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File No.:39T-10503/Z-7785
Planner: Nancy McKee

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE
FROM:	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR OF DEVELOPMENT AND COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION BY: 756949 ONTARIO LIMITED 1647 FANSHAWE PARK ROAD EAST ONTARIO MUNICIPAL BOARD DECISION MEETING ON TUESDAY, JANUARY 22, 2013

RECOMMENDATION

That, on the recommendation of the Senior Planner, Development Services, the following report on the decision by the Ontario Municipal Board relating to the appeal by Alan Patton on behalf of 756949 Ontario Limited c/o Global Vision Investments relating to Zoning By-law No. Z-1 and Draft Plan of Subdivision concerning 1647 Fanshawe Park Road East **BE RECEIVED** for information.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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June 8, 2011 – report and BNEC public meeting – Draft Plan of Subdivision & Zoning By-law Amendment (39T-10503/Z-7785)

June 20, 2011 – information report to BNEC

November 14, 2011 – information report to BNEC

February 6, 2012 – information report to PEC on OMB appeal

PURPOSE AND EFFECT OF RECOMMENDED ACTION

This is an information report. The effect of the OMB decision is the approval of a draft plan of subdivision containing 96 single detached dwellings served by one new local street and the approval of the implementing zoning by-law amendment to permit single detached dwellings.

BACKGROUND


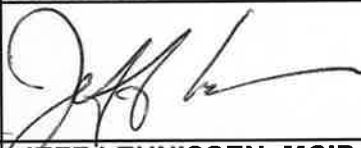

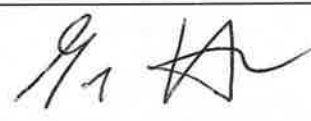
The attached Ontario Municipal Board decision relates to an application by 756949 Ontario Limited to permit the development of a plan of subdivision containing 96 single detached dwelling lots and a zoning by-law amendment to implement the proposed lotting pattern and other conditions related to development of the draft plan.

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On June 20, 2011, Municipal Council amended Zoning By-law Z.-1 and directed Civic Administration to take steps to incorporate a permanent secondary access to the development from Fanshawe Park Road East. The applicant appealed the Zoning By-law amendment and the failure of the Approval Authority to make a decision on the draft plan of subdivision application within 180 days. The City defended Council's position at an Ontario Municipal Board (OMB) hearing in September, 2012.

The OMB dismissed the Zoning By-law appeal but allowed the appeal against the draft plan of subdivision. The OMB granted draft approval of the plan of subdivision subject to conditions. A copy of the OMB decision, conditions and the draft plan are attached (Appendix 1).

RECOMMENDED BY:	REVIEWED BY:
	
NANCY MCKEE, MCIP, RPP SENIOR PLANNER DEVELOPMENT SERVICES	JEFF LEUNISSEN, MCIP, RPP MANAGER DEVELOPMENT PLANNING
CONCURRED BY:	SUBMITTED BY:
	
