

Council Chambers
December 5, 2011 7:00 p.m.

A meeting of Guelph City Council.

Present: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond and Wettstein

Staff Present: Ms. A. Pappert, Chief Administrative Officer; Dr. J. Laird, Executive Director of Planning & Building, Engineering and Environment; Mr. J. Riddell, General Manager, Planning & Building Services; Ms. T. Agnello, Acting City Clerk; and Ms. D. Black, Assistant Council Committee Co-ordinator

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There were no declarations.

CONSENT AGENDA

The following items were extracted from the December 5, 2011 Consent Agenda to be voted on separately:

- A-4 Impact of Environmental Review Tribunal Decision on Conversion to Automated Waste Collection Program

1. Moved by Councillor Findlay
Seconded by Councillor Dennis

THAT the balance of the December 5, 2011 Council Consent Agenda as identified below, be adopted:

- a) **39-47 Arkell Road and 1408 Gordon Street Proposed Zoning By-law Amendment (File ZC1006) – Ward 6**

Astrid J. Clos
Trustees of Arkell Rd
Bible Chapel
Dr. J. Laird
Ms. D. Jaques
Mr. D. McCaughan
Ms. S. Aram

THAT Report 11-97 dated December 5, 2011 regarding a proposed Zoning By-law Amendment for the properties municipally known as 39-47 Arkell Road and 1408 Gordon Street from Planning & Building, Engineering and Environment be received;

AND THAT the application by Astrid J. Clos Planning Consultants for a Zoning By-law Amendment to change the zoning from the I.1 (Institutional) Zone and the R.1B (Residential Single Detached) Zone to a Specialized R.3A (Townhouse) Zone to permit a limited range of residential uses including stacked

and cluster townhouses for the properties municipally known as 39-47 Arkell Road and 1408 Gordon Street, and legally described as Part of Lot 7, Concession 8, City of Guelph, be approved in accordance with the regulations and conditions set out in Attachment 1 attached hereto;

AND THAT in accordance with Section 34(17) of the *Planning Act*, City Council has determined that no further public notice is required related to the minor modifications to the proposed Zoning By-law Amendment affecting 39-47 Arkell Road and 1408 Gordon Street as set out in Report 11-97 from Planning & Building, Engineering and Environment dated December 5, 2011;

AND THAT the request to demolish the detached dwelling located on the property municipally known as 1408 Gordon Street be approved.

b) **300 Grange Road Request for an Extension of Draft Plan Approval (File: 23T-07505) – Ward 1**

Mr. Jamie Laws
Mr. A. Carere
Mr. F. Verdone
Dr. J. Laird
Ms. D. Jaques
Mr. D. McCaughan
Ms. S. Aram

THAT Report 11-101 dated December 5, 2011 regarding a request for a Draft Plan Approval extension for the subdivision at the property municipally known as 300 Grange Road (23T-07505) from Planning & Building, Engineering and Environment, be received;

AND THAT the application by Van Harten Surveying Inc. for an extension to the Draft Plan Approval of the subdivision at 300 Grange Road (23T-07505) applying to lands legally described as Part Lot 6 and 7, Registered Plan 53, Division "C", City of Guelph, be approved for a three (3) year period to an extended lapsing date of January 12, 2015, subject to the conditions contained in Attachment 2 attached hereto.

c) **Cityview Heights Subdivision Request for an Extension of Draft Plan Approval (File: 23T-01506) – Ward 1**

Ms. N. Shoemaker
Mr. I. Cook
Dr. J. Laird
Mr. D. McCaughan
Ms. S. Aram
Ms. D. Jaques

THAT Report 11-102 dated December 5, 2011 regarding a request for a Draft Plan Approval extension for the subdivision of the property municipally known as 333 Grange Road and 134 Cityview Drive (23T-01506) from Planning & Building, Engineering and Environment, be

received;

AND THAT the application by 2014707 Ontario Inc. for an extension to the Draft Plan Approval of the subdivision at 333 Grange Road and 134 Cityview Drive (23T-01506) applying to lands legally described as Part of Lot 14, and all of Lot 23, Registered Plan 53, City of Guelph, be approved for a one (1) year period to an extended lapsing date of January 6, 2013, subject to the conditions contained in Attachment 3 attached hereto.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

PLANNING PUBLIC MEETING

Mayor Farbridge announced that in accordance with The Planning Act, Council was now in a public meeting for the purpose of informing the public of various planning matters. The Mayor asked if there were any delegations in attendance with respect to planning matters listed on the agenda.

40 Wellington Street West Proposed Zoning By-law Amendment (File ZC1112) – Ward 5

Mr. A. Hearne, Senior Development Planner, provided information regarding the property location. He advised the application proposes to retain the permitted uses listed in Section 6.6.3.3 of the Zoning Bylaw in the existing Specialized CR-3 Zone, with no changes. The owner has asked to develop the property in accordance with the regulations of the standard CR Zone as outlined in Section 6.6.2 of the Zoning Bylaw, with the following additions and exceptions:

- minimum Front or Exterior Sideyard: 0 metres rather than the average of the front and exterior sideyards of the adjoining properties. This regulation will apply to the building setbacks along the frontages of both public streets;
- minimum Sideyard: 1.2 metres rather than one half the building height but not less than 3 metres. This regulation will apply north of Building C and south of Building D (See Schedule 5);

- minimum Rearyard: 1.5 metres rather than 20% of the lot depth to a maximum of 7.5 metres. This regulation will apply west of Building A (Schedule 5);
- maximum Gross Floor Area: 3,502 square metres plus a 186 square metre mezzanine rather than 400 square metres maximum;
- off-street Parking: 150 spaces (approximately 1 space per 23 square metres of ground floor area) rather than in accordance with Section 4.13 of the Bylaw. Section 4.13 has a variety of parking requirements based on the types of uses, which in this case, is not known yet;
- buffer Strip: Exemption requested. The Bylaw requires a buffer strip where the CR Zone abuts a Park Zone and the owner has requested that any buffer be determined as part of the site plan approval process.

