Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement local

ISSUE DATE: March 02, 2021 **CASE NO(S).:** PL171454

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Herbert Neumann et. al.
Subject:	Application to amend Zoning By-law No. (1995) - 14864 and By-law No. 19/85 - Neglect of the City of Guelph to make a decision
Existing Zoning:	'Urban Reserve Zone' (UR) 'Agricultural' (A)
Proposed Zoning:	Specialized Corporate Business Park Zone (B5), Specialized Community Shopping Centre Zone (CC)
Purpose:	To permit the construction of a Corporate Business Park and Community Shopping Centre Subdivision
Property Address/Description:	132 Clair Rd. W.
Municipality:	City of Guelph
Municipality File No.:	ZC1510
OMB Case No.:	PL171454
OMB File No.:	PL171454
OMB Case Name:	Herbert Neumann et. al. v. Guelph (City)

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Herbert Neumann et. al.
Subject:	Proposed Plan of Subdivision - Failure of the City of Guelph to make a decision
Purpose:	To permit the construction of a Corporate Business Park and Community Shopping Centre Subdivision

Property Address/Description:	132 Clair Rd. W.
Municipality:	City of Guelph
Municipality File No.:	23T-15501
OMB Case No.:	PL171454
OMB File No.:	PL171455

Heard: January 28, 2021 by video hearing

APPEARANCES:

Parties	**Counsel**
Herbert Neumann, Frank Cerniuk, Sieben Holdings Limited, H and J Produce Limited and McEnery Industries Limited	S. Snider and S. Kaufman
City of Guelph	A. Thornton

MEMORANDUM OF ORAL DECISION DELIVERED BY HUGH S. WILKINS ON JANUARY 28, 2021 AND ORDER OF THE TRIBUNAL

[1] Herbert Neumann, Frank Cerniuk, Sieben Holdings Limited, H and J Produce Limited, and McEnery Industries Limited (“Appellants”) appealed the failure of the City of Guelph (“City”) to make a decision regarding the Appellants’ applications for a Zoning By-law Amendment and draft Plan of Subdivision to facilitate a proposed development at 132 Clair Road West (“subject property”).

[2] The subject property has an area of 5.563 hectares (“ha”) and is designated as "Corporate Business Park", "Community Mixed-Use Centre" and "Open Space and Park" under Schedule 2 (Land Use Plan) and as “Greenfield Area” under Schedule 1 (Growth Plan Elements) of the City’s Official Plan.

[3] The Appellants seek the following amendments to the City’s Zoning By-law No. (1995)-14864 (“Zoning By-law”) for the zoning of the subject property:

- Specialized Corporate Business Park with Holding Provisions (B.5-8 (H33)) Zone;

- Specialized Community Shopping Centre with Holding Provisions (CC-30 (H33)) Zone;

- Conservation Land with Holding Provisions (P.1 (H33)) Zone;

- Educational Spiritual and Other Services with Holding Provisions (1.1 (H22) (H33)) Zone; and

- Specialized Commercial Recreation with Holding Provisions (P.5-6 (H33)) Zone.

[4] On January 12, 2021, the Appellants informed the Tribunal that they had reached a proposed settlement with the City.

[5] On January 28, 2021, the Tribunal held a settlement hearing to address the proposed settlement.

EVIDENCE AND SUBMISSIONS

[6] At the settlement hearing, the Tribunal heard opinion evidence from Astrid Clos, who is a planner retained by the Appellants, and Lindsay Sulatycki, who is a planner with the City. They were each qualified by the Tribunal to provide opinion evidence in the area of land use planning.

[7] In her affidavit, sworn on January 19, 2021, Ms. Clos stated that the proposed Specialized Corporate Business Park zoning would have “Pharmacy” added as a permitted use and the following specialized zoning regulations:

- minimum side yard of 3 metres (“m”);
- minimum parking setback of 3 m from Poppy Drive; and
- minimum parking setback of 6 m from Clair Road.

[8] Ms. Clos stated that the proposed Specialized Community Shopping Centre zoning would have the following additional uses permitted:

- Stacked Townhouse in accordance with s. 5.3.2 of the Zoning By-law; and,

- Apartment Building in accordance with s. 5.4.1.1 and the General Apartment regulations of Table 5.4.2 of the Zoning By-law.

She said the following uses would only be permitted as accessory uses under this proposed Specialized Community Shopping Centre zoning:

- automatic carwash;
- manual carwash;
- vehicle gas bar; and
- a drive-through use shall not be permitted.

She also stated that the following specialized regulations would be included in the Specialized Community Shopping Centre zoning:

- buildings along Clair Road and Gosling Gardens shall have the appearance of a minimum two-storey building height and shall have a minimum height of 8.5 m;

- the maximum commercial gross floor area shall be 4,910 square metres (“m^2”);

- the minimum off-street parking required shall be one space per 23 m^2 of gross floor area for all non-residential uses; and

- a loading space or service corridor shall not be located between any building and a public street.

[9] Ms. Clos stated that the proposed Zoning By-law Amendment requires that the following condition be completed to the satisfaction of the City before the proposed Holding Symbols may be lifted:

- the required Environmental Site Assessment(s) are completed in accordance with draft plan condition no. 8 and the submitted reports are reviewed to the satisfaction of the City Engineer.

[10] Ms. Clos stated that the proposed Draft Plan of Subdivision includes the extension of Poppy Drive as a municipal road and the following subdivision of the lands:

- Block 1 Corporate Business Park (2.644 ha);
- Block 2 Commercial/Residential (0.971 ha);
- Block 3 Stormwater Management (0.650 ha);
- Block 4 Future Development (0.170 ha);
- Block 5 Park (0.072 ha); and
- Block 6 Reserve (0.014 ha).

[11] Ms. Clos opined that the proposed Zoning By-law Amendment and draft Plan of Subdivision with conditions are consistent with the Provincial Policy Statement, 2020 (“PPS”). She stated that the proposed Corporate Business Park and Community Shopping Centre Zoning would provide for economic activities and a mixed-use development with compatible employment uses, which would be consistent with PPS policy 1.1.1 and the proposed development would be serviced with municipal water and sewage services that would be consistent with PPS policy 1.6.3. She said that a portion of the subject property is adjacent to a provincially significant wetland to the south. She

stated that these lands have been evaluated and that, with proposed 30 m buffers in place, the Appellants' environmental impact study states that there would be no negative impacts on natural features or their ecological functions in accordance with PPS policy 2.1.

[12] Ms. Clos opined that the proposed Zoning By-law Amendment and draft Plan of Subdivision with conditions conform with the Growth Plan for the Greater Golden Horseshoe, 2019 ("Growth Plan"). She stated that the proposed development would contribute to a range of housing options, including the potential for affordable housing. She opined that the proposed development would provide for a mix of land uses that contributes to the achievement of a complete community. She also opined that the proposed instruments would provide for a compact and efficient form of development that optimizes the use of existing infrastructure in conformity with the Growth Plan.

[13] Ms. Clos opined that the proposed Zoning By-law Amendment and draft Plan of Subdivision with conditions conform with the City's Official Plan. She stated that the proposed instruments would facilitate the implementation of appropriate permitted uses in the Corporate Business Park, Community Mixed-Use Centre, and Open Space and Park designations of the City's Official Plan. She stated that the proposed development would satisfy the City's Official Plan policies for the Greenfield Area designation under its Schedule 1 by: achieving the overall minimum density target for the area under the Growth Plan; supporting active transportation and public transit use; providing for a diverse mix of land uses; creating high quality public open spaces; and creating an appropriate urban village with a mix of uses and live/work opportunities.

[14] Ms. Clos reviewed the criteria in s. 51(24) of the *Planning Act* and opined that the proposed draft Plan of Subdivision has appropriate regard for each of the criteria.

[15] Ms. Clos provided an overview of the key proposed conditions of draft plan approval and opined that they are reasonable and appropriate having regard for the nature of the proposed development.