JENNIE A. RAMSAY, P.ENG. MANAGER DEVELOPMENT SERVICES	GEORGE KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL

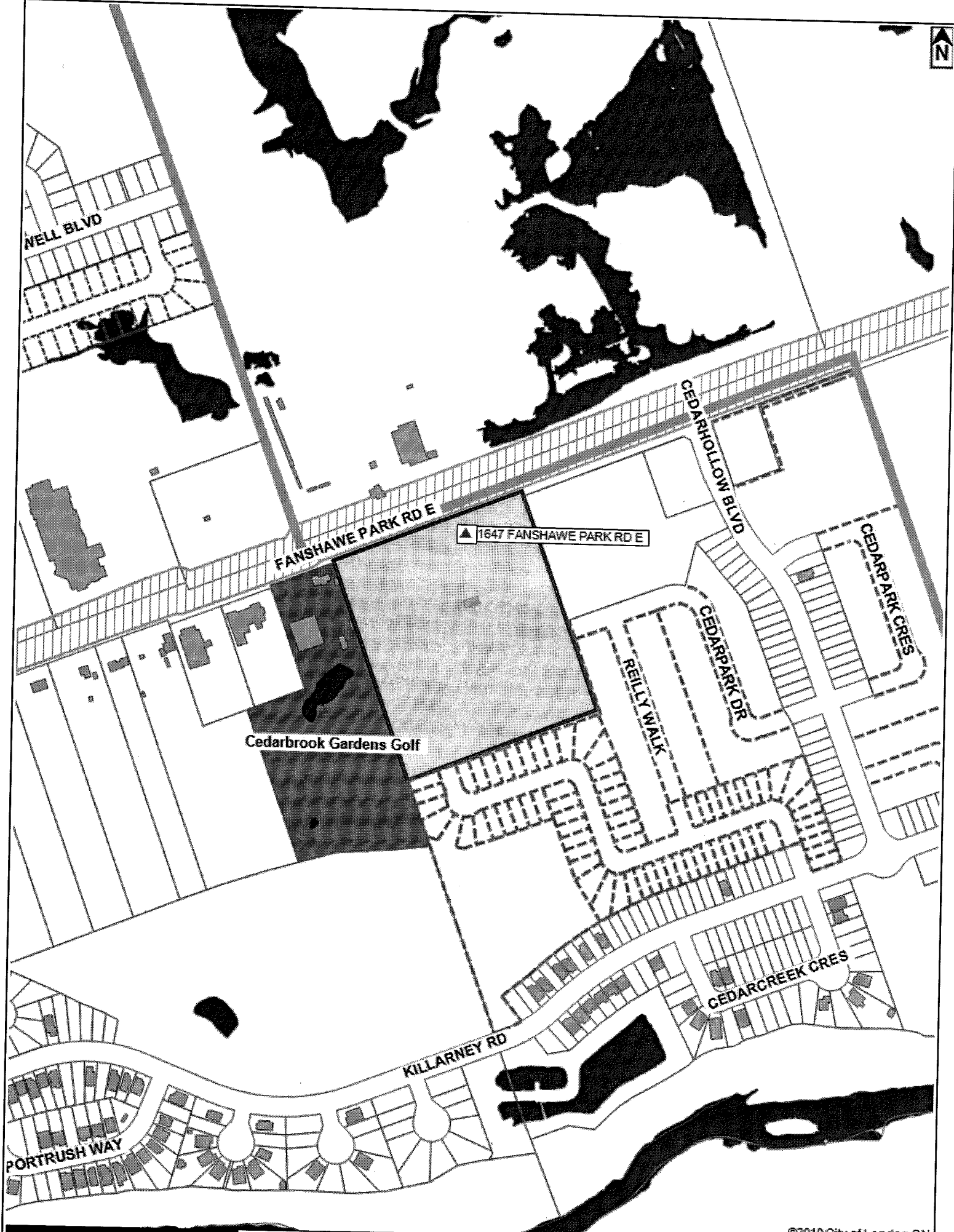
January 8, 2013
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 (HMcN)\OMB\OMB decision report 1647 Fanshawe.docx

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**File No.:39T-10503/Z-7785
Planner: Nancy McKee**






Appendix 1



LOCATION MAP
 Subject Site: 1647 Fanshawe Park Road East
 File Number: 39T-10503 / Z-7785
 Planner: Heather McNeely
 Created By: Nicole Musicco
 Date: 2010-05-12
 Scale: 1:5000

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

LEGEND

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

ISSUE DATE:

November 19, 2012



PL110789

Ontario
Ontario Municipal Board
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant: 756949 Ontario Limited
Subject: Z.-1-112025
Municipality: The City of London
OMB Case No.: PL110789
OMB File No.: PL110789

756949 Ontario Limited has appealed to the Ontario Municipal Board under subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from the failure of the City of London to make a decision respecting a proposed plan of subdivision on lands located at 1647 Fanshawe Park Road E. to permit the development of 96 single-detached residential lots.

OMB Case No.: PL110789
OMB File No.: PL111313

APPEARANCES:

Parties

Counsel

756949 Ontario Limited

A. R. Patton

City of London

J. L. Page

DECISION DELIVERED BY SUSAN de AVELLAR SCHILLER AND ORDER OF THE BOARD

[1] 756949 Ontario Limited (proponent) wishes to develop a subdivision in the northeast area of the City of London (City). The site is south of Fanshawe Park Road, east of Highbury Avenue, north of Killarney Road and west of Cedarhollow Boulevard. Fanshawe Park Road and Highbury Avenue are both arterials. Killarney Road and Cedarhollow Boulevard are both secondary collectors.

[2] There is ongoing development activity within this quadrant. There are three multiple residential sites, two of which are under construction and one of which is in site

preparation. The residences along Killarney Road are largely built, as are most of those fronting on Cedarhollow Boulevard.

[3] The transportation plan in the area is designed to have the secondary collectors intersect with the arterials. In this case, Killarney Road intersects with Highbury Avenue and Cedarhollow Boulevard intersects with Fanshawe Park Road.

[4] The local streets that weave through and connect the various internal subdivisions with one another are designed to bring the subdivision traffic to the secondary collectors en route to the arterials. This transportation plan then also works in reverse when traffic is coming from the arterials through the secondary collectors then disperses into the internal subdivisions.

[5] The proposed subdivision has been designed as one of those internal subdivisions whose traffic moves to and from the arterials via the secondary collector roads.

[6] The Board was advised that the City does not take issue with the proposed plan of subdivision, but asks the Board to consider a right-in/right-out direct connection between a local street in the proposed subdivision and Fanshawe Park Road.