Mr. Hearne also advised that staff have been in contact with GRCA and the site has been remediated to a commercial site. He also stated that the GRCA requires floodproofing criteria and the land use restrictions would preclude residential development.

Mr. Michael Spaziani, architect for the applicant, addressed the property limitations including;

- approvals only for commercial use;
- flood proofing of a garage is difficult and costly;
- a high groundwater table creates flow rates;
- surface parking limits office uses;

He stated their plan introduces supportive uses and access to the park will be enhanced by pathways. He advised they wish to create active street frontage and have transparent storefronts. He discussed the potential to convey lands to the City and advised the buildings will be massed at 2 storeys. He also stated they have been trying to purchase the corner property with no success to date.

Dr. Hugh Whiteley would like the City to explore options with the GRCA and refrain from making a final decision until all the options available have been determined. He questioned the readiness of the property for development due to contamination and stated more specifics regarding the contamination are needed. He recommended a 30 year extended use with a fixed timing so if the property gets approval for other uses at a later date, they could pursue those.

He recommended staff give consideration to the following:

- preparation of a staged development with the final stage a building that occupies the separated corner lot

- and extends south along Gordon with façades on both Wellington and Gordon Streets;
- a two level parking structure forming the basement level foundation for buildings along both Gordon and Wellington and for residential buildings at the park edge with a deck being the central courtyard, built slightly above the regional flood level and providing access to the lower level to provide flood proofing for the lower level parking;
 - a mixed-use development with both commercial and residential components.
 - a building design that follows the excellence in design criteria of the River System Management Plan which includes:
 - (a) Buildings oriented at right angles to the river with spacing to provide ample site lines to and from the river and park;
 - (b) Buildings adjacent to the river and park with facades and setbacks that address and complement the river and park; and
 - (c) no long slab buildings parallel to the river.

He also suggested reconsideration be given to whether to keep the ball diamond.

Ms. Barbara Mann questioned why the property could not have mixed uses similar to the property at York Road and Wyndham Street. She stated she businesses that not directly compete with existing businesses in the area. She also encouraged Council not to allow a private roadway because of concerns for maintenance and accessibility in the future.

Staff were requested to provide further information with respect to the feasibility of underground parking.

2. Moved by Councillor Burcher
Seconded by Councillor Findlay

Dr. J. Laird
Mr. J. Riddell

THAT Report 11-95 regarding a Zoning By-law Amendment application by Black, Shoemaker, Robinson and Donaldson Limited on behalf of 2065404 Ontario Inc. to permit a range of commercial uses and allow a proposed multi-building retail development (ZC1112) on lands legally described as Lots 1 to 11, Donnington Street (closed by Judges order #10W-4790) Plan 272, Lots 2 and 6, Part Lot 1 and Part Block A, Plan 136, Parts 2, 3, 4 and 5, Reference Plan 61R2943; s/t ROS645144; s/t ROS251502, municipally known as 40 Wellington Street West, City of Guelph, from Planning & Building, Engineering and Environment, dated December 5, 2011, be received.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

1475-1483 and 1499 Gordon Street Proposed Official Plan and Zoning By-law Amendment (File: OP1102/ZC1111) – Ward 6

Mr. C. DeVriendt, Senior Development Planner, provided information with respect to the location of the property and history of this application. The applicant is requesting to rezone the lands from the current single detached residential to a specialized commercial residential zone, with the addition of a pharmacy use. The exemptions the applicant is requesting are:

- a minimum side yard of 3 metres in lieu of the required 4.5 metres;
- maximum gross floor area of 1,620 square metres in lieu of the maximum 400 square metres;
- minimum off-street parking of 63 spaces in lieu of the required 74 parking spaces.

He also stated the applicant is requesting to rezone a portion of the reconfigured 1475-1483 Gordon Street property from the R1.B Zone to the C.1-18 Zone which would result in the Brock Road Garage property being entirely zoned C.1-18 Zone to permit the existing vehicle service station. He advised that an Official Plan Amendment is also required to redesignate from the current medium density residential to commercial mixed use.

Staff were requested to provide information that would provide context of the development with the adjacent properties and to advise when the traffic lights will be in place at Heritage Drive.

Ms. Astrid Clos, Planner for the applicant, stated there have been Committee of Adjustment decisions to allow the properties to be squared off for development. She said they have added underground parking. She advised that the small triangular portion belongs to the abutting owners and it was deemed best to wait to rezone that portion until it was needed for a development project.