[16] Ms. Clos opined that the proposed Zoning By-law Amendment and draft Plan of Subdivision with conditions have regard for the matters of provincial interest set out in s. 2 of the *Planning Act*. She stated that an environmental impact study has been approved that demonstrates that adjacent ecological systems would be protected. She reiterated that the proposed development would utilize existing energy and water infrastructure and is designed with consideration of adjacent development to ensure the orderly development of a safe and healthy community. She said the proposed development would provide for a range of housing options and employment opportunities and is located in an appropriate area that is designated for growth and development.

[17] Ms. Clos opined that the proposed instruments are appropriate, represent good planning and are in the public interest.

[18] Ms. Sulatycki in her affidavit, sworn on January 19, 2021, and her testimony on January 28, 2021, supported Ms. Clos' opinions.

FINDINGS

[19] Based on the uncontradicted opinion evidence of Ms. Clos and Ms. Sulatycki, the Tribunal finds that the proposed Zoning By-law Amendment and draft Plan of Subdivision with conditions are consistent with the PPS and conform with the Growth Plan and the City's Official Plan. The Tribunal also finds that regard has been given to the provincial interests set out in s. 2 of the *Planning Act* and that the draft Plan of Subdivision, with conditions, has appropriate regard for the matters in s. 51(24) of the *Planning Act*. It also finds that the proposed conditions for draft plan approval are reasonable. The Tribunal finds that the proposed instruments represent good planning and are in the public interest.

ORDER

[20] The Tribunal orders that the appeal is allowed in part.

[21] The Tribunal orders that the proposed Zoning By-law Amendment as set out in Schedule 1, the proposed draft Plan of Subdivision as set out in Schedule 2, and the proposed conditions of draft Plan approval as set out in Schedule 3 to this Order and Decision are approved.

[22] Pursuant to s. 51(56.1) of the *Planning Act*, the Tribunal orders that the City's Planning Director shall have the authority to clear the draft Plan conditions attached as Schedule 3 to this Order and Decision and to administer final approval of the draft Plan of Subdivision.

[23] The Tribunal orders that the appeal is otherwise dismissed.

"Hugh S. Wilkins"

HUGH S. WILKINS
MEMBER

If there is an attachment referred to in this document,
please visit www.olt.gov.on.ca to view the attachment in PDF format.

SCHEDULE 1

THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2021)-_____

A by-law to amend By-law Number (1995)-14864, as amended, known as the Zoning By-law for the City of Guelph as it affects the property municipally known as 132 Clair Road West and legally described as Part of Lot 11, Concession 7 (Geographic Township of Puslinch), City of Guelph (City File: ZC1510, LPAT File: PL171454).

WHEREAS the Local Planning Appeal Tribunal deems it desirable to amend City of Guelph By-law (1995)-14864, as amended pursuant to Section 34(1) of The Planning Act, R.S.O. 1990;

NOW THEREFORE THE LOCAL PLANNING APPEAL TRIBUNAL HEREBY ENACTS AS FOLLOWS:

1. By-law Number (1995)-14864, as amended, is hereby further amended by transferring lands municipally known as 132 Clair Road West and legally described as Part of Lot 11, Concession 7 (Geographic Township of Puslinch), City of Guelph, from the existing "Urban Reserve" Zone known as the UR Zone and the existing "Agricultural" Zone known as the (A) Zone according to the Township of Puslinch Zoning By-law19/85 to the new "Specialized Corporate Business Park with Holding Provisions" Zone, to be known as the B.5-8(H33) Zone and to the new "Specialized Community Shopping Centre with Holding Provisions" Zone to be known as the CC-30(H33) Zone and to the existing "Conservation Land" Zone, known as the P.1(H33) Zone and to the existing "Educational Spiritual and Other Services with Holding Provisions" Zone, known as the I1(H22)(H33) Zone and to the existing "Specialized Commercial Recreation" Zone, known as the P.5-6(H33) Zone.

2. Section 7.3.5, of By-law Number (1995)-14864, as amended, is hereby further amended by adding a new subsection 7.3.5.8:

7.3.5.8	**B.5-8(H33)** 132 Clair Road West As shown on Defined Area Map Number 30 of Schedule "A" of this ***By-law.***
7.3.5.8.1	Permitted ***Uses*** In accordance with the permitted ***Uses*** under Section 7.4.1 and 7.4.2 of ***By-law*** Number (1995)-14864, as amended, with the following additional permitted ***Uses***: • ***Pharmacy***

7.3.5.8.2 Prohibited ***Uses***
In accordance with the prohibited ***Uses*** under Section 7.4.3 of ***By-law*** Number (1995)-14864, as amended.

7.3.5.8.3 Regulations
In accordance with Section 7.4.4 of the ***By-law***, with the following exception:

7.3.5.8.3.1 Minimum ***Side Yard:***
Despite Table 7.4, Row 4, the minimum ***Side Yard*** shall be 3 metres.

7.3.5.8.3.2 Off-Street Parking Location:
Despite Table 7.4, Row 7, no parking area shall be located within 3 metres of Poppy Drive and within 6 metres of Clair Road.

3. Section 6.2.3.2, of By-law Number (1995)-14864, as amended, is hereby further amended by adding a new subsection 6.2.3.2.30:

6.2.3.2.30 **CC-30(H33)**
132 Clair Road West
As shown on Defined Area Map Number 30 of Schedule "A" of this ***By-law.***

6.2.3.2.30.1 Permitted ***Uses***
In accordance with the permitted ***Uses*** under Section 6.2.1.2 of ***By-law*** Number (1995)-14864, as amended, with the following exceptions and additional permitted ***Uses***:

- Stacked Townhouse in accordance with section 5.3.2 of the ***By-law***
- Apartment Building in accordance with 5.4.1.1 and the General ***Apartment*** regulations of Table 5.4.2 of the ***By-law***

Notwithstanding Section 6.2.3.2.30.1, the following ***Uses*** are only permitted as accessory ***Uses*** in this ***Zone***:

- ***Carwash, Automatic***
- ***Carwash, Manual***
- ***Vehicle Gas Bar***

Notwithstanding Section 6.2.3.2.30.1, a drive-through ***Use*** shall not be permitted in this ***Zone***.

6.2.3.2.30.2 Regulations
In accordance with Section 6.2.2 of the ***By-law***, with the following exceptions and additions:

6.2.3.2.30.2.1 Minimum ***Building Height*** Requirement:
In addition to Table 6.2.2, Row 8, ***Buildings*** that front along Clair Road and Gosling Gardens shall have the appearance of a minimum 2 ***Storey Building Height*** and shall have a minimum height of 8.5 metres.

6.2.3.2.30.2.2 Maximum Commercial ***Gross Floor Area***
Despite Table 6.2.2, Row 10, the maximum Commercial ***Gross Floor***

Area shall be 4,910 square metres.

6.2.3.2.30.2.3 Off-Street Parking:
Despite Table 6.2.2, Row 14 and Section 4.13.4.1 of the By-law, the minimum off-street parking required shall be 1 space per 23 square metres of Gross Floor Area for all non-residential ***Uses*** in this ***Zone***.

6.2.3.2.30.2.4 Prohibited Location for Off-Street Loading
In addition to Table 6.2.2, Row 15 and Section 4.14, a ***Loading Space*** or service corridor shall not be located between any ***Building*** and a public ***Street***.

4. Section 2, of By-law Number (1995)-14864, as amended, is hereby further amended by adding a new subsection 2.9.1 (xxxiii):

   2.9.1 (xxxiii) (H33) 132 Clair Road West (Defined Area Map 30)

   Purpose: To ensure that all required Environmental Site Assessment(s) are completed.