[7] The Board heard from two area residents who live on Killarney Road, one of the two secondary collector roads in this quadrant.

[8] The residents support the City's request that the Board require a right in/right out connection from a local road in the proposed subdivision directly to Fanshawe Park Road.

[9] Killarney Road itself travels east in a slow sweep from Highbury Avenue to a traffic circle where it connects to Cedarhollow Boulevard. Cedarhollow Boulevard then continues north to Fanshawe Park Road.

[10] The curves in Killarney Road were designed partly to accommodate the design of development along Killarney Road and partly to recognize the boundaries of large open space features in the area.

[11] The Killarney Road residents are concerned with the speed at which traffic moves along Killarney Road, particularly along a curve that is in front of a park entrance. The participants live close to this curve and are concerned that parked vehicles obscure the ability of drivers to see pedestrians going to and from the park. They are particularly concerned about the safety of children using the park entrance.

[12] The residents acknowledge that the traffic along Killarney is primarily local and that those travelling at a high rate of speed in this section are likely themselves residents in the area.

[13] The residents are concerned that another subdivision that is designed to access the arterials through local streets that connect to the two collectors will simply increase what they feel is an already unsafe condition on Killarney Road. Instead, they suggest that the proposed subdivision should have a direct connection from one of its local streets to Fanshawe Park Road, bypassing the designated secondary collector.

[14] The Board heard from three transportation engineers and two land use planners. All five executed the Board's Acknowledgement of Expert's Duty form. The Board qualified all five to provide expert opinion evidence to the Board.

[15] The City of London Official Plan (OP) discourages connecting local streets directly with arterials. Section 18.2.6.(i) states:

The design of residential plans of subdivision shall discourage the intersection of local streets with freeways, expressways, arterial or primary collector roads.

[16] The suggested direct connection from the proposed subdivision to Fanshawe Park Road would be creating an intersection between a local street and an arterial.

[17] Although the language of the OP does not prohibit direct connections between local streets and arterials, the language of the OP indicates a clear preference for no such connections. With that in mind, the Board finds that an exception to require a direct connection between a local street and a collector should be based on a clear indication of the need for such a connection.

[18] This area has been planned so that no local streets from its component subdivisions connect directly to either arterial, bypassing the secondary collectors.

[19] The evidence before the Board is that secondary collectors are designed to handle 5000 vehicles per day. Cedarhollow Boulevard operates at about 7 per cent of capacity; Killarney Road operates at about 13 per cent of capacity.

[20] The Board had no expert evidence before it, from either planner or from any of the transportation experts, that Killarney Road is unsafe.

[21] The Board acknowledges that the residents who addressed the Board believe Killarney Road to be unsafe, at least for part of its distance. The residents acknowledged that they have not engaged City staff in discussions about ways to address directly their specific concern with speed and visibility at the park entrance.

[22] The Board also understands that these residents believe that a right-in/right-out direct connection with Fanshawe Park Road would reduce traffic on Killarney Road. The Board had no expert traffic or transportation evidence to support this belief.

[23] None of the three traffic and transportation experts recommended this direct local/arterial connection to the Board.

[24] The Board had uncontested evidence from traffic and transportation experts that introducing a direct local connection to Fanshawe Park Road from the proposed subdivision would create a less safe condition for traffic on Fanshawe Park Road.

[25] With no evidence that the current operation of Killarney Road is unsafe, with no evidence that Killarney Road now operates anywhere close to its intended capacity, and with evidence that a direct connection to Fanshawe Park Road as proposed would create a less safe condition on that arterial, the Board finds that there is no demonstrated traffic and transportation volume or safety need to alter the planned function of the street system in this area.

[26] Additionally, the evidence before the Board is that a redesign of the local streets within the proposed subdivision would be necessary to accommodate the requested right-in/right-out movement at the proposed intersection with Fanshawe Park Road.

[27] The proponent did not appeal the private zoning by-law amendment to this Board. The Board was advised that the proponent is satisfied with the zoning by-law amendment adopted by the City. The Board was further advised that the appeal of the

City's zoning by-law amendment was a protective appeal in the event that the Board directed change to the proposed plan of subdivision to accommodate the direct connection to Fanshawe Park Road. Under these circumstances, the City's zoning by-law amendment might require some alteration to be consistent with such a change.

[28] Section 2.1(a) of the *Planning Act*, R.S.O. 1990, c. P13, requires the Board to have regard to the decision of City of London Council. In this case, the Council adopted the zoning by-law that adheres to the proposed draft plan of subdivision.

[29] Section 2.1(b) of the Act requires the Board to have regard to any supporting information or material Council had before it regarding the decision in s. 2.1(a). Council had no expert traffic or transportation planning reports that recommended or supported the requested right-in/right-out direct access from Fanshawe Park Road to the proposed subdivision.