3. Moved by Councillor Kovach
Seconded by Councillor Furfaro

Dr. J. Laird
Mr. J. Riddell

THAT Report 11-92 regarding applications for an Official Plan Amendment and Zoning By-law Amendment to permit a range of primarily commercial uses and mixed residential/commercial uses applying to property municipally known as 1499 Gordon Street and to permit the existing vehicle service station on a portion of the property municipally known as 1475-1483 Gordon Street, legally described as Part of Lots 1, 2 and 3, Registered Plan 74, Geographic Township of Puslinch, City of Guelph, from Planning & Building, Engineering and Environment, dated December 5, 2011, be received.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

PRESENTATIONS

Impact of Environmental Review Tribunal Decision on the Conversion to Automated Waste Collection Program

Mr. Dean Wyman, General Manager, Solid Waste Resources, provided the history of Council decisions thus far and addressed the key factors of the waste collection program. He outlined new factors that may affect the decision of council including:

- the decision of the Environmental Review Tribunal (Orgaworld Canada Ltd.);
- contracts have already been issued for seven (7) collection vehicles and can only be withdrawn by December 15th without penalty;
- a request for proposal for carts closes December 19,2011 and must proceed now to complete in time to meet the Certificate of Approval requirements for 2012.

He advised that the Certificate of Approval would require amendments if bags were used, but there is no guarantee they would be granted. He stated the Ministry of the Environment will not appeal the Tribunal decision because it is not a binding decision for other municipalities, but they are willing to discuss next steps with Guelph. He noted the City must decide by December 15th in the event the City decides to cancel the current contract for seven fully-automated collection vehicles. At least (six) 6 current trucks need immediate replacement, whatever the

method of waste collection. He advised three options were discussed but only fully-automated collection will comply with the City's Certificate of Approval and eligibility for a grant. Staff recommend the fully-automated option and that will result in lower annual operating costs.

4. Moved by Councillor Burcher
Seconded by Councillor Laidlaw

THAT the report from Planning & Building, Engineering and Environment dated November 28, 2011 entitled Impact of Environmental Review Tribunal Decision on the Conversion to Automated Waste Collection Program be received;

AND THAT conversion of the curbside waste collection program, from a manual plastic bag collection program to a fully-automated cart collection program commencing in 2012, be reaffirmed.

5. Moved in amendment by Councillor Guthrie
Seconded by Councillor Kovach

THAT the conversion of the curbside waste collection program, from a manual plastic bag collection program to a fully-automated cart collection program commencing in 2012 be referred back to staff for further information and report back to Council at a special council meeting to be held before December 15, 2011.

VOTING IN FAVOUR: Councillors Furfaro, Guthrie, Kovach and Van Hellemond (4)

VOTING AGAINST: Councillors Bell, Burcher, Dennis, Findlay, Hofland, Laidlaw, Piper, Wettstein and Mayor Farbridge (9)

Defeated

6. Moved by Councillor Burcher
Seconded by Councillor Laidlaw

THAT the report from Planning & Building, Engineering and Environment dated November 28, 2011 entitled Impact of Environmental Review Tribunal Decision on the Conversion to Automated Waste Collection Program be received;

AND THAT conversion of the curbside waste collection program, from a manual plastic bag collection program to a fully-automated cart collection program commencing in 2012, be reaffirmed.

Dr. J. Laird

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Hofland, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (11)

VOTING AGAINST: Councillors Guthrie, Kovach, (2)

Carried

BY-LAWS

7. Moved by Councillor Guthrie
Seconded by Councillor Laidlaw
THAT By-law Numbers (2011) – 19319 to (2011) – 19320, inclusive, are hereby passed.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

ADJOURNMENT

The meeting adjourned at 9:47 o'clock p.m.

Minutes read and confirmed December 19, 2011.

.....
Mayor

.....
Acting Clerk

Regulations and Conditions

The properties affected by the Zoning By-law Amendment application are municipally known as 39-47 Arkell Road and 1408 Gordon Street and legally described as Part of Lot 7, Concession 8, City of Guelph.

The following zone is proposed:

Specialized R.3A (Townhouse) Zone

Permitted Uses

In accordance with the uses permitted by Section 5.3.1.1 (Cluster Townhouse Zone) of Zoning By-law (1995)-14864, as amended:

- Maisonette dwelling
- Stacked Townhouse
- Cluster Townhouse
- Home Occupation in accordance with Section 4.19
- Accessory Use in accordance with Section 4.23

Regulations

In accordance with Schedule 4 (General Provisions) and Section 5.3.2 and Table 5.3.2 of Zoning By-law (1995)-14864, as amended, with the following exceptions:

Building Height

The maximum permitted building height shall be four storeys for stacked townhouses and three storeys for cluster townhouses except that the maximum permitted building height within 30m of the eastern property line abutting an R.1B Zone shall be 2 storeys.

Setbacks

The minimum rear yard setback shall be 3m

The minimum side yard setback shall be 3m

Density

The maximum permitted density shall be 50 units per hectare.