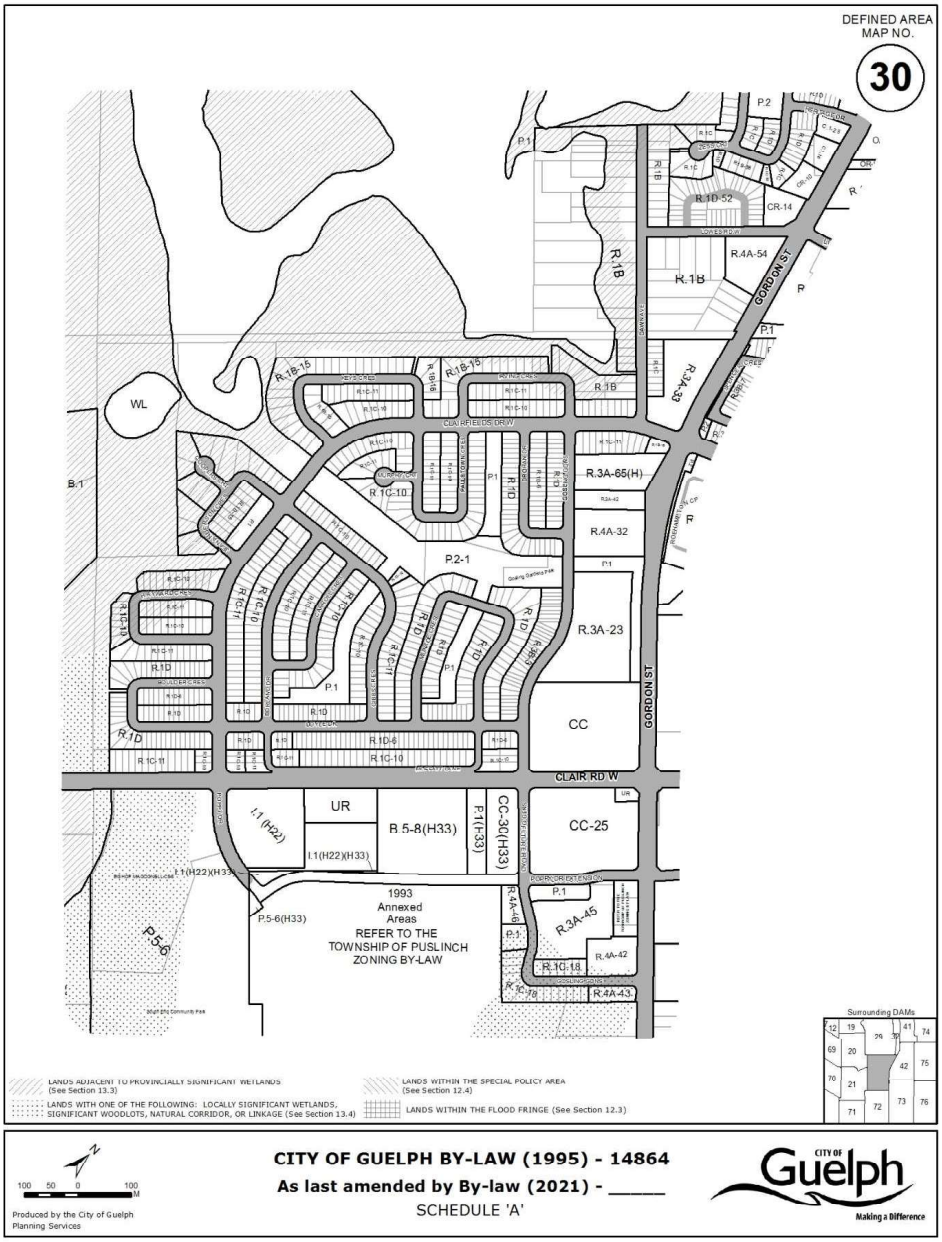
   Prior to the removal of the Holding ('H') Symbol, the Developer shall complete the following condition to the satisfaction of the ***City***:

   The required Environmental Site Assessment(s) are completed in accordance with draft plan condition #8 and the submitted reports are reviewed to the satisfaction of the City Engineer.

5. Schedule "A" of By-law Number (1995)-14864, as amended, is hereby further amended by deleting Defined Area Map 30 and substituting a new Defined Area Map 30 attached hereto as Schedule "A".

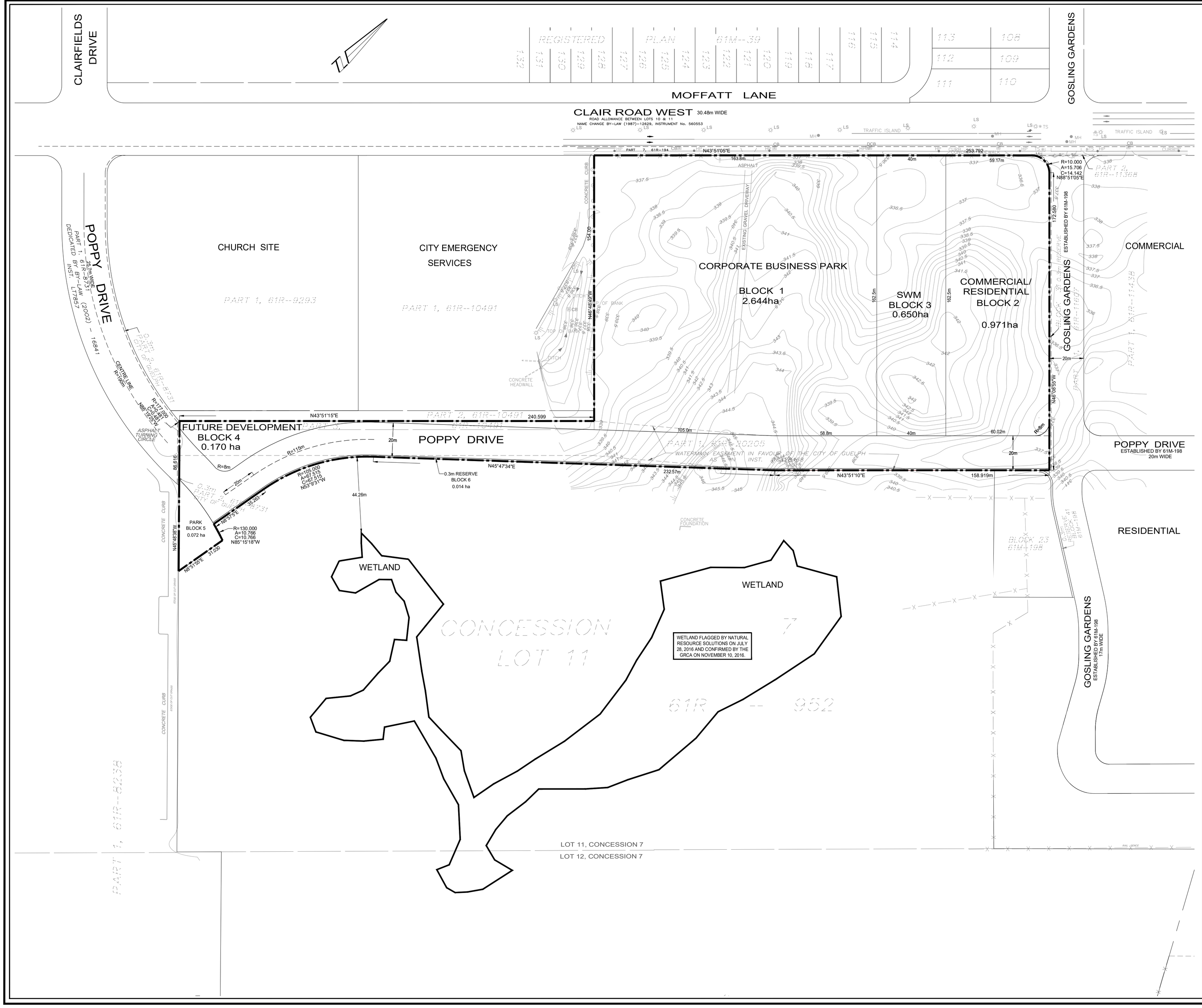
6. This By-law shall come into effect on the day of passing as per an Order from the Local Planning Appeal Tribunal (PL171454) dated _____, 2021.