[30] The Board finds the suggested right-in/right-out direct connection between a local street of the proposed subdivision and Fanshawe Park Road is not warranted by traffic volumes or safety on Killarney Road.

[31] The Board further finds introducing such connection would produce a less safe condition on Fanshawe Park Road and is not appropriate.

[32] The conditions of draft plan approval are found in Exhibit 5, Tab 1, as filed in these proceedings. The Board is satisfied that these conditions of draft plan approval are appropriate.

ORDER

[33] The Board orders that:

1. The appeal of City of London By-law Z-1-112025 is dismissed.
2. The appeal regarding the proposed draft plan of subdivision for 1647 Fanshawe Road East is allowed.

3. The draft plan of subdivision dated December 1, 2009, and filed as Exhibit 4 in these proceedings is approved subject to the conditions set out in Exhibit 5, Tab 1, as filed in these proceedings.

"Susan de Avellar Schiller"

SUSAN de AVELLAR SCHILLER
VICE CHAIR

Signed Copies are available in the
City Clerks Office

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APPENDIX 39T-10503
(Conditions to be included for draft plan approval)

**THE CORPORATION OF THE CITY OF LONDON'S CONDITIONS AND AMENDMENTS TO
FINAL APPROVAL FOR THE REGISTRATION OF THIS SUBDIVISION, FILE NUMBER 39T-
10503 ARE AS FOLLOWS:**

NO. CONDITIONS

1. This draft approval applies to the draft plan submitted by 756949 Ontario Limited, prepared by MHBC Planning Limited, certified by Callon Dietz Incorporated, File No. 39T-10503, drawing no. Y142'N", as red-line amended, which shows a total of 96 single detached lots, two (2) 0.3 metre reserve blocks, and one (1) road widening block, served by four (4) new local roads.
2. This approval of the draft plan applies for three years, and if final approval is not given by that date, the draft approval shall lapse, except in the case where an extension has been granted by the Approval Authority.
3. The road allowances included in this draft plan shall be shown on the face of the plan and dedicated as public highways.
4. The Owner shall request that street(s) shall be named to the satisfaction of the Director of Development Planning.
5. The Owner shall request that the municipal address shall be assigned to the satisfaction of the Director of Development Planning.
6. Prior to final approval, the Owner shall submit to the Approval Authority a digital file of the plan to be registered in a format compiled to the satisfaction of the City of London and referenced to NAD83UTM horizon control network for the City of London mapping program.
7. Prior to final approval, appropriate zoning shall be in effect for this proposed subdivision.
8. The Owner shall satisfy all the requirements, financial and otherwise, of the City of London in order to implement the conditions of this draft approval.
9. The subdivision agreement between the Owner and the City of London shall be registered against the lands to which it applies.
10. In conjunction with registration of the plan, the Owner shall provide to the appropriate authorities such easements as may be required for all municipal works and services associated with the development of the subject lands, such as road, utility, drainage or stormwater management (SWM) purposes, to the satisfaction of the City Engineer, at no cost to the City.
11. Phasing of this subdivision (if any) shall be to the satisfaction of the Managing Director of Development Approvals Business Unit.
12. 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 effect 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 any Certificate of Conditional Approval, to the satisfaction of the City Engineer, at no cost to the City.

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13. 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.
14. The Owner shall comply with all City of London standards, guidelines and requirements in the design of this draft plan including required engineering drawings. Any deviation to the City's standards, guidelines, or requirements shall be completed to the satisfaction of the Managing Director of Development Approvals.
15. Prior to final approval, for the purposes of satisfying any of the conditions of draft approval herein contained, the Owner shall file with the Director of Development Planning a complete submission consisting of all required clearances, fees, and final plans, and to advise the Director of Development Planning in writing how each of the conditions of draft approval has been, or will be, satisfied. The Owner acknowledges that, in the event that the final approval package does not include the complete information required by the Director of Development Planning, such submission will be returned to the Owner without detailed review by the City.
16. Prior to final approval for the purpose of satisfying any of the conditions of draft approval herein contained, the Owner shall file, with the City, complete submissions consisting of all required studies, reports, data, information or detailed engineering drawings, all to the satisfaction of the Director of Development Planning and the City Engineer. The Owner acknowledges that, in the event that a submission does not include the complete information required by the Director of Development Planning and the City Engineer, such submission will be returned to the Owner without detailed review by the City.
17. Prior to final approval the Owner shall pay in full all financial obligations/encumbrances on the said lands, including property taxes and local improvement charges.
18. Prior to grading and soil disturbance, the Owner's consultant shall request that the Ministry of Culture notify the City of London that there are no archeological concerns, to the satisfaction of the Director of Development Planning.
19. In conjunction with the Design Studies submission, the Owner shall submit for approval an on-street parking plan to the satisfaction of the Director of Development Planning. The approved parking plan required for each registered phase of development and will form part of the subdivision agreement for the registered plan.
20. Prior to development of more than 80 units, the Owner shall make the necessary arrangements with adjacent property owners, or make modifications to the draft plan of subdivision to provide a second public access to this subdivision to the satisfaction of the Director of Development Planning and the City Engineer should the plan be registered in phases. The Owner shall ensure any second access required is satisfactory to the City Engineer with respect to all technical aspects, including adequacy of site lines, provision of channelization, adequacy of road geometries and structural design, etc.
21. Parkland shall be in the form of cash payment in lieu of the 5% parkland dedication pursuant to City of London By-law CP-9.
22. In conjunction with the Design Studies submission, the Owner shall have a Tree Preservation Report and Plan prepared for lands along the boundary of the draft plan of subdivision. Tree preservation shall be established prior to grading/servicing design to accommodate maximum tree preservation to the satisfaction of the Director of Development Planning. The Tree Preservation Report and Plan shall focus on the preservation of quality specimen trees within Lots and Blocks and shall be completed in accordance with the current City of London Guidelines for the preparation of Tree Preservation Reports and Tree Preservation Plans to the satisfaction of the Director of Development Planning. The Owner shall incorporate the approved Tree Preservation Plan on the accepted grading plans.
23. In conjunction with the Design Studies submission, the Owner shall develop and submit