Frontage

The minimum permitted frontage shall be 11m

Conditions

The following conditions are provided as information to Council and will be imposed through site plan approval:

1. The Owner shall submit to the City, in accordance with Section 41 of the *Planning Act*, a fully detailed site plan, indicating the location of buildings, landscaping, parking, circulation, access, lighting, tree preservation, grading and drainage and servicing on the said lands to the satisfaction of the General Manager of Planning & Building Services and the General Manager/City Engineer, prior to the issuance of a building permit, and furthermore the Owner agrees to develop the said lands in accordance with the approved plan.
 - a. Further, the Owner commits and agrees that the details of the layout and design for the development of the subject lands, including: the 10m landscape buffer along the northeast property boundary abutting the R.1B Zone; the size and location of the common amenity area; the location of the stacked and cluster townhouses; and the amount of parking being provided, shall be generally in conformance with the development concept plan attached as Schedule 6 to the December 5, 2011 Planning & Building, Engineering and Environment Report Number 11-97.
2. Prior to the issuance of a building permit, the owner shall provide the City with written confirmation that the building on the subject site will be constructed to a standard that implements energy efficiency in order to support the Community Energy Initiative to the satisfaction of the General Manager of Planning and Building Services and in accordance with the letter attached as Schedule 7 to Report 11-97 from Planning & Building, Engineering and Environment dated December 5, 2011.
3. Prior to the issuance of site plan approval for the lands, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future households within the project, with such payment based on a cost of one handbook per residential household, as determined by the City.
4. The Owner shall pay to the City, as determined applicable by the Chief Financial Officer/City Treasurer, development charges and education development charges, in accordance with the City of Guelph Development Charges By-law (2009)-18729, 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 thereof, prior to this issuance of any building permits, at the rate in effect at the time of the issuance of a building permit.

5. That prior to the issuance of site plan approval, the Owner shall pay to the City cash-in-lieu of parkland dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof.
6. Prior to site plan approval and prior to any construction or grading on the lands, the developer shall submit a detailed Storm water Management Report and plans to the satisfaction of the City Engineer which demonstrates how storm water will be controlled and conveyed. Furthermore, prior to site plan approval, the developer/owner shall enter into an agreement with the Arkell Road Bible Chapel and relevant neighbouring residential properties (if applicable), registered on title, satisfactory to the City Engineer, covering the conditions related to stormwater management and to develop the site in accordance with the approved plans and reports.
7. That the developer grades, develops and maintains the site including the storm water management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the City Engineer. Furthermore, the owner shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system, and that the storm water management system was approved by the City and that it is functioning properly.
8. Prior to site plan approval and prior to any construction or grading on the lands, 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.
9. Prior to site plan approval, the developer/owner shall pay to the City, their share of the cost of the existing watermain on Gordon Street and Arkell Road across the frontage of the property at a rate per metre of frontage determined by the City Engineer.
10. Prior to site plan approval, the developer/owner shall pay to the City, their share of the actual cost of constructing municipal services on Gordon Street and Arkell Road across the frontage of the land including roadworks, sanitary sewer, storm sewer, curb and gutter, catchbasins, sidewalks, streetlighting as determined by the City Engineer.
11. Prior to site plan approval, the developer/owner shall pay to the City the actual cost of existing service laterals as determined by the City Engineer.

12. The developer/owner shall pay to the City the actual cost of constructing and installing any new service laterals required and furthermore, prior to site plan approval, the developer shall pay to the City the estimated cost of the service laterals, as determined by the City Engineer.
13. The developer/owner shall pay to the City the actual cost of the construction of the new access and the required curb cut and furthermore, prior to site plan approval and prior to any construction or grading on the lands, the developer shall pay to the City the estimated cost as determined by the City Engineer of constructing the new access/private road and the required curb cut.
14. That the developer/owner constructs the new buildings at such an elevation that the lowest level of the new buildings can be serviced with a gravity connection to the sanitary sewer.
15. That prior to Site Plan approval, the developer/owner shall pay to the City, their share of the actual cost of the existing Municipal Stormwater Management facility.
16. That the developer/owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to any construction or grading on the lands.
17. That all electrical services to the lands are underground and the developer/owner shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to any construction or grading on the lands.
18. The Developer shall ensure that all telephone service and cable TV service in the Lands shall be underground. The Developer shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services for the Lands.
19. Prior to site plan approval the developer/owner must complete the land transfer between private property owners and the developer/owner.
20. Prior to Site Plan approval the developer/owner must provide a reference plan for the road widening dedication along the frontage of Arkell Road, registered on title.
21. That the site be developed to implement the recommendations of the Traffic Impact Study. Alternatively, a refined Traffic Impact Study will be required to the satisfaction of the City Engineer.

22. There are existing private water wells on the neighbouring residential properties. Prior to site plan approval and prior to any construction or grading on the lands, the Developer shall have a professional engineer identify and minimize potential impacts of the development on those wells which may include monitoring of wells pre and post development and the submission of a hydrogeological assessment.
23. The Developer shall provide two driveway connections to the proposed site with full access on Gordon Street and Right-in/Right-out only on Arkell Road.
24. That prior to site plan approval, the owner shall enter into a site plan control agreement with the City, registered on title, satisfactory to the City Solicitor, the General Manager of Planning & Building Services and the General Manager/City Engineer, covering the conditions noted above and to develop the site in accordance with the approved plans and reports.

Conditions of Draft Plan Approval

THAT the application by Van Harten Surveying Inc. on behalf of Gateway Homes Inc. for a Proposed Draft Plan of Residential Subdivision applying to property municipally known as 300 Grange Road, and legally described as Part Lot 6 and 7, Registered Plan 53, Division "C", City of Guelph, to permit a minimum of 85 dwelling units, **be approved**, subject to the following conditions:

CITY CONDITIONS

1. That this approval applies only to the revised draft plan of subdivision prepared by Van Harten Surveying Inc., Project No. 98-13068, dated October 6, 2008, as shown on **Schedule 2**, including road widenings and reserves.