Schedule "A"


DEFINED AREA MAP NO.
30
GORDON ST
CLAIR RD W
CLAIRFIELDS DR W
R.1B
R.1C-10
R.1D
R.3A-65(H)
R.4A-32
R.3A-23
CC
CC-25
UR
R.5-8(H33)
P.1(H33)
CC-30(H33)
I.1(H22)
I.1(H22)(H33)
P.5-6
P.5-6(H33)
1993 Annexed Areas
REFER TO THE TOWNSHIP OF PUSLINCH ZONING BY-LAW
R.4A-54
R.3A-45
R.4A-42
R.4A-43
R.1C-18
R.1C-78
R.10-52
CR-14
P.1
P.2
P.2-1
WL
B.1
Surrounding DAMs
LANDS ADJACENT TO PROVINCIALLY SIGNIFICANT WETLANDS (See Section 13.3)
LANDS WITH ONE OF THE FOLLOWING: LOCALLY SIGNIFICANT WETLANDS, SIGNIFICANT WOODLOTS, NATURAL CORRIDOR, OR LINKAGE (See Section 13.4)
LANDS WITHIN THE SPECIAL POLICY AREA (See Section 12.4)
LANDS WITHIN THE FLOOD FRINGE (See Section 12.3)
100 50 0 100 M
Produced by the City of Guelph Planning Services
CITY OF GUELPH BY-LAW (1995) - 14864
As last amended by By-law (2021) - _____
SCHEDULE 'A'
CITY OF Guelph
Making a Difference

PL171454

SCHEDULE 2



ASTRID J. CLOS
PLANNING CONSULTANTS

423 Woolwich Street, Suite 201
Guelph, Ontario N1H 3X3
Email: astrid.clos@ajcplanning.ca
Phone: (519) 836-7526 (836-PLAN)

DRAFT PLAN OF SUBDIVISION
23T-15501

DATE: AUGUST 25, 2020	SCALE 1:1,000
PROJECT No. 1301	DRAWN BY: A.R.N.



LEGAL DESCRIPTION

PART OF LOT 11, CONCESSION 7
(GEOGRAPHIC TOWNSHIP OF PUSLINCH)
CITY OF GUELPH

NOTES

1. TOPOGRAPHIC INFORMATION PROVIDED BY VAN HARTEN SURVEYING INC.

ADDITIONAL INFORMATION

(UNDER SECTION 51(17) OF THE PLANNING ACT)

INFORMATION REQUIRED BY CLAUSES a,b,c,d,e,f,g,j and l ARE AS SHOWN ON DRAFT PLAN.

h) Municipal Water
i) Silty , sandy gravel with sand and gravel deposits
Soil porosity from 1X10
k) Municipal Sewer
l) None

LAND USE SCHEDULE

DESCRIPTION	BLOCKS	AREA (ha.)
CORPORATE BUSINESS PARK	1	2.644
COMMERCIAL/RESIDENTIAL	2	0.971
STORMWATER MANAGEMENT	3	0.650
FUTURE DEVELOPMENT	4	0.170
PARK	5	0.072
RESERVE	6	0.014
ROADS		1.042
TOTAL		5.563

OWNER'S CERTIFICATE

I, JEFF NEUMANN, ON BEHALF OF McENERY INDUSTRIES LIMITED, H & J PRODUCE LIMITED, SIEBEN HOLDINGS LIMITED, FRANK CERNIUK AND HERBERT NEUMANN AUTHORIZE ASTRID J. CLOS, PLANNING CONSULTANTS TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION.

JEFF NEUMANN — SEPTEMBER 4, 2015 (DATE)

SURVEYOR'S CERTIFICATE

I CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE CORRECTLY SHOWN.

JAMES M. LAWS, O.L.S.
Van Harten Surveying Inc. — SEPTEMBER 4, 2015 (DATE)

Aug 25,2020-9:23am (21175-13)
H:\13-211\21175-13\acad\Draft PlanNeumann - (A).dwg

Draft Plan Conditions

"THAT the application by Astrid J. Clos Planning Consultants on behalf of McEnery Industries Limited, H & J Produce Limited, Sieben Holdings Limited, Frank Cerniuk and Herbert Neumann for approval of a proposed Draft Plan of Subdivision applying to property municipally known as 132 Clair Road West and legally described as Part of Lot 11, Concession 7 (Geographic Township of Puslinch), City of Guelph be approved, subject to the following conditions:

General Conditions

1. That this approval applies only to the draft plan of subdivision prepared by Astrid J. Clos Planning Consultants, dated August 25, 2020, as shown in Schedule 'A', including road widenings and 0.3 metre reserves.

2. The development of this subdivision shall follow the most recent version of the City of Guelph's Subdivision Assumption Guidance Manual, as amended from time to time, and all conditions and requirements outlined in the Manual shall be followed.

3. The Developer agrees that no work, including, but not limited to tree removal, grading or construction, will occur on the lands until such time as the Developer has obtained written permission from the City Engineer or has entered into a subdivision agreement with the City.

4. Prior to any Pre-Grading Works, the Developer shall obtain a Site Alteration permit, and shall fulfill the conditions outlined in the Site Alteration Permit and under Pre-Grading below.

5. Prior to any Pre-Servicing Works, the Developer shall enter into a Pre-Servicing Agreement with the City of Guelph, and fulfill the conditions outlined under Pre-Servicing and Start of Construction below.

6. Confirmation of the adequacy and availability of municipal servicing is not confirmed by the City of Guelph until such time as the Plan of Subdivision is registered. Any works completed by the Developer prior to the registration of the plan is at the Developer's sole risk.

7. The Developer acknowledges that the City does not allow retaining walls higher than 1.0 metre abutting existing residential properties without the permission of the City Engineer.

8. Prior to any site works or prior to removal of the Holding ('H') Symbol (whichever occurs first), the Developer shall submit a Phase One/1 Environmental Site Assessment (ESA) in accordance with O. Reg. 153/04 or CSA Z768-00 standard, as appropriate, of the land to be developed and/or conveyed to the City. If potential environmental concerns are noted in the

Phase One/I ESA report, the applicant shall complete and submit the following environmental works and reports to the satisfaction of the City:

a) Phase Two/II ESA and/or Supplemental Phase Two/II ESA reports prepared in accordance with O. Reg. 153/04 standard or CSA/industry standard format, as appropriate, describing the current conditions of the land to be developed and/or conveyed to the City;

b) All reports prepared in accordance with O. Reg. 153/04 standard or CSA/industry standard format to complete the remediation and/or risk assessment of the land to be developed and/or conveyed to the City; and

c) Submit the MECP acknowledged Record of Site Condition RSC) documentation, as applicable.

d) All the environmental documents, where applicable, shall be certified by a Qualified Person (QP) and shall clearly state that the lands to be developed and/or conveyed to the City meet the applicable or site-specific standard(s) of the intended land use.

Pre-Grading

Conditions to be met prior to Pre-Grading (Site Alteration)

9. The Developer shall complete an updated Tree Inventory and Preservation Plan and a detailed Landscaping, Compensation and Replacement Plan, to the satisfaction of the General Manager of Planning and Building Services, in accordance with the City of Guelph By-law (2010)-19058, or any successor thereof, prior to any tree removal, grading or construction on the site.

10. The Developer shall retain a qualified Environmental Inspector, satisfactory to the General Manager of Planning and Building Services and the City Engineer, to inspect the site during all phases of development and construction including grading, servicing and building construction. The environmental inspector shall monitor and inspect the erosion and sediment control and tree protection measures on a weekly or more frequent basis. The environmental inspector shall report on their findings to the City on a monthly or more frequent basis.

11. The Developer shall obtain a Site Alteration permit in accordance with City of Guelph By-law (2016)-20097 (Site Alteration Bylaw) to the satisfaction of the City Engineer if grading/earthworks is to occur prior to entering into the subdivision agreement. All work on site is subject to, and shall be implemented as per the conditions outlined within the Site Alteration Permit.

12. As part of the submission of detailed drawings and reports outlined in this section, the Developer shall submit revised versions of all drawings and

reports as necessary to satisfy all outstanding comments from previous submission reviews, including but not limited to:

1) Refinements to the analysis of the existing Clairfields greenway system regarding its original design assumptions and available capacity to accept the proposed Regional Storm flows from the development, including original flow assumptions from these lands, flow assumptions from these lands during the supplemental hydraulic analysis completed in April 2000, and the flow route capacity from Munroe Crescent to the greenway, and under Clairfields Drive West.

