the Transportation Planning & Design Division and are to be designed and constructed to the satisfaction of the City Engineer.
- ~~36. For residential blocks proposed for street townhouse dwellings, the Owner shall make the necessary 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.~~
37. 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.
38. The Owner shall ensure that the existing south tributary/open watercourse will be maintained as an open watercourse within this plan and shall comply with all applicable acts, maintain the existing hydrologic conditions and will have no adverse impacts on adjacent and downstream properties. Any functional SWM plan for the South Tributary must be consistent with the Stormwater Management Plan and the Dingman Creek

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Subwatershed Study (2005) criteria and environmental targets, all to the satisfaction of the City Engineer.

- ~~39. The Owner shall develop Block 62 in conjunction with Block 50 and Block 51.~~
- ~~40. Blocks 52, 53 and 54 (as redlined) shall be dedicated to the City as public streets.~~
41. The Owner shall construct a 1.5 metre chain link fence with no gates along the rear lot lines of lots 21, 22, 23, 32, 33 and 34 ~~Block 51 and Block 62~~ and along the south side lot line of lot 32, adjacent to the open space on Block B.
- ~~42. The Owner shall construct the proposed watermains to serve this plan and connect them to the existing municipal system, namely, the 150 mm (6") watermain stub off of Clayton Walk and the existing 200 mm (8") watermain on Clayton Walk.~~

The Owner shall construct watermains to serve Lots 21 to 27 and Lots 54 to 58 and connect them to the existing municipal watermain system, namely, the existing 200 mm (8") diameter watermain on Clayton Walk.

The Owner shall construct watermains to serve Lots 28-34 and Lots 50-53 to the existing 150 mm (6") diameter stubbed watermain on Street 'B'. The existing stubbed 150 mm (6") diameter watermain on Street 'B' is to be connected to the existing 200 mm (8") diameter watermain on Clayton Walk and extended to the south limit of Street 'B'.

43. Prior to final approval, the Owner shall advise the Approval Authority in writing how all the conditions have been met.
44. In conjunction with the Design Studies submission, the Owner shall have its consulting engineer provide a proposal to create sufficient capacity in both the Southwinds Pumping Station and downstream sewers. If the proposal is acceptable to the City, the design and construction of any required works shall be at the Owner's cost and at no cost to the City.

Prior to registration of this plan, the Owner shall obtain consent from the City to reserve capacity at the Oxford Pollution Control Plant for this subdivision. This treatment capacity shall be reserved by the City 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. 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.

45. The Owner shall construct the proposed sanitary sewers to serve this plan and connect them to the existing municipal sewer system, namely, the 200 mm (8") sanitary sewer at the intersection of Street 'B' and Clayton Walk.
46. The Owner shall construct sewers within this plan at an appropriate size and depth to accommodate flow from upstream lands which are tributary to this system and external to this plan.
47. 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.

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48. The Owner shall not allow any weeping tile connections into the sanitary sewers within this plan.
49. 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.
50. Following construction, 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.
51. In conjunction with the Design Studies submission, the Owner shall provide an analysis which shall 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.
52. The Owner shall construct the proposed storm sewers to serve this plan, located within the Dingman Creek Subwatershed, and connect them to the existing municipal sewer system, namely, the 525 mm (21") storm sewer stub on south of the intersection of Clayton Walk and Street 'B'.
53. The Owner shall have its consulting professional engineer design and subsequently construct proposed storm/drainage servicing works for the subject lands, all to the satisfaction and specification of the City Engineer and according to the requirements of the following:
 - i) The SWM criteria and environmental targets for the Dingman Creek Subwatershed Study;
 - ii) The approved Storm/Drainage and SWM Servicing Functional Report for the subject lands;
 - iii) The City's Waste Discharge and Drainage By-Laws, lot grading standards, policies, requirements and practices;
 - iv) The Ministry of the Environment SWM Practices Planning and Design Manual; and
 - v) Applicable Acts, Policies, Guidelines, Standards and Requirements of all relevant SWM agencies.
54. ~~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 SWM related works to serve this plan must be constructed and operational in accordance with the approved design criteria, all to the satisfaction of the City Engineer.~~

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.
55. The Owner shall have it's professional engineer ensure that all geotechnical issues and required setbacks related to the slope stability associated with the open watercourse that services an upstream catchment, are adequately addressed for the subject lands, all to the satisfaction of the City Engineer and the Upper Thames River Conservation Authority.
56. The Owner shall provide security in the amount of \$30,000, or a lesser amount as determined by the City Engineer, to ensure that the Erosion and Sediment Control Plan

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(ESCP) be executed in accordance with the City Engineer approval procedure and criteria and due to the close proximity of the open watercourse. In the event of failure to properly implement and maintain the required ESCP, the ESCP security will be used to undertake all necessary clean up work for the North Lambeth SWMF, all to the satisfaction of the City Engineer.

