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39T-03511
T. Grawey

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	G. KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL
SUBJECT:	REQUEST FOR EXTENSION OF DRAFT APPROVAL APPLICANT: PHYLLIS MATTHEWS LOCATION: 1820 WOODHULL ROAD DRAFT PLAN: 39T-03511 MEETING ON MONDAY NOVEMBER 5, 2012

RECOMMENDATION

That, on the recommendation of the Manager, Development Services and Planning Liaison, the Ontario Municipal Board **BE ADVISED** that in response to the request for extension of Draft Approval from Phyllis Matthews relating to property located at 1820 Woodhull Road:

- (a) Municipal Council **SUPPORTS** a three (3) year extension of draft approval for plan 39T-03511 submitted by Phyllis Matthews, prepared by Callon Dietz (dated October 4, 2004, drawing No. X-857), as red-line amended, which shows 23 single detached dwelling lots, a park block, and an open space block, served by 2 local public roads;
- (b) Municipal Council **SUPPORTS** revisions to the Conditions of Draft Approval, to clarify terminology and update servicing standards for the draft plan of subdivision, as identified in the attached Appendix "39T-03511-1"; and
- (c) The applicant **BE ADVISED** that the Director of Development Finance has summarized claims and revenues information in the attached Appendix "A".

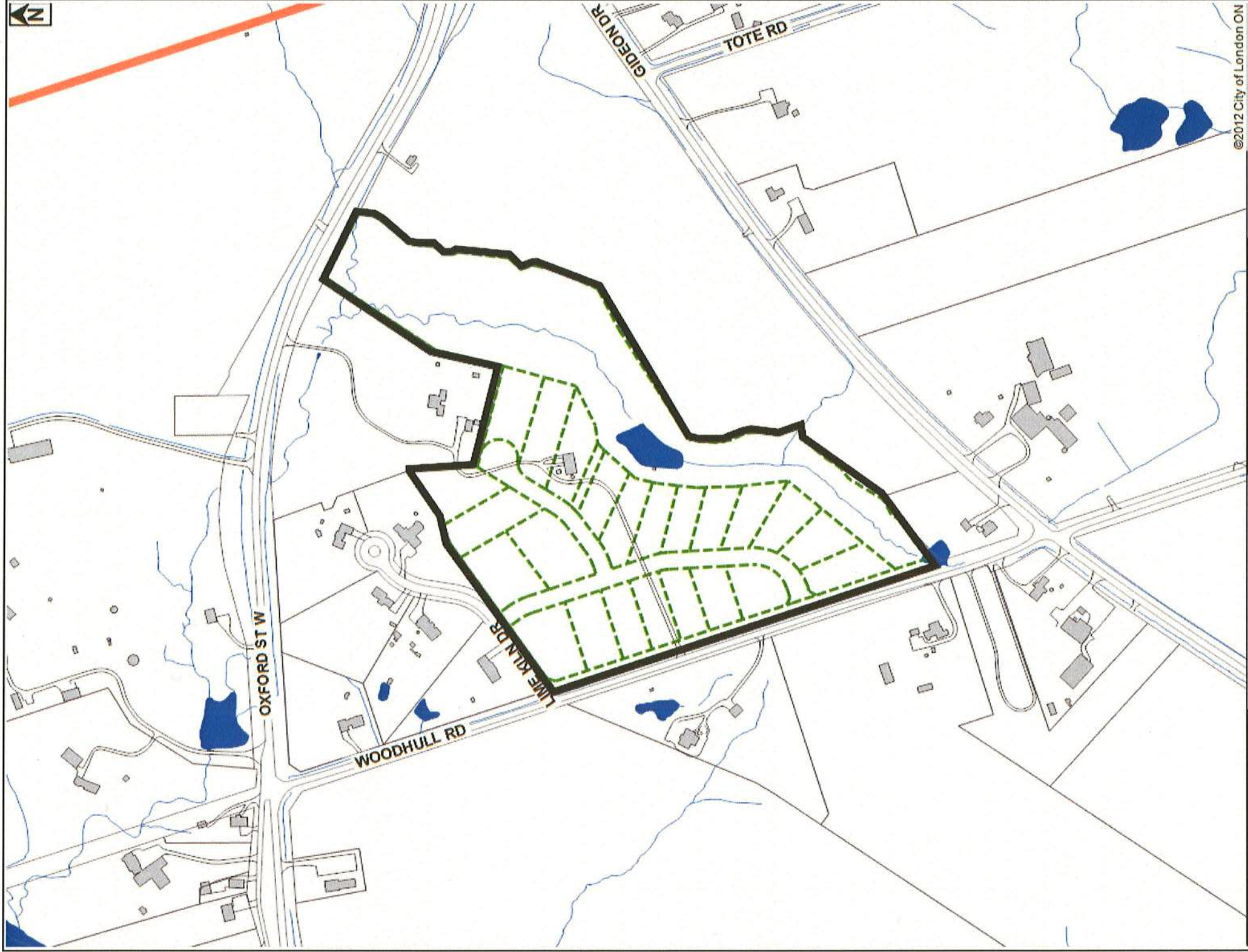
PREVIOUS REPORTS PERTINENT TO THIS MATTER
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December 13, 2004 – Report to a Public Participation meeting at Planning Committee on the application for draft plan approval, and associated amendments to the Official Plan and Zoning By-law.