2) Refinements and additional detail concerning the storm water management facility design including alignment within Block 3, conformity to the City of Guelph Development Engineering Manual and conformity to the applicable Ministry of Environment, Conservation and Parks design guidelines.

3) Refinements and additional detail concerning servicing within Poppy Drive.

13. The Developer shall submit a detailed Storm Water Management Report and Plans to the satisfaction of the City Engineer which shows how storm water will be controlled and conveyed to the receiving water system. The report and plans shall address the issue of water quantity and quality in accordance with recognized best management practices, Provincial Guidelines, the City's Development Engineering Manual and the Storm Water Management Design Report for the applicable watershed. Maintenance and operational requirements for any control and/or conveyance facilities must be described.

14. The Developer agrees that the design and performance of the existing temporary infiltration gallery located within the Gosling Gardens right-of-way (City of Guelph Subdrain ID 584, located on the east side of Gosling Gardens, south of Clair Road West) will be reviewed during the detail design stage, and that recommendations will be prepared in order for the structure to operate as a permanent facility. Based on those investigations, the City Engineer, acting reasonably, shall fix the amount of a required one-time cash payment from the Developer to the City of Guelph, based on the cost of any alterations needed and for the operations and maintenance cost for the life of the gallery, such amount not to exceed $150,000.

15. The Developer shall submit a Hydrogeological Study to the satisfaction of the City which shows how pre-development infiltration will be maintained under post-development conditions or how the post-development infiltration meets the requirements of the subwatershed study.

16. The Developer shall prepare an overall site drainage and grading plan, satisfactory to the City Engineer, for the entire subdivision. Such a plan will be used as the basis for detailed lot grading plans and/or site grading plans

to be submitted prior to the issuance of any site plan approval and/or building permit within the subdivision.

17. The Developer shall prepare an Erosion and Sediment Control Plan, satisfactory to the City Engineer, for the entire subdivision. Such a plan will detail all temporary and permanent control features, including construction, inspection, maintenance and removal specifications and requirements for all identified features.

18. The Developer shall prepare a construction traffic access and control plan for all phases of servicing and building construction to the satisfaction of the City Engineer. Any costs related to the implementation of such a plan shall be borne by the Developer.

19. The Developer shall prepare an Environmental Implementation Report (EIR) based on terms of reference approved by the City and Grand River Conservation Authority (GRCA). The EIR will include: baseline groundwater quality monitoring data, plans for clean-up of debris and waste, detailed restoration plans for buffer areas impacted by development, compensation and enhancement planting plans with PSW buffers, detailed plans for addressing invasive species management, plans to address demarcation and mitigation of encroachment, detailed plans for the design and placement of the pedestrian and wildlife exclusion fencing, design of educational, interpretive and stewardship materials and appropriate signage, including signage for the SWM facility, a detailed Salt Management Plan (to the satisfaction of the City's Risk Management Official), updated detailed monitoring plan and any other information required to implement the recommendations for the Environmental Impact Study and addendums dated November 2018.

Pre-Servicing

Conditions to be met prior to Pre-Servicing

20. The Developer acknowledges and agrees that Pre-Servicing construction works are at the Developer's sole risk and cost and is subject to requests for changes based on the City's review of incomplete items. All requested changes are at the Developer's expense.

21. The Developer shall enter into a Pre-Servicing Agreement with the City if servicing works are to occur prior to entering into the subdivision agreement. The Developer shall follow the requirements of the City's Subdivision Assumption Guidance Manual including, but not limited to, submitting to the City all required securities and fees as determined by the City, a pre-servicing construction schedule, complete with a breakdown of subdivision construction works to be completed under the agreement, including any external works, and a detailed cost estimate for the works, all to the satisfaction of the City Engineer.

22. The Developer shall obtain a Site Alteration Permit in accordance with City of Guelph By-law (2016)-20097 (Site Alteration Bylaw) to the satisfaction of the City Engineer if grading/earthworks is to occur prior to entering into the subdivision agreement. Prior to starting site works, the Developer shall meet all conditions of the Permit and as listed under Start of Construction, below.

23. The Developer shall have engineering drawings and final reports prepared for the approval of the City Engineer. These shall be to a level of completion deemed satisfactory to the City Engineer for pre-servicing, as per the City of Guelph Subdivision Assumption Guidance Manual.

24. As part of the submission of detailed drawings and reports outlined in this section, the Developer shall submit revised versions of all drawings and reports as necessary to satisfy all outstanding comments from previous submission reviews, including but not limited to:

    1) Refinements to the analysis of the existing Clairfields greenway system regarding its original design assumptions and available capacity to accept the proposed Regional Storm flows from the development, including original flow assumptions from these lands, flow assumptions from these lands during the supplemental hydraulic analysis completed in April 2000, and the flow route capacity from Munroe Crescent to the greenway, and under Clairfields Drive West.

    2) Refinements and additional detail concerning the storm water management facility design including alignment within Block 3, conformity to the City of Guelph Development Engineering Manual and conformity to the applicable Ministry of Environment, Conservation and Parks design guidelines.

    3) Refinements and additional detail concerning servicing within Poppy Drive.

25. The Developer shall submit a detailed Storm Water Management Report and Plans to the satisfaction of the City Engineer which shows how storm water will be controlled and conveyed to the receiving water system. The report and plans shall address the issue of water quantity and quality in accordance with recognized best management practices, Provincial Guidelines, the City's Development Engineering Manual and the Storm Water Management Design Report for the applicable watershed. Maintenance and operational requirements for any control and/or conveyance facilities must be described.

26. The Developer agrees that the design and performance of the existing temporary infiltration gallery located within the Gosling Gardens right-of-way (City of Guelph Subdrain ID 584, located on the east side of Gosling Gardens, south of Clair Road West) will be reviewed during the detail design stage, and that recommendations will be prepared in order for the structure to operate as a permanent facility. Based on those investigations, the City Engineer, acting reasonably, shall fix the amount of a required one-time cash

payment from the Developer to the City of Guelph, based on the cost of any alterations needed and for the operations and maintenance cost for the life of the gallery, such amount not to exceed $150,000.

27. The Developer shall submit a Hydrogeological Study to the satisfaction of the City which shows how pre-development infiltration will be maintained under post-development conditions or how the post-development infiltration meets the requirements of the subwatershed study.

28. The Developer shall prepare an overall site drainage and grading plan, satisfactory to the City Engineer, for the entire subdivision. Such a plan will be used as the basis for detailed lot grading plans and/or site grading plans to be submitted prior to the issuance of any site plan approval and/or building permit within the subdivision.

29. The Developer shall submit a Geotechnical Report to the satisfaction of the City Engineer which describes the potential impacts of groundwater and provides recommendations for pavement design and pipe bedding.

30. The Developer shall submit a Traffic Impact Study including sight line distances and daylighting triangles at the street corners to the satisfaction of the City Engineer and shall implement the recommendations of the Study to the satisfaction of the City Engineer.

31. The Developer shall prepare an Erosion and Sediment Control Plan, satisfactory to the City Engineer, for the entire subdivision. Such a plan will detail all temporary and permanent control features, including construction, inspection, maintenance and removal specifications and requirements for all identified features.

32. The Developer shall prepare a construction traffic access and control plan for all phases of servicing and building construction to the satisfaction of the City Engineer. Any costs related to the implementation of such a plan shall be borne by the Developer.

Execution of Subdivision Agreement

Conditions to be met prior to Execution of Subdivision Agreement

33. The Developer shall enter into a Subdivision Agreement with the City, and submit to the City all required securities and fees as determined by the City, to the satisfaction of the City Engineer. The Developer shall prepare and submit a construction schedule, complete with a breakdown of subdivision construction works to be completed under the agreement, including any external works, and a detailed cost estimate for the works. Prior to starting site works, the Developer shall meet all conditions listed under Construction, below.

34. With the exception of any share determined by the City to be the City's share in accordance with Its by-laws and policies, the Developer is responsible for the total cost of the design and construction of all municipal services within and external to the subdivision that are required by the City to service the lands within the plan of subdivision including such works as sanitary facilities, storm facilities, water facilities, walkways and road works including sidewalks, boulevards and curbs, with the distance, size and alignment of such services to be determined by the City. This also includes the Developer paying the cost of the design, construction and removal of any works of a temporary nature including temporary cul-de-sacs, sewers, stormwater management facilities, watermains and emergency accesses.