Conditions to be met prior to grading and site alteration

2. The Developer shall complete a **tree inventory and conservation plan**, satisfactory to the City Engineer in accordance with City of Guelph Bylaw (1986)-12229 prior to any grading, tree removal or construction on the site.
3. The Developer shall obtain a **Site Alteration Permit** in accordance with City of Guelph By-law (2007)-18420 to the satisfaction of the City Engineer.
4. 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.
5. 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.
6. The Developer shall enter into an **Engineering Services Agreement** with the City, satisfactory to the City Engineer.
7. 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 a detailed lot grading plan to be submitted prior to the issuance of any building permit within the subdivision.
8. 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.

9. The Developer shall provide a qualified **environmental inspector**, satisfactory to the General Manager of Planning and Building Services, 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. For this subdivision, the City recognizes that the environmental inspection can be completed by a qualified engineering inspector to the satisfaction of the City.
10. 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 body. The report and plan shall address the issue of water quantity and quality in accordance with recognized best management practices, Provincial Guidelines, the City's "Design Principles for Storm Water Management Facilities" 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.
11. 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.
12. The Developer shall ensure that the **height of any proposed retaining wall** does not exceed 1.2 metres to the satisfaction of the City Engineer.
13. 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 development agreement on the block/lot so disturbed.
14. The Developer shall carry out an **archaeological assessment** of the subject property and mitigate, through preservation or resource removal, adverse impacts to any significant archaeological resources found. No demolition, grading or any soil disturbances shall take place on the subject property, prior to the issuance of a letter from the Ministry of Citizenship, Culture and Recreation to the City indicating that all archaeological assessment and/or mitigation activities undertaken have met licensing and resource conservation requirements.

Conditions to be met prior to execution of subdivision agreement

15. 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.

16. That 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 a share of the cost of the existing downstream stormwater management system as determined by the City and a share of the cost of the reconstruction of Grange Road. In addition, the Developer will be required to pay 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.
 - a. The Developer shall share in the actual cost of the design and construction of the external downstream drainage works. The share of the design cost is \$40,060.86 (tax not included) and the estimated share of the construction cost is \$81,850.0 (tax not included)".
17. Should 23T-07505 proceed before 23T-07502 or vice-versa, the Developer shall construct **temporary turning circles** at the ends of Roads A and B and an **emergency access road** all to the satisfaction of the City.
18. 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.
19. The Developer shall submit a **Traffic Impact Study** to the satisfaction of the City Engineer and the Developer shall implement to the satisfaction of the City Engineer the recommendations of the **Traffic Impact Study** undertaken for this subdivision and approved by the City Engineer.
20. The Developer shall pay the cost of supplying and erecting **street name and traffic control signs** in the subdivision, to the satisfaction of the City.
21. The Developer shall pay to the City the flat rate charge established by the City per metre of road frontage to be applied to **street tree planting** within the proposed subdivision.
22. The Developer shall pay to the City the cost of installing **bus stop pads** at locations to be determined by Guelph Transit.
23. The Developer shall provide an **On-Street Parking Plan** for the subdivision to the satisfaction of the City Engineer. This Plan shall include on-street parking on Grange Road.

24. The site plans for Lots 1, 2 and 3, and all **corner building lots**, as determined by the City, shall be submitted to the City for approval of driveway location.
25. 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.
26. The Developer shall phase the subdivision to the satisfaction of the City of Guelph. Such **phasing** shall conform to the current Development Priorities Plan.
27. The Developer shall provide Community Design and Development Services with a **digital file** in either AutoCAD - DWG format or DXF format containing the following final approved information: parcel fabric, street network, grades/contours and existing vegetation to be retained in the park.
28. The Developer shall **demarcate the boundary of the Park Block** in accordance with the City of Guelph Property Demarcation Policy, to the satisfaction of the General Manager of Planning and Building Services.

Conditions to be met prior to registration of the plan

29. The Developer shall obtain approval of the City with respect to the availability of **adequate water supply and sewage treatment capacity**, prior to the registration of the plan, or any part thereof.
30. The registration of the plan, or any part thereof, shall require approval of the City with respect to **adequate sanitary sewer capacity** being available in the downstream trunk sanitary sewer.
31. The Developer acknowledges and agrees that the suitability of the land for the proposed uses is the responsibility of the landowner. The Developer shall retain a Qualified Person (QP) as defined in Ontario Regulation 153/04 to prepare and submit a **Phase 1 Environmental Site Assessment** (and any other subsequent phases required), to assess any real property to be conveyed to the City to ensure that such property is free of contamination. If contamination is found, the consultant will determine its nature and the requirements for its removal and disposal at the Developer's expense. Prior to the registration of the plan, a Qualified Person shall certify that all properties to be conveyed to the City are free of contamination.
32. Prior to the City accepting any real property interests, if contamination is found, the Developer shall:
 - a. submit all environmental assessment reports prepared in accordance with the **Record of Site Condition** (O. Reg. 153/04) describing the current conditions
 - b. of the land to be conveyed to the City and the proposed remedial action plan to the satisfaction of the Manager of Realty Services;
 - c. complete any necessary remediation work in accordance with the accepted remedial action plan and submit certification from a Qualified Person that the lands to be conveyed to the City meet the Site Condition Standards of the intended land use; and