January 17, 2005 – Follow-up report to Planning Committee to address issues raised at the Public Participation meeting.

October 19, 2009 – Report to Planning Committee recommending a three year extension to the draft approval lapse date, subject to revised conditions.

May 28, 2012 – Report to Planning and Environment Committee recommending approval of a subdivision agreement to provide for the dedication of the open space block in draft plan 39T-03511 to the City of London.








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LOCATION MAP

Location: 1820 Woodhull Rd
 Applicant: Phyllis Matthews
 File: 39T-03511
 Planner: Terry Grawey
 Date: 2012-05-16
 Scale: 1:5000

LEGEND

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



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BACKGROUND

The Woodhull Subdivision is a 13.7 hectare (34 acre) parcel of land located on the east side of Woodhull Road, south of Oxford Street West. The property is designated Rural Settlement in the Official Plan and the development area is zoned Residential R1 (R1-14, R1-15, R1-16 & R1-17), with holding provisions to require a subdivision agreement and address Minimum Distance Separation (MDS) restrictions. The open space block (ravine & stream corridor lands being dedicated to the City) is Zoned Open Space (OS4 and OS5).

The application for a draft plan of subdivision comprising 23 single detached residential lots and an open space block, served by two local roads, was received on September 24, 2003. As a result of an appeal the Ontario Municipal Board (OMB) conducted a hearing and granted Draft Approval on December 7th, 2006 subject to conditions. A three year extension was subsequently granted by the OMB in 2009, resulting in the current lapse date of December 7, 2012.

Design studies have been accepted by the City including a peer review conducted (for the City) on the hydrogeological studies prepared by the owner's consultants. While the peer review process extended the timeline that would normally be required for design studies review, the conditions of draft approval recognize the need for a high level of scrutiny in evaluating documentation on hydrogeological conditions, septic systems, and wells in the vicinity of this subdivision.

The peer review concluded that the hydrogeological studies and supplementary documentation provided by the owners' consultants, establishes a basis for approval of the proposed septic systems, subject to conditions that will ensure the systems are developed in accordance with applicable requirements of the Ontario Building Code, monitored and maintained on an ongoing basis. The cost to undertake this peer review has recently been reimbursed in full by the owner, as required by draft plan Condition 46.

Servicing drawings for the subdivision are currently being reviewed. A report was presented at the May 28th Planning & Environment Committee to authorize a subdivision agreement for the conveyance of a 5.5 hectare open space block (ravine and stream corridor) to the City in satisfaction of the 5% parkland dedication for the subdivision, as required by Condition 16.

Current Extension Request:

A three (3) year extension to the draft approval lapse date has been requested by the Owner. No changes were requested to the conditions of draft approval that are currently in effect. Any extension(s) to the lapse date and revised conditions of draft approval for this plan must be approved by the OMB. In making a decision, the Board may consider comments and recommendations from Council as well as other parties or participants to the hearing.

Notice of the extension request was liaised to municipal departments and agencies. While there were no objections to the extension some technical clarifications and new conditions have been proposed, to ensure that the draft approval reflects current terminology and updated municipal servicing standards.

ANALYSIS

Section 19.6.3 of the Official Plan provides that if an applicant has requested an extension to draft plan approval the Approval Authority, in considering this request, may apply new

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conditions or amend existing conditions of draft approval, based on new or updated policies, guidelines and community standards. The request for a three year extension has been reviewed and some modifications are being recommended to ensure that this draft plan satisfies current municipal requirements and standards.

Several new and revised conditions are being recommended with this draft plan extension. Some redundant conditions are being deleted and some new or revised conditions are being recommended. The revisions are required to update terminology and more clearly identify servicing requirements, which were last updated when the previous draft plan extension was granted in 2009. Most of the recommended modifications are minor clarifications and do not substantively affect the ultimate servicing requirements for the subdivision.

The new conditions include implementation measures that were recommended by the City's peer reviewer retained by the City to review hydrogeological conditions, septic systems and impacts on existing private water wells in the vicinity. These measures require that:

- a) documentation be registered on the title to advise future owners that each residential lot is to be serviced with an on-site wastewater treatment system and a subsurface disposal bed, in accordance with the requirements of the Ontario Building Code;
- b) a copy of an executed maintenance contract with a qualified wastewater maintenance provider must be submitted to the City of London prior to occupancy;
- c) annual inspection and monitoring results must be submitted to the City of London's Chief Building Official as required by the Ontario Building Code; and
- d) the annual monitoring shall include effluent nitrogen parameters (nitrate, nitrite, ammonia and total kjeldahl nitrogen).