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- a revised water balance report to demonstrate how the post development drainage will protect the ecological hydrology of the system, with identified mitigation measures. Temporary impacts on the sub-surface water due to development must be detailed in the Environmental Impact Study to the satisfaction of Director of Development Planning and the City Engineer.
24. In conjunction with the Design Studies submission, the Owner shall submit a revised Noise Impact Study which recommends noised mitigation measures in accordance with the Ministry of the Environment Guidelines and the City of London policies and guidelines but that excludes the requirement for a continuous berm/barrier along the Fanshawe Park Road East frontage, all to the satisfaction of the Director of Development Planning.
 25. Prior to the issuance of any certificate of conditional approval for lots in this plan, the Owner shall implement the recommendations of the accepted noise and dust study.
 26. Prior to final approval, the Approval Authority shall be advised that the accepted noise attenuation measures have been constructed or requirements have been incorporated into the subdivision agreement between the Owner and the City of London.
 27. The Owner shall construct sanitary sewers to serve this plan and connect them to the future municipal sewer system, namely, the future 200 mm (8 inch) diameter sanitary sewer on future Cedarpark Drive to the east in draft plan 39T-03518, at no cost to the City.
 28. Prior to registration of this plan, the Owner shall obtain consent from the City to reserve capacity at the Adelaide 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.
 29. The Owner shall not connect any weeping tiles into the sanitary sewers within this plan.
 30. The Owner shall construct sewers within this plan at an appropriate size and depth to accommodate flows from upstream lands which are tributary to this system and external to this plan. These upstream lands shall include 1529, 1541, 1559, 1579 and 1589 Fanshawe Park Road East.
 31. 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 construction, all at the Owner's cost. Quality control measures are also required to prevent inflow and infiltration from entering the sanitary sewer system after construction, all satisfactory to the City and all at no cost to the City.
 32. In conjunction with the Design Studies submission, the Owner shall have his consulting engineer 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.
 33. The Owner shall construct storm sewers to serve this plan and connect them to the future municipal sewer system, namely, the future 900 mm (36") diameter storm sewer on future Cedarpark Drive to the east in draft plan 39T-03518, located within the North Thames Subwatershed Study Area, which outlets to the Thames River via the existing Kilally North Stormwater Management (SWM) Facility, at no cost to the City.
 34. In conjunction with the Design Studies submission, the Owner's professional engineer shall provide a storm/drainage and SWM servicing report for the subject lands, all to the satisfaction of the City.