35. The Developer shall have all requested engineering drawings and final reports prepared to the satisfaction and approval of the City Engineer.

36. As part of the submission of detailed drawings and reports outlined in this section, the Developer shall submit revised versions of all drawings and reports as necessary to satisfy all outstanding comments from previous submission reviews, including but not limited to:

    1) Refinements to the analysis of the existing Clairfields greenway system regarding its original design assumptions and available capacity to accept the proposed Regional Storm flows from the development, including original flow assumptions from these lands, flow assumptions from these lands during the supplemental hydraulic analysis completed in April 2000, and the flow route capacity from Munroe Crescent to the greenway, and under Clairfields Drive West.

    2) Refinements and additional detail concerning the storm water management facility design including alignment within Block 3, conformity to the City of Guelph Development Engineering Manual and conformity to the applicable Ministry of Environment, Conservation and Parks design guidelines.

    3) Refinements and additional detail concerning servicing within Poppy Drive.

37. The Developer shall submit a detailed Storm Water Management Report and Plans to the satisfaction of the City Engineer which shows how storm water will be controlled and conveyed to the receiving water system. The report and plans shall address the issue of water quantity and quality in accordance with recognized best management practices, Provincial Guidelines, the City's Development Engineering Manual and the Storm Water Management Design Report for the applicable watershed. Maintenance and operational requirements for any control and/or conveyance facilities must be described.

38. The Developer agrees that the design and performance of the existing temporary infiltration gallery located within the Gosling Gardens right-of-way (City of Guelph Subdrain ID 584, located on the east side of Gosling Gardens,

south of Clair Road West) will be reviewed during the detail design stage, and that recommendations will be prepared in order for the structure to operate as a permanent facility. Based on those investigations, the City Engineer, acting reasonably, shall fix the amount of a required one-time cash payment from the Developer to the City of Guelph, based on the cost of any alterations needed and for the operations and maintenance cost for the life of the gallery, such amount not to exceed $150,000.

39. The Developer shall submit a Hydrogeological Study to the satisfaction of the City which shows how pre-development infiltration will be maintained under post-development conditions.

40. The Developer shall prepare an overall site drainage and grading plan, satisfactory to the City Engineer, for the entire subdivision. Such a plan will be used as the basis for detailed lot grading plans and/or site grading plans to be submitted prior to the issuance of any site plan approval and/or building permit within the subdivision.

41. The Developer shall submit a Geotechnical Report to the satisfaction of the City Engineer which describes the potential impacts of groundwater and provides recommendations for pavement design and pipe bedding.

42. The Developer shall submit a Traffic Impact Study including sight line distances and daylighting triangles at the street corners to the satisfaction of the City Engineer and shall implement the recommendations of the Study to the satisfaction of the City Engineer.

43. The site plans for all corner building lots, as determined by the City, shall be submitted to the City for approval of driveway location.

44. The Developer shall provide an On-Street Parking Plan for the subdivision to the satisfaction of the City Engineer.

45. The Developer shall prepare an Erosion and Sediment Control Plan, satisfactory to the City Engineer, for the entire subdivision. Such a plan will detail all temporary and permanent control features, including construction, inspection, maintenance and removal specifications and requirements for all identified features.

46. The Developer shall prepare a construction traffic access and control plan for all phases of servicing and building construction to the satisfaction of the City Engineer. Any costs related to the implementation of such a plan shall be borne by the Developer.

47. The Developer shall phase the subdivision to the satisfaction of the City.

48. The Developer shall pay to the City the cost of installing bus stop pads at locations to be determined by Guelph Transit.

49. The Developer shall pay the cost of the installation of one Second Order Geodetic Benchmark within the proposed subdivision to the satisfaction of City Engineer.

50. The Developer shall be responsible for the cost of development and implementation (including planting) of the Street Tree Planting Plan in accordance with City specifications. The Developer shall provide the City with cash or letter of credit to cover the City approved estimate for the cost of development of the street tree plan to the satisfaction of the City. The Developer shall warranty the trees for two winters (replace "two winters" with "two full growing seasons" in 2018). Replacement trees are to be warrantied for (a) the remainder of the warranty period of the original tree or (b) an additional year, whichever is greater. Once the tree has been planted, the Developer shall provide the City with a certificate that certifies that the tree stock quality meets Canadian Nursery Landscape Association standards and that the tree has been planted following the City's Part B Specifications. The certificate must be certified by a landscape architect, certified arborist or professional forester (who must be a qualified member of the Ontario Professional Foresters Association). At the end of the warranty period (after the second winter) (remove "after second winter" in 2018), the Developer shall provide the City with a second certificate that certifies that the tree was cared for as per the approved watering and maintenance plan on the Street Tree Planting Plan and that the tree is free of defects and disease.

51. The Developer shall ensure that all telephone service and cable TV service in the plan shall be underground. The Developer shall enter into a servicing agreement with the appropriate service providers to provide for the installation of underground utility services for the Lands.

52. The Developer shall ensure that street lighting and underground wiring shall be provided throughout the subdivision at the Developer's expense and in accordance with the policies of the City of Guelph and Alectra Utilities.

53. The Developer shall be responsible for the cost of design and development of the Basic Park Development as per the City of Guelph current "Specifications for Parkland Development", which includes clearing, grubbing, topsoiling, grading, sodding and any required servicing to park boundary including water, storm, sanitary and hydro for any phase containing a Park block to the satisfaction of the Deputy CAO of Public Services. The Developer shall provide the City with cash or letter of credit to cover the City approved estimate for the cost of development of the Basic Park Development for the Park Block to the satisfaction of the Deputy CAO of Public Services.

54. The Developer shall be responsible for the cost of design and development of the demarcation of all lands conveyed to the City and the existing Emergency Services station in accordance with the City of Guelph Property Demarcation Policy. This shall include the submission of drawings and the administration

of the construction contract up to the end of the warrantee period completed by an Ontario Association of Landscape Architect (OALA) member for approval to the satisfaction of the Deputy CAO of Public Services. The Developer shall provide the City with cash or letter of credit to cover the City approved estimate for the cost of development of the demarcation for the City lands to the satisfaction of the Deputy CAO of Public Services.

55. The Developer shall install, at no cost to the City, chain link fencing adjacent to Block 3, Block 5 and the existing Emergency Services station. The Developer further agrees that the fencing will be installed following grading operations of the subdivision in accordance with the current standards and specification of the City and to the satisfaction of the Deputy CAO of Public Services. Further, all property lines must be accurately surveyed and clearly marked in the field prior to establishing all fence line locations. Fences shall be erected directly adjacent to the established property line within the City owned lands.

56. The Developer shall design and develop the Stormwater Management Facility Landscaping in accordance with the City's current "Development Engineering Manual" to the satisfaction of the Deputy CAO of Public Services and the City Engineer. This shall include the submission of drawings and the administration of the construction contract up to the end of the warrantee period completed by an Ontario Association of Landscape Architects (OALA) member for approval to the satisfaction of the Deputy CAO of Public Services. The Developer shall provide the City with cash or letter of credit to cover the City approved estimate for the cost of development of the Stormwater Management Facility Landscaping for the City lands to the satisfaction of the Deputy CAO of Public Services.

57. The Developer shall provide Public Services with digital files in AutoCAD - DWG format 'final approved' and 'as-built' information containing the following: parcel fabric, street network, grades/contours and landscaping of the stormwater management and park block.