The new conditions will ensure that on-site wastewater treatment systems are developed in accordance with requirements of the Ontario Building Code, maintained by the property owner, and monitored on an ongoing basis to ensure that remedial actions can be taken if systems do not perform in accordance with the design specifications.

Other new and revised conditions that are proposed with this extension provide additional clarity for the municipal servicing requirements and do not substantively alter the scope or intent of the conditions that were approved in 2009.

The current Zoning will continue to apply to the lands in the subdivision and no changes are proposed to the road alignments or lotting configuration in the red line amended draft plan. The three year extension that is being recommended will provide a sufficient timeframe within which to satisfy all of the draft plan conditions and progress the plan to final approval.

Changes being recommended to the current conditions are hi-lited on attached Appendix "39T-00519-1 with ~~strikeout~~ and underline.

Notice of Draft Approval Extension:

Notice was not circulated to the public regarding the request for extension of draft approval given that no revisions are being proposed to the zoning, lotting pattern or roadway alignments in this draft approved plan. If approved, it is recommended that the Ontario Municipal Board provide notice of the extension and revised conditions to the applicant, to persons or public bodies prescribed under the *Planning Act* and to anyone who previously requested notification, in accordance with Section 50(45) of the *Planning Act*.

CONCLUSION


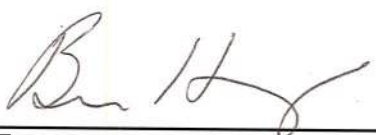

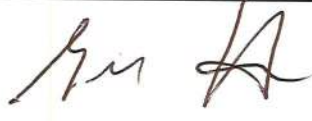
A three year extension has been requested to the draft approval lapse date for the Woodhull Road Subdivision (39T-03511). This plan was draft approved by the Ontario Municipal Board in 2006 and a three year extension was granted in 2009, which lapses on December 7th, 2012.

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The review of design studies for this plan has taken longer than normal due to the requirement for additional documentation on hydrogeological conditions, septic system designs and water wells in the vicinity of the subdivision. Hydrogeological documentation from the owner's consultants has been conditionally accepted by the City's peer reviewer and the recommended implementation measures have been reflected in the revised draft plan conditions. The three year extension that is being recommended to the OMB will provide an adequate timeframe within which to satisfy the balance of draft plan conditions, and advance the plan of subdivision to final approval.

PREPARED & RECOMMENDED BY:	REVIEWED BY:
	
TERRY GRAWEY MANAGER, DEVELOPMENT SERVICES	BRUCE HENRY MANAGER, DEVELOPMENT PLANNING
REVIEWED BY:	SUBMITTED BY:
	
JENNIE A. RAMSAY, P.ENG. MANAGER, DEVELOPMENT SERVICES	GEORGE KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL

October 25, 2012
TG/tg

Y:\shared\sub&spec\subdiv\39T-00519\2012 Extension Request Report to BNEC

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Appendix "A"

Related Estimated Costs and Revenues

Estimated Costs – This Agreement	
Claims from Urban Works Reserve Fund – General	Nil
Claims from the Urban Works Reserve Fund - Stormwater Management	Nil
Capital Expense – Water Division – 2 hydrants (Gideon Dr)	\$15,600
Other	Nil
Total	\$15,600
Estimated Revenues - This Agreement (2012 rates) (note1)	
CSRF (note 2)	\$189,589
UWRF	Nil
Total	\$189,589

1. 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.
2. DC revenues reflect rates under the current DC By-law for development outside the Urban Growth Boundary. The rates currently exclude recovery for costs related to expansion of the water distribution system. The DC rates and policies are currently under review and results of this review may affect the DC rates applied to this subdivision in the future. Development in this subdivision would pay DC rates and/or water connection charges under the applicable By-law(s) at the time of application for building permit.
The development in question must employ on-site sanitary servicing. Extension of municipal sanitary sewers if necessary in the future will need to be funded by benefitting landowners.
The Developer is to extend watermains at their sole expense.

Reviewed By:



Peter Christiaans
Director, Development Finance

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**“Appendix 39T-03511-1”
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-03511 ARE AS FOLLOWS:

Recommended modifications shown as additions and deletions

- | NO. | CONDITIONS |
|-----|---|
| 1. | This approval applies to the draft plan, submitted by Phyllis Matthews., prepared by Callon Dietz., File No. 39T-03511, drawing No. X-857, as red-line amended, which shows 23 single detached dwelling lots, a park block, and an open space block, all served by 2 local public roads. |
| 2. | This approval of the draft plan applies until December 7, 2012 <u>2015</u> , and if final approval is not given within that time, 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 registered plan and dedicated as public highways. |
| 4. | The street(s) shall be named to the satisfaction of the <u>City General Manager of Planning and Development</u> . |
| 5. | The municipal addresses shall be assigned to the satisfaction of the <u>City General Manager of Planning and Development</u> . |
| 6. | The Owner, prior to final approval, 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, <u>appropriate zoning shall be in effect for this proposed subdivision</u> the Approval Authority is to be advised by the City Clerk of the City of London that appropriate zoning is in effect for this proposed subdivision. |
| 8. | The Owner agrees in writing to <u>shall</u> 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. |
| 9. | The subdivision agreement between the Owner and the City of London be registered against the lands to which it applies once the plan of subdivision has been registered. |
| 10. | That the owner grant to the appropriate authorities such easements as may be required for road, utility or drainage purposes. |

In conjunction with registration of the Plan, the Owner shall provide to the appropriate authorities such easements 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, at no cost to the City.