- d. file a Record of Site Condition (RSC) on the Provincial Environmental Registry for lands to be conveyed to the City.
33. The Developer shall enter into a **Subdivision Agreement**, to be registered on title, satisfactory to the City Solicitor, which includes all requirements, financial and otherwise to the satisfaction of the City of Guelph.
34. 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 "Geometric Design Criteria – July 23, 1993".
35. That all **easements, blocks and rights-of-way** required within or adjacent to the proposed subdivision be conveyed clear of encumbrance to the satisfaction of the City of Guelph, Guelph Hydro Electric Systems Inc. and other Guelph 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.
36. The Developer shall pay any **outstanding debts** owed to the City.
37. The Developer shall pay **development charges** to the City in accordance with By-law Number (2004) - 17361, 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.
38. The Developer shall erect and maintain **signs** at specified entrances to the subdivision showing the proposed land uses and zoning of all the lots and blocks within the proposed subdivision and predominantly place on such signs the wording "For the Zoning of all lands abutting the subdivision, inquiries should be directed to Planning and Building Services, City Hall". Further, the signs shall be resistant to weathering and vandalism.
39. The Developer shall place the following **notifications** in all offers of purchase and sale for all lots and/or dwelling units and agrees that these same notifications shall be placed in the City's subdivision agreement to be registered on title:
 - a. "Purchasers and/or tenants of all lots are advised that sump pumps will be required for every lot unless a gravity outlet for the foundation drain can be provided on the lot in accordance with a certified design by a Professional Engineer. Furthermore, all sump pumps must be discharged to the rear yard."
 - b. "Purchasers and/or tenants of all lots or units are advised that if any fee has been paid by the purchaser to the Developers for the planting of trees

on City boulevards in front of residential units does not obligate the City nor guarantee that a tree will be planted on the boulevard in front or on the side of a particular residential dwelling.”

- c. “Purchasers and/or tenants of all lots or units are advised that a transit route may be installed on Grange Road at the discretion of the City. The location of such route and bus stops will be determined based on the policies and requirements of the City. Such bus stops may be located anywhere along the route, including lot frontages.”
- d. “Purchasers and/or tenants of all lots or units located in the subdivision plan, are advised prior to the completion of home sales, of the time frame during which construction activities may occur, and the potential for residents to be inconvenienced by construction activities such as noise, dust, dirt, debris, drainage and construction traffic”.
- e. “Purchasers and/or tenants of all lots or units are advised that the boundaries of the park block will be demarcated in accordance with the City of Guelph Property Demarcation Policy.”

40. 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.

41. 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 Guelph Hydro Electric Systems Inc.

42. The Developer shall pay to the City, the total cost of reproduction and distribution of the **Guelph Residents Environmental Handbook**, to all future residents within the plan, with such payment based on a cost of one handbook per residential dwelling unit as determined by the City.

43. That site plans for Lots 1, 2 and 3 and all corner building lots, as determined by the City Engineer, shall be submitted to the City Engineer for approval of **driveway location**.

44. The Developer agrees to eliminate the use of any covenants that would restrict the use of **clotheslines** and that prior to the registration of all or any portion of the plan, the Developer's lawyer shall certify to the General Manager of Planning and Building Services that there are no restrictive covenants which restrict the use of clotheslines.

Conditions to be met prior to the issuance of a building permit

45. 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.

46. 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.
47. All **Stage 1 Services** are to be constructed to the satisfaction of the City Engineer.
48. The Developer shall provide the City with written confirmation from the Engineering Department of **Guelph Hydro** that the subdivision hydro servicing has been completed to the satisfaction of Guelph Hydro.
49. The Owner acknowledges and agrees that the dwelling units on the subject site will be constructed to ENERGY STAR standard that promotes energy efficiency standards in order to comply with the Community Energy Plan, to the satisfaction of the City.

AGENCY CONDITIONS:

50. 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.
51. The Developer and the **Wellington Catholic 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.
52. The Developer agrees to provide the **Upper Grand District School Board** with a digital file of the plan of subdivision in either ARC/INFO export or DXF format containing the following information: parcel fabric and street network.
53. The Developer agrees in the subdivision agreement to advise all purchasers of residential units and/or renters of same, by inserting the following clause in all offers of Purchase and Sale/Lease, until such time as a permanent school is assigned:
 - "Whereas the **Upper Grand District School Board** has designated this subdivision as a Development Area for the purposes of school accommodation, and despite the best efforts of the Upper Grand District School Board, sufficient accommodation may not be available for all anticipated students from the area, you are hereby notified that students may be accommodated in temporary

facilities and/or bused to a school outside the area, and further, that students may in future have to be transferred to another school.