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35. In conjunction with the above report, the Owner shall have his professional engineer identify the storm/drainage and SWM servicing works for the subject lands and how the interim drainage from external lands will be handled, and identify the design for the window street for Cedarpark Drive to consider such issues as grading the common boulevard between Fanshawe Park Road East and the window street and overland flow routes, all to the satisfaction of the City.
 36. In conjunction with the Design Studies submission, the Owner shall have its consulting engineer design and subsequently supervise the construction of the proposed storm/drainage and SWM servicing works, to the satisfaction of the City and according to the recommendations and requirements of the following:
 - i) The accepted Municipal Class EA for Storm Drainage and Stormwater Management Servicing Works for the Kilally North;
 - ii) The approved Functional Report for Kilally North Servicing Area Regional SWM Facility;
 - iii) The City's Waste Discharge and Drainage By-laws, lot grading standards, policies, requirements and practices;
 - iv) The SWM criteria and environmental targets for the North Thames Subwatershed Study;
 - v) The Ministry of the Environment SWM Practices Planning and Design Manual (2003); and,
 - vi) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.
 37. Prior to the issuance of any Certificate of Conditional Approval for lots in this plan or as otherwise approved by the City, all storm/drainage and SWM related works to serve this plan, including all downstream works, must be constructed and operational in accordance with the approved design criteria, all to the satisfaction of the City.
 38. Prior to the issuance of a Certificate of Conditional Approval, the Owner's professional engineer shall identify major and minor storm flow routes for the subject lands and those flow routes, including all downstream works, shall be constructed and be operational.
 39. In conjunction with the Design Studies submission, the Owner shall develop an erosion/sediment control plan that will identify all erosion and sediment control measures for the subject lands in accordance with City of London and Ministry of Environment standards and requirements, all to the satisfaction of the City. 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. The Owner shall correct any deficiencies of the erosion and sediment control measures forthwith.
 40. 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, 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.
 41. The Owner shall promote the implementation of SWM soft measure Best Management Practices (BMP's) within the plan, where possible, to the satisfaction of the City. 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.
 42. The Owner shall construct watermains to serve this plan and connect them to the existing municipal sewer system, namely, the future 200 mm (8") diameter watermain on future Cedarpark Drive (east and south of this plan) in draft plan 39T-03518.
 43. The Owner shall have its professional engineer deliver confirmation that the watermain system has been looped to the satisfaction of the City when development is proposed to proceed beyond 80 units.
 44. In conjunction with the Design Studies submission, the Owner shall have its professional

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

45. 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.
46. The Owner shall align the following streets in accordance with the requirements specified below:
 - i) Cedarpark Drive at the east limit of the plan with Cedarpark Drive in draft plan of subdivision 39T-03518; and,
 - ii) Cedarpark Drive (at the south limit of the plan) with Cedarpark Drive in draft plan of subdivision 39T-03518.
47. In conjunction with the submission of detailed design drawings, the Owner shall have his consulting engineer include 30 metre tapers at all locations in the plan where streets reduce from 20.0 metre to 19.0 metre road width.
48. The Owner shall ensure a minimum of 5.5 metres (18') will be required along the curb line between the projected property lines of irregular shaped lots around the bends on streets in the subdivision.
49. The Owner shall eliminate/limit the bulge in the curb line on Street 'A' to only a maximum offset from the standard radius required to achieve the minimum curb distance for driveways. Further, the bulge in the street line is only to be to the extent required to achieve the minimum frontage for the abutting lots.
50. The Owner shall ensure that all streets in the subdivision have centerline radii which conform to the City of London Standard "Minimum Centreline Radii of Curvature of Roads in Subdivisions."
51. The Owner shall have its professional engineer design the roadworks in accordance with the following road widths:
 - i) Cedarpark Drive (south of Street 'A' has a minimum road pavement width (excluding gutters) of 8.0 metres (26.2') with a minimum road allowance of 20 metres (66').
52. The Owner shall construct a 1.5 metre (5') sidewalk on one side of the following streets:
 - i) Street 'D' (adjacent to Lot 1) - south boulevard;
 - ii) Street 'A' (adjacent to Lot 1-15) - south and east boulevards;
 - iii) Street 'C' (adjacent to Lot 18) - south boulevard;
 - iv) Street 'D' (from Street 'C' to north limit - west leg - adjacent to Lots 19-37) - west boulevard;
 - v) Street 'D' (from Street 'A' to north limit - east leg - adjacent to Lots 83-96) - east boulevard; and,
 - vi) Street 'D' (from limit of plan to Street 'A' - south leg - adjacent to Lot 15) - east boulevard.

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53. The Owner shall provide two (2) sidewalk links from Street 'D' to the proposed future sidewalk on Fanshawe Park Road East, in accordance with the City of London Window Street Guidelines UCC-2M, to the satisfaction of the City, at no cost to the City. Breaks in the 0.3 metre reserve are to be identified on the plan to be registered.
54. The Owner shall dedicate sufficient land to widen Fanshawe Park Road East to 18.0 metres (59.06') from the centerline of the original road allowance.
55. Prior to final approval, at least one of the two links to the public road network in plan of subdivision 39T-03518 must be established to the satisfaction of the City.
56. The Owner shall direct all construction traffic associated with this draft plan of subdivision to utilize Fanshawe Park Road East via streets in draft plan 39T-03518, with the exception of the installation of services, which may access the site temporarily from Fanshawe Park Road east, until conditional approval is granted.
57. 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 its 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.
58. The Owner shall comply with all restrictions and recommendations of Union Gas' design requirements with respect to construction in the vicinity of the existing Union Gas pipeline, all to the satisfaction of Union Gas.
59. Prior to any facility installation that crosses the gas easement or any construction that occurs on the easement, the Owner shall enter into a Crossing Agreement with Union Gas.
60. In conjunction with the Design Studies submission, the Owner shall make provisions for oversizing of the internal sewers and water mains in the Draft Plan (or any resulting phase) to accommodate flows from the upstream lands and water servicing external to the subdivision.
61. The Owner shall pay a proportional share of the operational, maintenance and/or monitoring costs of any affected unassumed sewers or SWM facilities (if applicable) to third parties that have constructed the services and/or facilities, to which the Owner is connecting. The above-noted proportional share of the cost shall be based on contributing flows for sewers or on storage volume in the case of a SWM facility. The Owner's payments to third parties, shall:
 - i) commence upon completion of the Owner's service work connections to the existing unassumed services; and
 - ii) continue until the time of assumption of the affected services by the City.
62. The Owner shall construct all municipal services for the subject lands at the sole expense of the Owner.
63. In conjunction with the Design Studies submission, the Owner shall demonstrate that necessary arrangements have been made for the services required to service this development, which services are located outside this plan, or demonstrate other alternative arrangements acceptable to the City have been made.
64. Prior to acceptance of engineering drawings, the Owner shall obtain a permit or receive clearance from the applicable Conservation Authority.
65. Prior to final approval, the Owner shall make arrangements with the affected property Owner(s) for the construction of any portions of services situated on private lands outside this plan, and shall provide satisfactory easements over the sewers as necessary, all to the specifications and satisfaction of the City.