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11. The subdivision agreement between the Owner and the municipality contain phasing arrangements to the satisfaction of the City General Manager of Planning and Development and the City Engineer.
12. The Owner shall implement the requirements of the City of London concerning sedimentation and erosion control measures during all phases of construction. The Owner's consulting engineer shall have these requirements established and approved by the City Engineer, prior to any work on the site.
13. ~~The Owner agrees that~~ Prior to obtaining all necessary permits, approvals and/or certificates that need to be issued in conjunction with the development of the subdivision, no construction or installations of *any* kind (eg. clearing or servicing of land) involved with this plan shall be undertaken, unless otherwise approved by the City General Manager of Planning and Development in writing (eg. MOE certificates; City/Ministry/Agency permits: Approved Works, water connection, water-taking, navigable waterways; approvals: UTRCA, MNR, MOE, City; etc; etc.). No construction involving installation of services requiring an EA is to be undertaken prior to fulfilling the obligations and requirements of the Province of Ontario's Environmental Assessment Act and the City of London.
14. Prior to the submission of engineering drawings, the Owner shall have a report prepared by a qualified consultant, and if necessary, a detailed hydro geological investigation carried out by a qualified consultant, to determine the effects of the construction associated with this subdivision on the existing ground water elevations and domestic or farm wells in the area, to the satisfaction of the City Engineer. If necessary, the report is to also address any contamination impacts that may be anticipated or experienced as a result of the said construction. Any recommendations outlined in the report are to be reviewed and approved by the City Engineer, prior to any work on the site. Should any remedial works be recommended in the report the works are to be included in the subdivision agreement, the Owner agrees to complete these works to the satisfaction of the City, at no cost to the City.
15. The Owner agrees to carry out twice yearly water quality monitoring during any site alteration and dwelling construction and at the time of assumption by the City, to ensure minimal impact to the existing wells in the area. Should any remedial works be required, the Owner agrees to complete these works to the satisfaction of the City, at no cost to the City.
16. The Owner shall convey the park block (Block 26), and the open space block (Block 27) to the City, to satisfy the required dedication under the Planning Act for 5% of the land included in the plan to the municipality for park purposes. The land dedication of the park block and open space block satisfies the parkland needs for the entire property located at 1820 Woodhull Road.
17. ~~a) The subdivider agrees to~~ In conjunction with the submission of design studies, the Owner shall submit grading plans of the park block (Block 26), for review and approval by the City General Manager of Planning and Development.

~~b) The subdivider agrees that lot and block grading plans must match adjacent properties including any City owned lands or future open space lands with existing grades along the property line. In instances where this is not practical or desirable, any grading into the open space shall be to the satisfaction of the General Manager of Planning and Development.~~
18. The subdivider Owner agrees that lot and block grading plans must match adjacent properties including any City owned lands or future open space lands with existing grades along the property line. In instances where this is not practical or desirable, any

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grading into the open space shall be to the satisfaction of the General Manager of Planning and Development.

19. Prior to final approval of this plan and subject to the satisfaction of the London District Catholic School Board, the Owner shall agree in the subdivision agreement to include a suitable warning clause advising future purchasers that this area may be accommodated in temporary facilities and/or bused outside the neighbourhood for their education.
20. Prior to final approval of this plan and subject to the satisfaction of the Thames Valley District School Board, the Board may require the Owner to agree in the subdivision agreement to include a suitable clause to advise future purchasers that this area has been designated a "Holding Zone" for school accommodation purposes and students will be accommodated at a "Holding School".
21. The Owner shall carry out an archaeological survey and rescue excavation of any significant archaeological remains found on the site to the satisfaction of the Southwestern Regional Archaeologist of the Ministry of Culture; and that 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.
22. ~~Prior to any work on 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.~~

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.