54. 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) affixed to the permanent development sign advising perspective residents that students may be directed to schools outside the neighbourhood.
55. The Developer shall satisfy all requirements and conditions of **Canada Post** including advisories and suitable mailbox locations. The developer shall ensure that the eventual lot/home owner is advised in writing by the developer/subdivider/builder that Canada Post has selected the municipal easement to their lot for a Community Mail Box installation and the developer shall be responsible for the installation of concrete pads in accordance with the requirements of Canada Post, in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes. The concrete pads are to be poured at the time of curb installation within each phase of the subdivision.
56. That this **Draft Plan Approval shall lapse** on January 12, 2015.
57. That prior to the registration of all or any portion of the plan, the **Wellington Catholic District School Board** shall advise the City in writing how condition 51 has been satisfied.
58. That prior to the registration of all or any portion of the plan, **Upper Grand District School Board** shall advise the City in writing how conditions 52, 53 and 54 have been satisfied.
59. That prior to the registration of all or any portion of the plan, **Guelph Hydro Electric Systems Inc**, shall advise the City in writing how conditions 41 and 48 have been satisfied.
60. That prior to the registration of all or any portion of the plan, **Canada Post** shall advise the City in writing how condition 55 has been satisfied.

Conditions of Draft Plan Approval

PART A

"THAT the application by 2014707 Ontario Inc. for a Proposed Redline Amendment to Draft Plan of Residential Subdivision 23T01506 on lands municipally known as 333 Grange Road and 134 Cityview Drive, and legally described as Part of Lot 14, and all of Lot 23, Registered Plan 53, City of Guelph, **be approved**, subject to the following conditions:

CITY CONDITIONS

1. That this approval applies only to the revised draft plan of subdivision prepared by 2014707 Ontario Inc., dated September 18, 2008, to include the development of 74 residential units, as shown on **Schedule 2**, including road widenings and reserves.

Conditions to be met prior to grading and site alteration

2. The Developer shall complete a **tree inventory and conservation plan**, satisfactory to the City Engineer in accordance with City of Guelph Bylaw (1986)-12229 prior to any grading, tree removal or construction on the site.
3. The Developer shall obtain a **Site Alteration Permit** in accordance with City of Guelph By-law (2007)-18420 to the satisfaction of the City Engineer.
4. 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.
5. 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.
6. The Developer shall enter into an **Engineering Services Agreement** with the City, satisfactory to the City Engineer.
7. The Developer shall prepare a **site drainage and grading plan**, for the entire subdivision, satisfactory to the City Engineer. Such a plan will be used as the basis for a detailed lot grading plan to be submitted prior to the issuance of any building permit within the subdivision.

8. The Developer shall provide a qualified **Environmental Inspector**, satisfactory to 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 measures and procedures, and compliance with the approved plan. The environmental inspector shall report on his or her findings to the City on a monthly or more frequent basis.
9. The Developer shall submit a detailed **Stormwater Management Report and Plans** to the satisfaction of the City Engineer which shows how stormwater will be controlled and conveyed to the receiving water body. 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 "Design Principles for Storm Water Management Facilities" 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.
10. 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.
11. The Developer shall ensure that the height of any proposed retaining wall that abuts existing residential property does not exceed 1.2 metres, with the exception of the height of the wall abutting the DiCicco property at 327 Grange Road.
12. That 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.

Conditions to be met prior to execution of the subdivision agreement

13. 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.
14. That 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 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, reconstruction of Cityview Drive to an urban standard, storm sewer on Cedarvale Avenue, with the distance, size and alignment of such services to be determined by the City. This also includes the Developer paying a share of the cost of the existing downstream stormwater management system as determined by the City and a share of the cost of the reconstruction of Grange Road.

15. Should this development proceed before Draft Plan 23T-08501 to the east at 98 Cityview Drive, the Developer shall **construct Street A and Street B** that are external to the plan to the satisfaction of the City. Street A and Street B are to be shown as separate blocks, conveyed to the City, and dedicated as right-of-way at the expense of the Developer and to the satisfaction of the City, prior to registration of the plan.
16. 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.
17. The Developer shall submit a **Traffic Impact Study** to the satisfaction of the City Engineer addressing vehicular and pedestrian site access, the potential impact of the development on the existing road network, traffic signage, the design of bikeways and traffic calming measures.
18. The Developer shall pay the cost of supplying and erecting **street name and traffic control signs** in the subdivision, to the satisfaction of the City.
19. The Developer shall pay to the City the flat rate charge established by the City per metre of road frontage to be applied to **street tree planting** within the proposed subdivision.
20. The Developer shall pay to the City the cost of installing **bus stop pads** at locations to be determined by Guelph Transit.
21. The Developer shall provide an **on-street parking plan** for the subdivision to the satisfaction of the City Engineer.
22. 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.
23. The Developer shall phase the subdivision to the satisfaction of the City of Guelph. Such **phasing** shall conform with the current Development Priorities Plan.
24. The Developer shall provide the City with a **digital file** of the plan of subdivision in either AutoCad – DWG format or DXF format containing the following information: parcel fabric, street network, grades/contours and existing vegetation to be retained.

25. The Developer shall **demarcate the boundary of the Walkway Block** in accordance with the City of Guelph Property Demarcation Policy, to the satisfaction of the General Manager of Planning and Building Services.
26. The Developer shall install a **1.8 metre high board fence** along any lot or block abutting the existing Bradson Drive properties to the satisfaction of the General Manager of Planning and Building Services.