57. In conjunction with the Design Studies submission, the Owner shall have it's professional engineer determine if there is sufficient water turnover to ensure water quality and determine how many homes need to be built and occupied to maintain water quality in the water system. If the water quality cannot be maintained in the short term, the Owner shall install automatic blow offs, where necessary, to the satisfaction of the City Engineer, or make suitable arrangements with Water Operations for the maintenance of the system in the interim.

58. The Owner shall have it's professional engineer design the roadworks in accordance with the following road widths:

i) ~~Street 'B' has a minimum road pavement width (excluding gutters) of 8.0 metres (26.2') with a minimum road allowance of 20 metres (66').~~

Street 'B' has a minimum road pavement width (excluding gutters) of 6.0 metres (19.7') with a minimum road allowance of 18 metres (60').

~~59. The Owner shall construct a 1.5 metre (5') sidewalk on one side of the following streets:~~

i) ~~Street 'B' — east boulevard~~

60. In the event any work is undertaken on an existing street, the Owner shall establish and maintain a Traffic Management Plan (TMP) in conformance with City guidelines and to the satisfaction of the City Engineer for any construction activity that will occur on existing public roadways. The Owner shall have it's contractor(s) undertake the work within the prescribed operational constraints of the TMP. The TMP will be submitted in conjunction with the subdivision servicing drawings for this plan of subdivision.

~~61. The Owner shall construct a temporary turning facility for vehicles at the following location:~~

i) ~~Street 'B' — south limit~~

~~to the specifications of the City Engineer.~~

~~Temporary turning circles for vehicles shall be provided to the City as required by the City Engineer, complete with any associated easements. When the temporary turning circles(s) are no longer needed, the City will quit claim the easements which are no longer required, at no cost to the City.~~

62. 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, to the satisfaction of the City Engineer. Any deviations from the City's standards, guidelines or requirements shall be satisfactory to the City Engineer.

63. 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 Managing Director, Development Approvals Business Unit and the City Engineer.

~~64. Prior to final approval, the Owner shall make arrangements with the affected property owner(s) for the construction of any portions of services situated on private lands outside~~

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

65. 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.
66. 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.
67. If this plan is developed in phases and any temporary measures are required, these temporary measures shall be constructed to the specifications and satisfaction of the City, at no cost to the City.
68. The Owner shall ~~be required to~~ make minor boulevard improvements on Colonel Talbot Road adjacent to this Plan, to the specifications of the City and at not cost to the City, consisting of clean-up, grading and sodding as necessary.
69. The Owner shall have the common property line of Colonel Talbot Road graded in accordance with the City of London Standard "Subdivision Grading Along Arterial Roads", at no cost to the City.

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

70. 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.

71. 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, 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.
72. 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.

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73. 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.
74. 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.
75. The Owner's 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 Completion of Works upon completion in accordance with the plans accepted by the City Engineer.
76. 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".
77. All costs related to the plan of subdivision shall be at the expense of the Owner, unless specifically stated otherwise in this approval.
78. 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.
79. 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 of the City Engineer.
80. The Owner shall remove all existing accesses and restore all affected areas, if necessary, all to the satisfaction of the City, at no cost to the City.
81. The Owner shall install all servicing for the lots in this plan fronting Clayton Walk, including restoration, all to the satisfaction of the City, at no cost to the City.

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82. The Owner shall make any adjustments to existing services eg. street lights, fire hydrants, trees, traffic calming, etc. to accommodate the proposed lotting pattern and servicing on Clayton Walk, to the satisfaction of the City, at no cost to the City.
83. In conjunction with the Design Studies submission, the Owner shall revise the water servicing report to show the new watermain layout and to ensure appropriate sizing of the watermain on Street 'B'.
84. The Owner shall reinstall any water services that have already been installed and not in City Standard location due to relotting of the development. The Owner shall cap these water services at the watermain and reinstall to City standard, at no cost to the City.
85. The Owner shall construct a cul-de-sac on Street 'B' in accordance with City of London Standard DWG SR-5.0. The Owner shall provide a raised circular centre island (R = 8.0 m) within the cul-de-sac.
86. The Owner shall dedicate a 3.0 metre wide walkway from Clayton Walk to Block "B" and construct a hard-surfaced walkway at no cost to the City, to the specifications and satisfaction of the Director of Development Planning.
87. The Owner shall within 90 days of draft approval, submit a proposed name for Street 'B', to the Director of Development Planning.
88. Prior to final approval the Owner shall complete and submit an application for rezoning, to remove the R4-1 Zone from the lots located east of Street "B"/Isaac Drive.
89. Prior to submission of the design studies, the Owner shall confirm the delineation of the Maximum Hazard Line to precisely define the boundary between Block "B" and the residential lots to the north, in accordance with policies of the Official Plan and to the satisfaction of the Upper Thames River Conservation Authority.
90. Pursuant to Ontario Regulation 157/06 made pursuant to Section 28 of the Conservation Authorities Act, the Owner shall obtain the necessary permit/approvals from the Upper Thames Conservation Authority prior to undertaking any site alteration or development within the regulated area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