23. Prior to any site alteration on the subject property, the Owner shall allow the City's Heritage Planner and/or LACH an opportunity to document the on-site clay silo.
24. The Owner shall receive approval from the London Fire Department should any burning of materials on-site be contemplated.
25. The Owner shall, as part of the submission of engineered servicing drawings for this subdivision, implement lot grading plan incorporating the recommendations of the Trow report (February 16, 2004) for the design and construction of the private sewage disposal systems, water wells and storm outlet from the subdivision.
26. The Owner shall have its consulting professional engineer design and construct the proposed Stormwater Management (SWM) Best Management Practices measures and storm/drainage servicing system, located in the Downstream Thames Subwatershed, for the subject lands, all to the specifications and satisfaction of the City Engineer and according to the requirements of the following:
 - i) The SWM targets and criteria for the Downstream Thames Subwatershed Study.
 - ii) The approved Servicing Report for the proposed design of SWM BMP's measures and storm/drainage system 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.
 - v) Applicable Acts, Policies, Guidelines, Standards and Requirements of all relevant

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SWM agencies.

27. Prior to final approval, if the Owner chooses to ~~construct a SWM facility~~ implement an alternate SWM solution, the Owner shall enter into an agreement which provides all required and adequate land dedications in relation to the proposed SWM ~~facility~~ solution, all to the satisfaction of the City Engineer.
28. Prior to the submission of engineering drawings, the Owner shall have an engineer provide a report to address an adequate water supply system for this draft plan of subdivision, all to the specifications and satisfaction of the City Engineer and at no cost to the City.
29. Prior to the submission of engineering drawings, the Owner shall verify the adequacy of the decision sight distance on Woodhull Road at Street "A". If the sight lines are not adequate, this access is to be relocated and/or road work undertaken to establish adequate decision sight distance.
30. The Owner shall dedicate sufficient land to widen Woodhull Road to 18.0 metres (60') from the centerline of the original road allowance or existing road.
31. The Owner shall dedicate 6.0 m x 6.0 m "daylighting triangles" at the intersection of Street "A" with Woodhull Road in accordance with the Z-1 Zoning By-law, Section 4.24.
32. The Owner shall dedicate 6.0 m x 6.0 m "daylighting triangles" at the intersection of Lime Kiln Drive with Woodhull Road (southeast corner) in accordance with the Z-1 Zoning By-law, Section 4.24.
33. Prior to the submission of engineering drawings, the Owner's professional engineer is to determine the need for an Environmental Assessment under the Class EA requirements for the provision of any services related to this plan. No construction involving installation of services requiring an EA is to be undertaken prior to fulfilling the obligations and requirements of the Province of Ontario's Environmental Assessment Act.
34. The Owner shall convey the park (pedestrian connection) Block 26 located between Lots 16 and 17 to the City of London and ~~to fence~~ erect a black 1.5 metre high chain link fence without gates, SPO 4.8 on said block to the satisfaction of the City Manager of Parks Planning and Design.
35. The Owner agrees to erect a 1.5 metre (5 ft) high chain link fence without gates, SPO 4.8 on Lots 8-17 adjacent to the open space to the satisfaction of the ~~City General Manager of Planning and Development~~ and the Owner further agrees not to submit building permit applications unless accompanied by certification for the said Lots that the fence has been installed.
36. In accordance with the approved EIS, the Owner agrees to implement the requirements of the City of London concerning sedimentation and erosion control measures during all phases of construction. The Owner's consulting engineer shall provide bi-monthly status reports to the Manager of Parks Planning and Design and the City Engineer ensuring the appropriate measures are in place and functioning, prior to and during work on the site.
37. As part of the submission of engineered servicing drawings for this subdivision, the Owner shall have its professional engineer design the water conveyance of the overland flow route to the tributary to the satisfaction of the City Engineer, and the subject lands comprising the Natural Heritage System component must be approved by the ~~City General Manager of Planning & Development~~. The Owner agrees to implement the approved servicing drawings.
38. The Owner shall, as part of the submission of engineered servicing drawings for this subdivision, prepare a plan for the planting on the slopes to suit the existing partially

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vegetated slopes. The recommendations of the landscape plan should be designed and constructed with the natural heritage component to permit an ecosystem approach to planning.