58. The Developer shall place the following notifications in the City's subdivision agreement to be registered on title, and agrees that the same notifications shall be included in all offers of purchase and sale for all lots and/or dwelling units:

    a) "Purchasers and/or tenants of all blocks, lots or units are advised that any fee paid by the purchaser to the Developer for the planting of trees on City boulevards does not obligate the City or guarantee that a tree will be planted on the boulevard in front or on the side of a particular building. The City shall not provide regular maintenance for trees planted on private property save and except any maintenance conducted pursuant to section 62 of the Municipal Act, 2001, c.25, as amended, and purchasers of all lots or units shall be obligated to maintain any tree on private property in accordance

with and pursuant to the City of Guelph's Property Standards By-law (2000)-16454, as amended."

b) "Purchasers and/or tenants of all blocks, lots or units located in the subdivision plan, are advised prior to the completion of sales, of the time frame during which construction activities may occur, and the potential to be inconvenienced by construction activities such as noise, dust, dirt, debris, drainage and construction traffic."

c) "Purchasers and/or tenants of all blocks, lots or units are advised that on-street parking restrictions will be implemented in the subdivision and may apply to the street fronting their property."

d) "Purchasers and/or tenants of all lots or units abutting City owned lands are advised that no private gates will be allowed into Blocks 1 and 2 that abut these lands.

e) "Purchasers and/or tenants of all lots are advised that the Stormwater Management Block has been vegetated to create a natural setting. Be advised that the City will not carry out routine maintenance such as grass cutting."

f) "Purchasers and/or tenants of all lots or units are advised that the boundaries of the City owned land will be demarcated in accordance with the City of Guelph Property Demarcation Policy. This demarcation will consist of black vinyl chain link fence adjacent to Blocks 1 and 2."

g) "Purchasers and/or tenants of all lots are advised that the South End Community Park and the proposed park block have been designed for active public use and includes a Community Centre, parking lot, booked sportsfields, playgrounds, splash pad, trails and other park amenities. Be advised that the City may carry out regular maintenance such as grass cutting. Periodic maintenance may also occur from time to time to support the park functions."

59. The Developer shall prepare and implement a construction traffic access and control plan for all phases of servicing and building construction to the satisfaction of the City Engineer. Any costs related to the implementation of such a plan shall be borne by the Developer.

60. The Developer shall retain a qualified environmental inspector, satisfactory to the City, to inspect the site during all phases of development and construction including grading, servicing and building construction. The environmental inspector shall monitor and inspect the erosion and sediment control measures and procedures. The environmental inspector shall report on their findings to the City.

61. The Developer shall construct, install and maintain erosion and sediment control facilities, satisfactory to the City Engineer, in accordance with a plan that has been submitted to and approved by the City Engineer.

62. The Developer shall ensure that any domestic wells located within the lands be properly decommissioned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the City Engineer. Any boreholes drilled for hydrogeological or geotechnical investigations must also be properly abandoned.

63. The Developer shall stabilize all disturbed soil within 90 days of being disturbed, control all noxious weeds and keep ground cover to a maximum height of 150 mm (6 inches) until the release of the subdivision agreement on the block/lot so disturbed.

64. The Developer shall supply and erect street name and traffic control signs in the subdivision, to the satisfaction of the City.

Registration of the Subdivision Plan

Conditions to be met prior to Registration of the Subdivision Plan or any part thereof

65. The Developer shall obtain approval of the City with respect to the availability of adequate water supply and sewage treatment capacity.

66. The Developer shall enter into a Subdivision Agreement, to be registered on title, to the satisfaction of the City Solicitor, which includes all requirements, financial and otherwise to the satisfaction of the City of Guelph.

67. The Developer shall ensure that the road allowances included in the draft plan be shown and dedicated at the expense of the Developer as public highways and that prior to the registration of any phase of the subdivision, the City shall receive a letter from the O.L.S. preparing the plan that certifies that the layout of the roads in the plan conforms to the City's Development Engineering Manual.

68. The Developer shall pay any outstanding debts owed to the City.

69. The Developer agrees to provide temporary signage describing the existing/proposed park, stormwater management area, walkway and required fencing on all entrance signs for the development and at the street frontages of Blocks 3 and 5 to the satisfaction of the General Manager of Planning and Building Services. The signage shall be erected when rough grading on and adjacent to the building lots has begun and must be maintained by the Developer until acceptance of the Blocks by the City. The signage shall:

a) advise prospective purchasers in the area of the stormwater management area and walkway and level of maintenance of these parcels of land by the City;

b) clearly state that the maintenance of the stormwater management area and walkway are the responsibility of the Developer until such time as the City accepts the lands;

c) clearly state that all questions relating to the maintenance of the stormwater management area and walkway shall be directed to the Developer.

70. The Developer shall dedicate Block 5 (0.072 ha) for park purposes in accordance with the City's Official Plan Policies.

71. The Developer shall pay cash-in-lieu of parkland conveyance for the remaining required parkland dedication in accordance with the City's Official Plan Policies. The cash in lieu of parkland shall be the equivalent Market Value of 0.1 ha (0.25 acre) in accordance with the City's Official Plan Policies. The cash in lieu amount for Block 2 is based on 5% of the land involved.

72. The Developer shall provide a satisfactory long form appraisal report prepared for the Corporation of the City of Guelph for the purposes of calculating the amount of cash-in-lieu of parkland conveyance. The value of the land shall be determined as of the day before the day of draft plan of subdivision approval. The long form appraisal report shall be prepared by a qualified appraiser who is a member in good standing of the Appraisal Institute of Canada and shall be subject to the review and approval of the Deputy CAO of Public Services. Notwithstanding the foregoing, if the long form appraisal provided by the applicant is not satisfactory to the Deputy CAO of Public Services, acting reasonably, the City reserves the right to obtain an independent appraisal for the purposes of calculating the amount of cash-in-lieu of parkland conveyance.

73. The Developer shall pay development charges to the City in accordance with By-law Number (2019)–20372 (Development Charges Bylaw), as amended from time to time, or any successor thereof and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board as amended from time to time, or any successor by-laws thereto.

74. The Developer shall erect and maintain signs at specified entrances to the subdivision showing the proposed land uses and zoning of all the blocks within the proposed subdivision and indicated on such signs, "For the zoning of all lands abutting the subdivision, inquiries should be directed to Planning Services, City of Guelph". The signs must be resistant to weathering and vandalism.

75. The Developer shall post a security to the City to ensure proper and timely completion of all landscaping, in accordance with approved landscaping, vegetation compensation and enhancement plan(s). The amount of the security required shall be based on a detailed cost estimate inclusive of items, quantities, unit costs and total costs. The cost estimate is to be prepared by the consultant, to the satisfaction of the General Manager of Planning and Building Services.

76. The Developer shall pay to the City the total cost of reproduction and distribution of the Guelph Resident's Environmental Handbook, to all future residents within this development, which such payment based on a cost of one handbook per residential dwelling unit as determined by the City.

77. The Developer shall post a security, based on an approved cost estimate, to the City to cover the cost of implementing the post-development monitoring program, to the satisfaction of the General Manager of Planning and Building Services.

78. The Developer shall apply to the Planning Department for registration of the Plan of Subdivision.

79. The Developer shall ensure:

    a) That all easements, blocks and rights-of-way required within or adjacent to the proposed subdivision are conveyed clear of encumbrance to the satisfaction of the City of Guelph, and other utilities. Every Transfer Easement shall be accompanied by a Postponement, satisfactory to the City Solicitor, for any mortgage, charge or lease and such Postponement shall be registered on title by the City at the expense of the Developer.

    b) That any dead ends and open sides of road allowances created by the draft plan be terminated in 0.3 metre reserves, which shall be conveyed to the City at the expense of the Developer.

    c) That the Subdivision Agreement is registered on title for all lots, blocks and any dwelling units, and shall ensure the required notifications on title are included in all offers of purchase and sale.

Construction

Conditions to be met prior to the start of any construction works

80. The Developer must apply to the City for approval to start work. As part of the application to proceed with construction, the City will require items detailed in the subdivision assumption manual.

81. At the start-up of construction, the Developer is required to post signage, including signs indicating "Road Not Assumed by the City – Use at Own Risk".

82. The Developer acknowledges and agrees that all requirements for construction, inspection and Preliminary and Final Acceptance shall be as per the Subdivision Assumption Guidance Manual, to the satisfaction of the City Engineer.

Conditions to be met prior to the Issuance of a Building Permit

83. Plan of Subdivision shall be registered.

84. All easements and conveyances shall be registered and are in favour of the City of Guelph.

85. The Developer has constructed all Stage 1A Services to the satisfaction of the City Engineer, and has received preliminary acceptance.