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66. Prior to the issuance of any 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 specifications and satisfaction of the City.
67. 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.
68. The Owner shall make minor boulevard improvements on Fanshawe Park Road East adjacent to this plan to the specifications of the City and at no cost of the City, consisting of clean-up, grading and sodding as necessary.
69. 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.
70. The Owner shall remove all existing access and restore all affected areas, all to the satisfaction of the City, at no cost to the City.
71. In the event the draft plan develops in phases, upon registration of any phase of this subdivision, the Owner shall provide land and/or easements along the routing of services which are necessary to service upstream lands outside of this draft plan to the limit of the plan.
72. The Owner shall have the common property line of Fanshawe Park Road East grading in accordance with the City of London Standard "Subdivision Grading Along Arterial Roads" at no cost to the City. Further, the grades to be taken as the centerline line grades on Fanshawe Park Road East are the future centerline 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.
73. 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.
74. 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

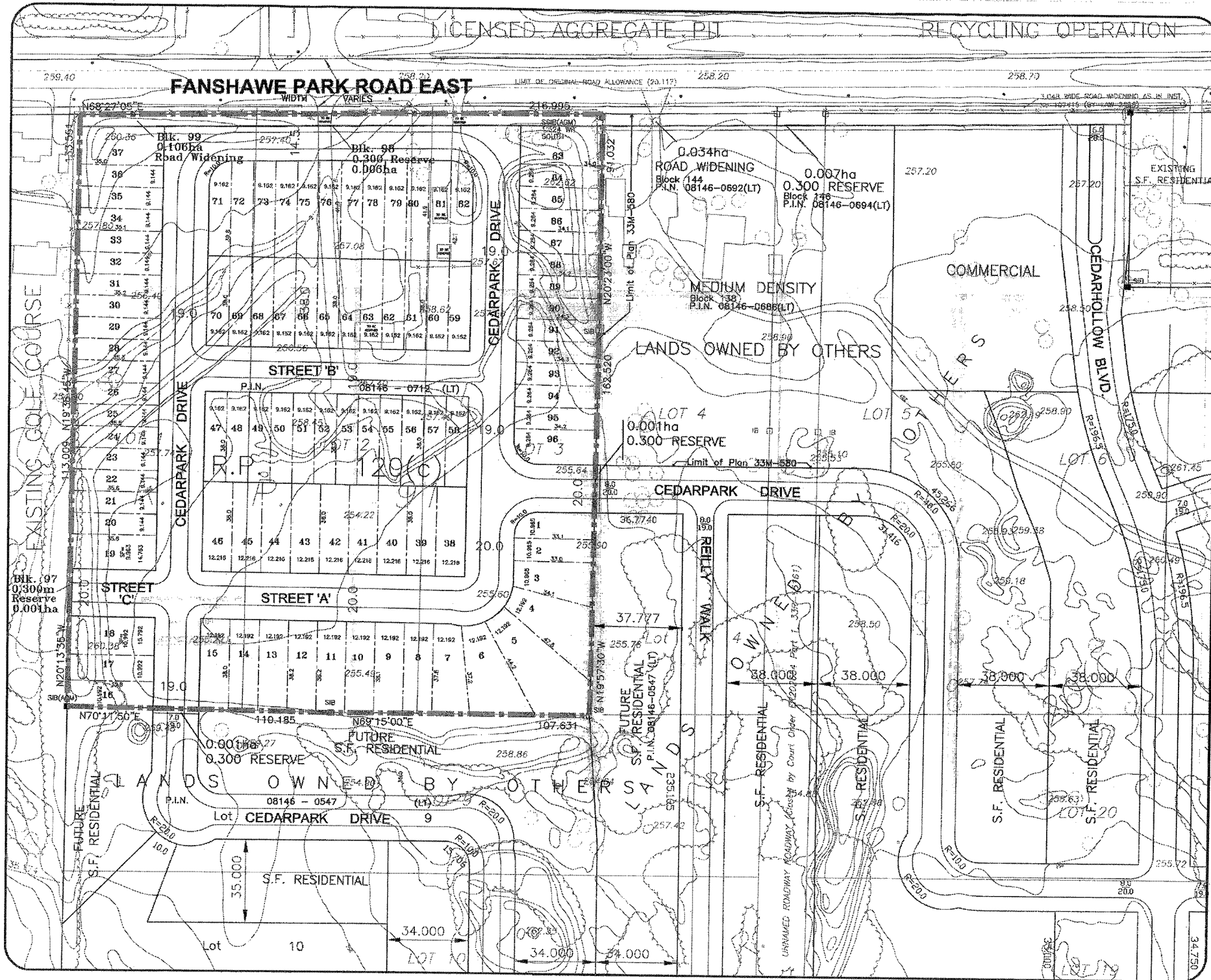
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methane gas monitoring program, if required, subject to the approval of the City Engineer and review for the duration of the approval program.