39. The Owner agrees, that in lieu of constructing a noise attenuation wall abutting Woodhull Road, to complete a noise study to address any potential traffic noise mitigation measures. Should any physical noise attenuation features be required, the Owner (and subsequent Owners) agree to construct and maintain said physical mitigation feature on private property.
40. Prior to submission of a building permit application on lots 1 to 8 inclusive and on lots 20, 21 and 23, the Owner agrees to shall install a fence treatment along the west limit of the plan adjacent to Woodhull Road and the north limit of the plan adjacent to the Lime Kiln Drive subdivision, acceptable to the ~~City General Manager of Planning and Development~~. The fence treatment shall be a consistent treatment on the lots, shall be located entirely on private property, at the Owner's expense and maintained by the Owner(s), all to the satisfaction of the ~~City General Manager of Planning and Development~~.
41. A detailed erosion and sediment control plan be submitted to the satisfaction of the UTRCA.
42. Detailed servicing and grading plans showing the measures identified in the stormwater management, and sediment and erosion control plans, shall be submitted to the satisfaction of the UTRCA.
43. Prior to final approval, the ~~subdivider will be required to~~ Owner shall obtain all necessary approvals made pursuant to Section 28 of the Conservation Authorities Act to the satisfaction of the UTRCA. Specifically, permits will be required for the storm sewer outlet location, and for filling and grading activities at the rear of lots 12 to 17.
44. The Owner agrees that no building permits will be applied for on lots 8 and 9 until the Holding Provision on the affected lands is removed to address Minimum Distance Separation (MDS) from an identified livestock operation.
45. Prior to final approval, the Owner's consulting engineer shall ensure that increased and accelerated stormwater runoff from this subdivision shall not cause damage to downstream lands, properties or structures beyond the limits of this subdivision and notwithstanding any requirements of the City, or any approval given by the City Engineer, the ~~subdivider~~ 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.
46. All hydrogeological reports, septic system reports and wells reports will be subject to peer review by the City, and the cost of such peer review will be borne by the Owner.
47. Copies of all reports and peer reviews upon which the City relies to grant final approval to the subdivision application will be delivered to the Appellants at the addresses set out in Attachment 1 (OMB Decision/Order 3422, dated December 7, 2006) forthwith, upon their receipt by the City, or at such other address as the Appellants shall from time to time advise in writing.
48. The Owner will satisfy the City that the Province's D-5-5 guidelines have been met, prior to the issuance of ~~any building permits~~ a Certificate of Conditional Approval on the lots.
49. The Owner's professional geotechnical engineer shall ensure that all geotechnical issues and all required setbacks and separation distances related to SWM BMP's measures and the septic system are adequately addressed for the subject lands, all to the satisfaction of the City Engineer and the Ministry of the Environment.

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50. The Owner shall ~~promote the implementation of~~ 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.
51. Prior to or in conjunction with the Design Studies and 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.
52. ~~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.~~
53. ~~In conjunction with the submission of the design studies, the Owner shall have their consulting engineer submit a report satisfactory to the City Engineer, that will identify all erosion and sediment control measures to be used during construction and implementation of the plan. This report may be included in the stormwater servicing report/plan. The Owner shall implement and monitor the measures in conformance with the report and satisfactory to the City Engineer. The Owner shall correct any deficiencies of the erosion and sediment control measures forthwith.~~
54. Prior to the issuance of a Certificate of Conditional Approval, the Owner's consulting professional engineer shall submit a monitoring program and the annual monitoring reports in accordance with the approved discharge requirements specified by the Ministry of the Environment Certificate of Approval, all to the specifications and satisfaction of the City Engineer.
55. Prior to the submission of engineering drawings, the Owner shall submit a report demonstrating the Province's D-5-4 guidelines have been met to the satisfaction of the City General Manager of Planning and Development.
56. The Owner shall register on the title of each lot a requirement that the construction and location of the private wastewater treatment system must be in accordance with the final approved hydrogeological report(s) and the Owner shall require, as a condition of purchase for each lot, that the building permit application include a report from the Owner's consulting engineer that confirms that the design and location of the private wastewater treatment system is in accordance with the final approved hydrogeological report(s).
57. The Owner shall extend a watermain from the intersection of Westdel Bourne and Oxford Street to this subdivision and to service the lots in this subdivision, to the satisfaction of the City Engineer at no cost to the City.
58. 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);
 - vi) water network analysis/hydraulic calculations for subdivision report;

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- vii) phasing report;
- viii) ~~oversizing of water main/cost sharing agreements.~~

Where it is required to meet water quality requirements, the Owner shall install automatic flushing devices with meters. The Owner shall pay for the costs of water flushed to meet water quality requirements.

Prior to the issuance of any Certificate of Conditional Approval, the Owner shall implement the accepted recommendations to address the water quality requirements for the watermain system, to the satisfaction of the City, at no cost to the City.

59. ~~In the event the Owner chooses to submit a claim against the City's Capital Works Budget (Water Engineering Division) for the reimbursement of the Capital Works Budget share of the cost of construction of two (2) new fire hydrants on Gideon Road, the Owner shall comply with all City requirements for submission of a claim, in accordance with City policies, guidelines, By-laws and procedures. Any claim submitted shall be limited to a maximum amount of \$11,000 upon completion of these works.~~

~~The Owner acknowledges that notwithstanding submission of such a claim or the assumption of the works by the City, the City is under no obligation or promise under the terms of this agreement, or otherwise, to reimburse the Owner. The amounts of any capital funding are subject to separate Council Approval. Any amounts considered in this draft plan approval are to be viewed as general estimates only and not approved claims. Any or all claims may be refused at the full discretion of Council.~~

~~The Owner acknowledges that City Council may consider inclusion of an item for reimbursement of its share in the Capital Works Budget for the year immediately following completion of construction, but the inclusion of such item shall not be taken to be an acknowledgement by the City of any obligation or promise by the City to make such reimbursement. With that intention, the cost of construction of the works shall be at all times, notwithstanding the assumption of the works by the City, at the sole expense and risk of the Owner.~~

60. ~~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.~~

61. 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.