86. Hydro servicing is complete and accepted. The Developer shall provide the City with written confirmation from the Engineering Department of Alectra Utilities that the subdivision hydro servicing has been completed to the satisfaction of Alectra Utilities.

87. All required erosion and sediment control measures are in place.

88. The Developer shall submit a report prepared by a Professional Engineer to the satisfaction of the Chief Building Official certifying that all fill placed below proposed building locations has adequate structural capacity to support the proposed building. All fill placed within the allowable zoning bylaw envelope for building construction shall be certified to a maximum distance of 30 metres from the street line. This report shall include the following information; lot number, depth of fill, top elevation of fill and the area approved for building construction from the street line.

89. The Developer shall submit a report prepared by a Professional Engineer to the satisfaction of the Chief Building Official providing an opinion on the presence of soil gases (Radon and Methane) in the plan in accordance with applicable provisions contained in the Ontario Building Code.

Agency Conditions:

90. Prior to any grading or construction on the site and prior to registration of the plan, the owners or their agents submit the following plans and reports to the satisfaction of the Grand River Conservation Authority:

    a) A detailed Stormwater Management Report in accordance with the 2003 Ministry of Environment Report entitled, "Stormwater Management Practices Planning and Design Manual" and in keeping with the Site Servicing & Stormwater Management Report (June 2020, GM BluePlan Engineering).

b) Detailed Lot Grading and Drainage Plans showing existing and proposed grades.

c) An Erosion and Siltation Control Plan in accordance with the Grand River Conservation Authority's Guidelines for sediment and erosion control, indicating the means whereby erosion will be minimized and silt maintained on-site throughout all phases of grading and construction.

d) An Environmental Implementation Report (EIR) to the satisfaction of the Grand River Conservation Authority in consultation with the City. The EIR should include the above noted reports, monitoring, and mitigation outlined in the Environmental Impact Study, Addendum Report, NRSI November 2018.

e) The submission and approval of a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses permit from the GRCA prior to any grading within the regulated area.

91. That the subdivision agreement between the Developer and City shall contain provisions for the completion and maintenance of the works in accordance with the approved plans and reports contained in Condition 90.

92. The Developer and the Wellington Catholic District School Board shall reach an agreement regarding the supply and erection of signage, at the Developer’s expense, affixed to the subdivision sign advising potential Separate School supporters of the location of schools serving the area and the current practice of busing students outside the immediate area should schools in the area be at capacity.

93. The Developer shall provide the Upper Grand District School Board with a digital file of the plan of subdivision in either ARC/INFO export of DXF format containing the following information: parcel fabric and street network.

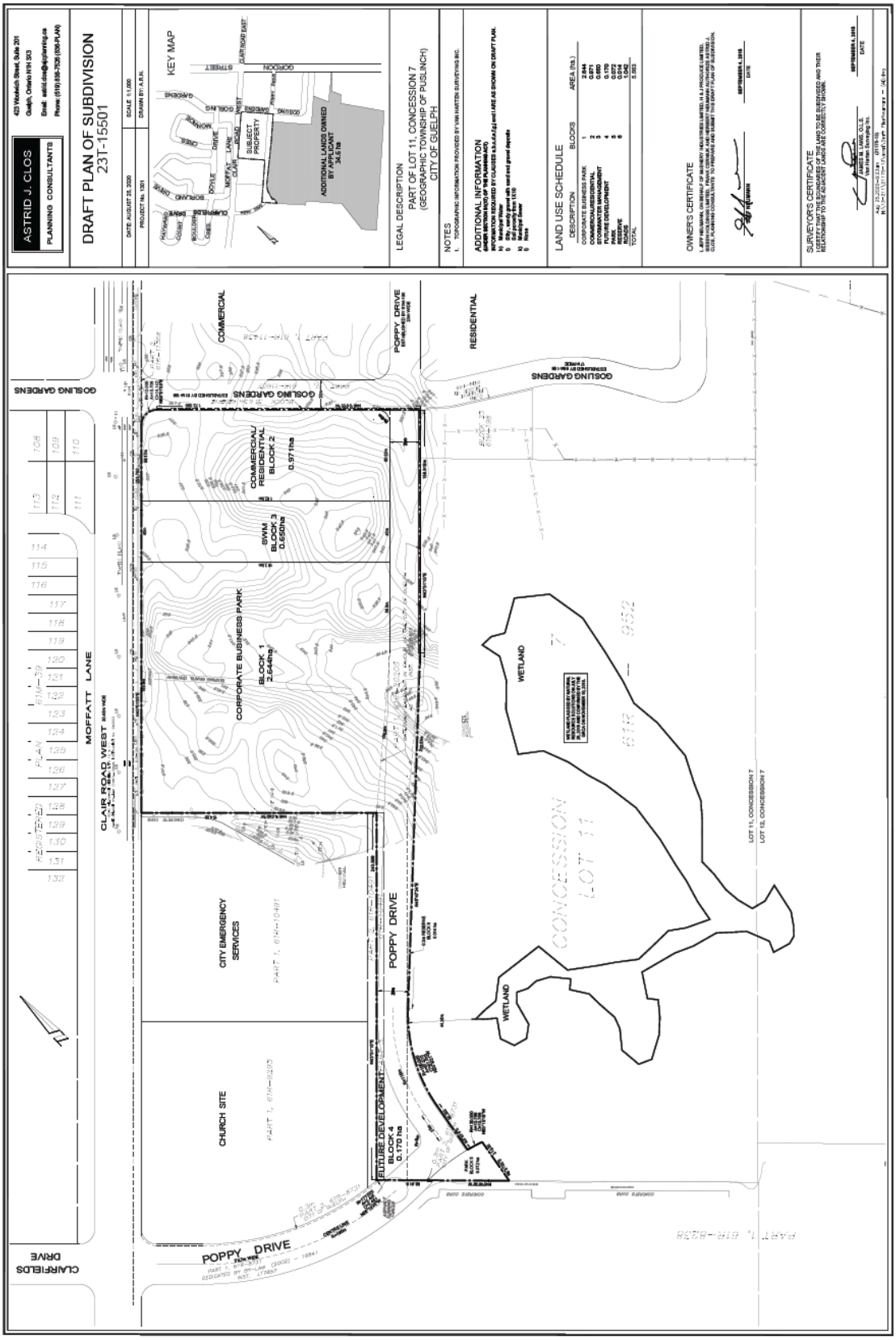
94. The Developer and the Upper Grand District School Board shall reach an agreement regarding the supply and erection of a sign at the Developer’s expense and according to Upper Grand District School Board specifications.

95. The Developer shall satisfy all requirements and conditions of Canada Post including advisories and suitable mailbox locations.

NOTES:

That this Draft Plan Approval shall lapse at the expiration of 5 years from the date of issuance of Draft Plan Approval.

Schedule 'A'


ASTRID J. CLOS
PLANNING CONSULTANTS
DRAFT PLAN OF SUBDIVISION
23T-15501
KEY MAP
LEGAL DESCRIPTION
PART OF LOT 11, CONCESSION 7
(GEOGRAPHIC TOWNSHIP OF PUSLINCH)
CITY OF GUELPH
NOTES
ADDITIONAL INFORMATION
LAND USE SCHEDULE
OWNER'S CERTIFICATE
SURVEYOR'S CERTIFICATE
CLAIR ROAD WEST
MOFFATT LANE
GOSLING GARDENS
CLAIRFIELDS DRIVE
POPPY DRIVE
CORPORATE BUSINESS PARK
BLOCK 1
2.644ha
COMMERCIAL/
RESIDENTIAL
BLOCK 2
0.571ha
SWM
BLOCK 3
0.650ha
FUTURE DEVELOPMENT
BLOCK 4
0.170 ha
CITY EMERGENCY
SERVICES
CHURCH SITE
COMMERCIAL
RESIDENTIAL
WETLAND
WETLAND
CONCESSION 7
LOT 11
LOT 11, CONCESSION 7
LOT 10, CONCESSION 7