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 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.
78. 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.
79. 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".
80. The Owner shall not commence construction or installations of any services (e.g. 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; (e.g. Ministry of the Environment Certificates; City/Ministry/Government permits: Approved Works, water connection, water-taking, crown Land, navigable waterways; approvals: Upper Thames River Conservation Authority, Ministry of Natural Resources, Ministry of Environment, City; etc.).
81. 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 Managing Director of Development Approvals Business Unit, at no cost to the City.
82. 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 Managing Director of Development Approvals Business Unit.
83. 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 Managing Director of Development Approvals Business Unit.
84. In the event the Owner wishes to phase this plan of subdivision, in conjunction with the Design Studies submission, the Owner shall submit a phasing plan, all to the specifications and satisfaction of the City of London.



DRAFT PLAN OF PROPOSED SUBDIVISION

LOT 1, 2 & 3
REGISTERED PLAN 120(c),
CITY OF LONDON
COUNTY OF MIDDLESEX

OWNER'S CERTIFICATE

I HEREBY AUTHORIZE MACNAUGHTON HERMAN BRITTON CLARKSON PLANNING LIMITED TO SUBMIT THIS PLAN FOR APPROVAL.

December 23, 2009
DATE

[Signature]
750460 (ENTRIS) LIMITED

SURVEYOR'S CERTIFICATE

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

December 23, 2009
DATE

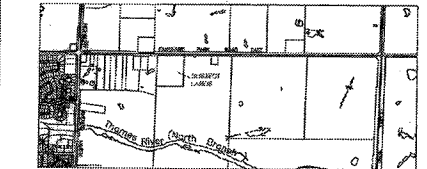
[Signature]
James C.E. Matthews O.L.S.
CIVIL ENGINEER INCORPORATED
SURVEYING AND LAND SURVEYING

ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51(7) OF THE PLANNING ACT

- A. AS SHOWN
- B. AS SHOWN
- C. AS SHOWN
- D. SEE LAND USE SCHEDULE
- E. AS SHOWN
- F. AS SHOWN
- G. AS SHOWN
- H. MUNICIPAL WATER
- I. SILTY LOAM
- J. AS SHOWN
- K. FULL
- L. AS SHOWN

SUBJECT TO THE CONDITIONS, IF ANY, SET FORTH IN OUR LETTER DATED _____ DAY OF _____ 2010, THIS DRAFT PLAN IS APPROVED UNDER SECTION 51 OF THE PLANNING ACT THIS _____ DAY OF _____ 2010.

KEY PLAN SCALE 1:30,000



AREA SCHEDULE

DESCRIPTION	LOTS/BLKS	AREA
RESIDENTIAL	1-96	3.781 ha
D.3M RESERVE	97,98	0.007 ha
ROAD WIDENING	99	0.106 ha
ROADS		1.608 ha
TOTAL		5.482 ha

39T - 10508

RECEIVED BY

MAY 07 2010

CITY OF LONDON

DEVELOPMENT APPROVALS DEPARTMENT

SCALE 1:750 (METRIC)



(SCALE IN METRES)
MacNaughton, Herman, Britton, Clarkson Planning Limited
INCORPORATED & REGISTERED IN ENGLAND & WALES
4th Floor, 100, Abchurch Lane, EC4N 3DF, LONDON, ENGLAND, UK
Telephone: 020 7460 3331 Fax: 020 7460 3332

REV. 1, 2009
SCALE 1:750
DATE: _____
DRAWN BY: E.M.