62. 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 Engineer.

63. The Owner shall connect to all existing services and extend all services to the limits of the draft plan of subdivision, at no cost to the City, all to the specifications and satisfaction of the City Engineer.

Add the following Conditions:

64. The Owner shall register on the title of each lot, the following requirements:

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- i) Each residential lot be serviced with an on-site wastewater treatment system consisting of a Waterloo Biofilter and a subsurface disposal bed in accordance with the requirements of the Ontario Building Code;
 - ii) A copy of an executed maintenance contract with a qualified wastewater maintenance provider be submitted to the City of London prior to occupancy. The wastewater maintenance provider shall be approved by the treatment system manufacturer;
 - iii) Results of the annual inspection and monitoring be submitted to the City of London's Chief Building Official as required by the Ontario Building Code; and
 - iv) That the annual monitoring be revised to include effluent nitrogen parameters (nitrate, nitrite, ammonia and total kjeldahl nitrogen)
65. The Owner shall provide 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=8.0m) within the cul-de-sac.
66. The Owner shall have it's professional engineer design the roadworks in accordance with the following road widths:
- i) Streets 'A' and 'B' have a minimum road pavement width (excluding gutters) of 6.0 metres (19.7') with a minimum road allowance of 18 metres (60').
 - ii) Street 'A' from Woodhull Road to 30 metres (100') east has a minimum road pavement width (excluding gutters) of 10.0 metres (32.8') with a minimum road allowance of 21.5 metres (70'). The widened road on Street 'A' shall be equally aligned from the centreline of the road and tapered back to the 6.0 metres (19.7') of road pavement width (excluding gutters) and 18.0 metres (60') of road allowance width for this street with 30 metre (100') long tapers on both street lines.
67. The Owner shall install street lighting on all streets in this plan to the satisfaction of the City, at no cost to the City.
68. The Owner shall install street lighting at Street 'A' and Lime Kiln Drive and at Street 'A' and Woodhull Road only abutting this subdivision as determined to be warranted by and to the specifications of the City.
69. 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 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.
70. The Owner shall make minor boulevard improvements on Woodhull Road adjacent to this Plan, to the specifications of the City and at no cost to the City, consisting of clean-up, grading and sodding as necessary.
71. The Owner shall have the common property line of Woodhull 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 Woodhull Road are the future centreline of road grades as determined by the Owner's professional engineer, satisfactory to the City. From these, the Owner's professional engineer is to determine the elevations along the common property line which will blend with the reconstructed road, all to the satisfaction of the City.
72. Prior to final approval, the Owner shall make arrangements with the affected property owner(s) for the construction of any portions of services or grading situated on private

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lands outside this plan, and shall provide satisfactory easements over these works, as necessary, all to the specifications and satisfaction of the City, at no cost to the City.

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

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

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

- i) In the event discharge is to unassumed services, the unassumed services must be completed and conditionally accepted by the City;
- ii) The Owner must provide a video inspection on all affected unassumed sewers;

Any damages caused by the connection to unassumed services shall be the responsibility of the Owner.

75. 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.

76. 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.

77. The Owner's professional engineer shall provide inspection services for all work to be assumed by the City, and have it's professional engineer supply the City with a Certification of Completion of Works upon completion, in accordance with the plans accepted by the City.

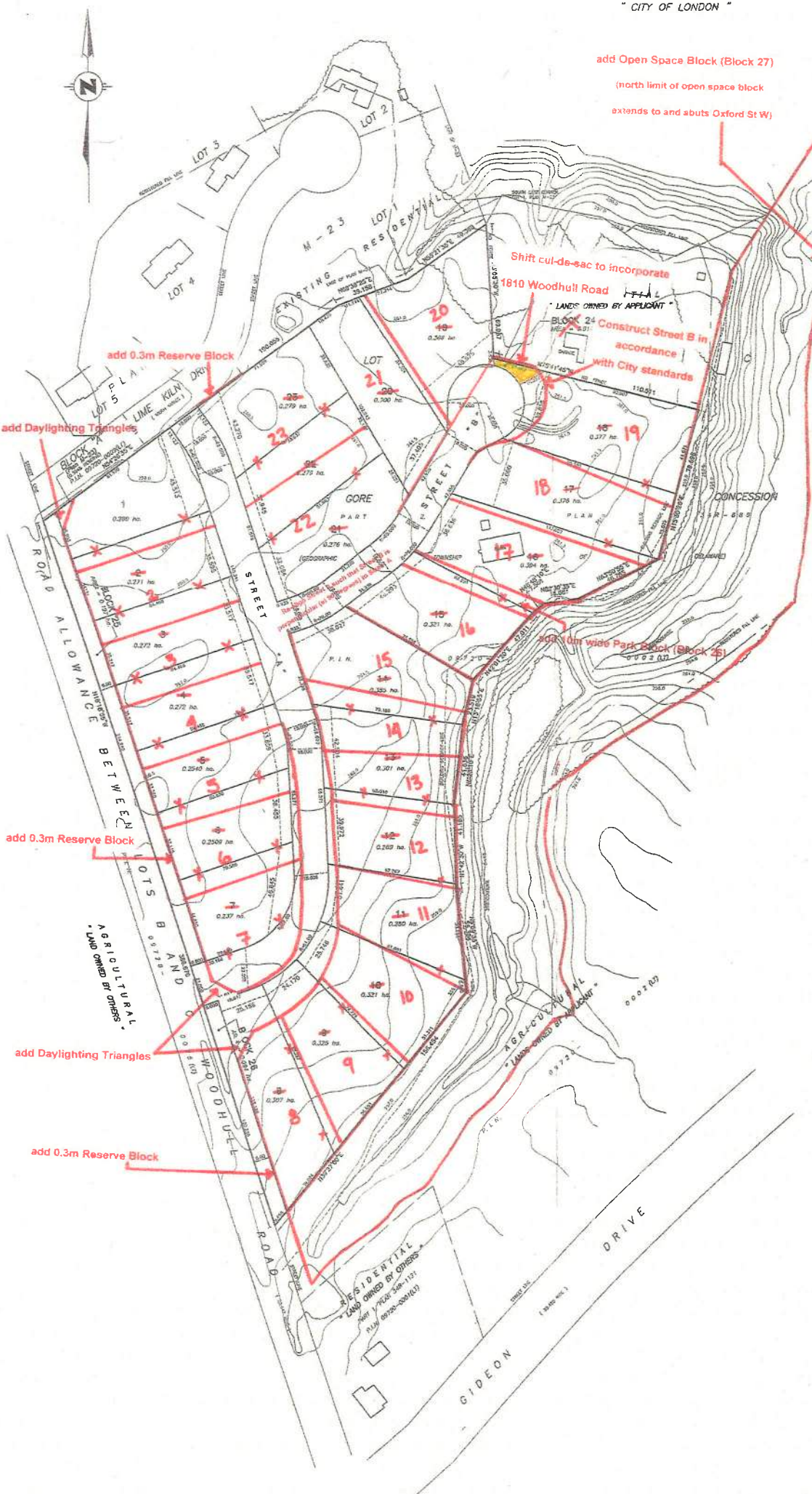
78. The Owner shall decommission any abandoned infrastructure, at no cost to the City, including cutting the water service and capping it at the watermain, all to the specifications and satisfaction of the City.

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- 79. The Owner shall remove all existing accesses and restore all affected areas, all to the satisfaction of the City, at no cost to the City.
- 80. All costs related to the plan of subdivision shall be at the expense of the Owner, unless specifically stated otherwise in this approval.
- 81. 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.
- 82. The Owner shall pay development charges and other applicable charges, in accordance with the Development Charges By-law that applies to this plan, which is located beyond the limits of the 20 year urban growth boundary. No claims are eligible to be paid from the City's Urban Works Reserve Fund.

" CITY OF LONDON "



DRAFT PLAN OF SUBDIVISION OF PART OF LOT C, GORE CONCESSION (GEOGRAPHIC TOWNSHIP OF DELAWARE) IN THE CITY OF LONDON COUNTY OF MIDDLESEX SCALE 1:1000 (METRIC)

J. ANDREW SMITH ONTARIO LAND SURVEYOR

ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51(17) OF THE PLANNING ACT:

- a) AS SHOWN b) AS SHOWN c) AS SHOWN d) RESIDENTIAL e) AS SHOWN f) AS SHOWN g) AS SHOWN h) MUNICIPAL WATER i) SAND OR SANDY GRAVEL OVER CLAYE SILT TILL j) AS SHOWN k) SEPTIC SYSTEMS l) NONE

LAND USE SCHEDULE:

Table with 2 columns: USE and AREA. Rows include: LOTS 1 TO 23 - SINGLE FAMILY RESIDENTIAL (6,571 ha), BLOCK 24 - RESIDENTIAL (0,114 ha), BLOCKS 25 & 26 - STREET WIDENING ROADS (1,010 ha), TOTAL SITE AREA (8,295 ha).

OWNER'S CERTIFICATE:

I HEREBY AUTHORIZE GALLON DIEZ INC. TO SUBMIT THIS PLAN OF PROPOSED SUBDIVISION TO THE CORPORATION OF THE CITY OF LONDON FOR APPROVAL.

Oct 4/04 LONDON, ONTARIO

PHILIP MAJURY MATTHEWS

SURVEYOR'S CERTIFICATE:

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

Oct 4/04 LONDON, ONTARIO

J. ANDREW SMITH ONTARIO LAND SURVEYOR

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

39 REVISED

Subject to the conditions, if any, set forth in our letter dated March 9, 2005, this draft plan is approved under section 51 of the Planning Act this 17th day of March, 2005.

Approved Authority for the City of London