Conditions to be met prior to registration

27. The Developer shall obtain approval of the City with respect to the availability of **adequate water supply and sewage treatment capacity** being available, prior to the registration of the plan, or any part thereof.
28. The Developer acknowledges and agrees that the suitability of the land for the proposed uses is the responsibility of the landowner. The Developer shall retain a qualified consultant to prepare a **Phase 1 Environmental Site Assessment** (and any other subsequent phases required), to assess any real property to be conveyed to the City to ensure that such property is free of contamination. If contamination is found, the consultant will determine its nature and the requirements for its removal and disposal at the Developer's expense. Prior to the registration of the plan, the consultant shall certify that all properties to be conveyed to the City are free of contamination.
29. Prior to the City accepting any real property interests, the Developer shall:
 - a. submit all environmental assessment reports prepared in accordance with the Record of Site Condition (O. Reg. 153/04) describing the current conditions of the land to be conveyed to the City and the proposed remedial action plan to the satisfaction of the Manger of Reality Services;
 - b. complete any necessary remediation work in accordance with the accepted remedial action plan and submit certification from a Qualified Person that the lands to be conveyed to the City meet the Site Condition Standards of the intended land use; and
 - c. file a Record of Site Condition (RSC) on the Provincial Environmental Registry for lands to be conveyed to the City.
30. That the Developer enters into a **Subdivision Agreement**, to be registered on title, satisfactory to the City Solicitor, which includes all requirements, financial and otherwise to the satisfaction of the City of Guelph.
31. 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 "Geometric Design Criteria - July 23, 1993" with the exception of the road widths which shall comply with the widths shown on the approved draft plan of subdivision.

32. That all **easements and rights-of-way** required within or adjacent to the proposed subdivision be conveyed clear of encumbrance to the satisfaction of the City of Guelph, Guelph Hydro Electric Systems Inc and other Guelph 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.
33. The Developer shall pay any **outstanding debts** owed to the City.
34. The Developer shall pay **development charges** to the City in accordance with the City's Development Charges By-law, 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.
35. The Developer shall **erect and maintain signs** at specified entrances to the subdivision showing the proposed land uses and zoning of all lots and blocks within the proposed subdivision and predominantly place on such signs the wording "For the zoning of all lands abutting the subdivision, inquiries should be directed to Planning and Building Services, City Hall". Further, the signs shall be resistant to weathering and vandalism.
36. The Developer shall place the following **notifications** in all offers of purchase and sale for all lots and/or dwelling units and agrees that these same notifications shall be placed in the City's subdivision agreement to be registered on title:
- "Purchasers and/or tenants of all lots are advised that **sump pumps** will be required for every lot unless a gravity outlet for the foundation drain can be provided on the lot in accordance with a design by a Professional Engineer. Furthermore, the Developer shall ensure that all sump pumps are discharged to the rear yard and the Developer shall notify all purchasers that the discharge shall be to the rear yard."
 - "Purchasers and/or tenants of all lots or units are advised that if any fee has been paid by the purchaser to the Developers for the planting of trees on City boulevards in front of residential units does not obligate the City nor guarantee that a tree will be planted on the boulevard in front or on the side of a particular residential dwelling."
 - Purchasers and/or tenants of all lots or units located in the subdivision plan, are advised that a transit route may be installed on Cityview Drive and/or Cedarvale Avenue at the discretion of the City. The location of such route and bus stops will be determined based on the policies and requirements of the City. Such bus stops may be located anywhere along the route, including street frontages.'
 - "Purchasers and/or tenants of all lots or units located in the subdivision plan, are advised prior to the completion of home sales, of the time frame during which construction activities may occur, and the potential for residents to be

inconvenienced by construction activities such as noise, dust, dirt, debris, drainage and construction traffic.”

- “Purchasers and/or tenants of all lots or units are advised that the boundaries of the walkway block will be demarcated in accordance with the City of Guelph Property Demarcation Policy.’

37. 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 Guelph Hydro Electric Systems Inc.
38. The Developer shall pay to the City, the total cost of reproduction and distribution of the **Guelph Residents Environmental Handbook**, to all future residents within the plan, with such payment based on a cost of one handbook per residential dwelling unit as determined by the City.
39. That **site plans for all corner building lots**, as determined by the City Engineer, shall be submitted to the City Engineer for approval of driveway location.
40. The Developer agrees to eliminate the use of any covenants that would restrict the use of **clotheslines** and that prior to the registration of all or any portion of the plan, the Developer's lawyer shall certify to the General Manager of Planning and Building Services that there are no restrictive covenants which restrict the use of clotheslines.
41. Blocks 6, 7, 8, 9, 10 and 11 as shown on the Plan are not to be developed until they are adjoined with the abutting parcels to the satisfaction of the City.
42. The Developer shall be responsible for paying **cash-in-lieu of parkland** for the entire development, in accordance with the City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545, or any successor thereof.

Conditions to be met prior to issuance of a building permit

43. The Developer shall submit a report prepared by a Professional Engineer to the satisfaction of the Chief Building Official **certifying all fill** placed below proposed building locations has adequate structural capacity to support the proposed building. All fill placed within the allowable zoning by-law 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.
44. 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 of subdivision in accordance with applicable provisions contained in the Ontario Building Code.

45. All **Stage 1 Services** are to be constructed to the satisfaction of the City Engineer.
46. The Developer shall provide the City with written confirmation from the Engineering Department of **Guelph Hydro** that the subdivision hydro servicing has been completed to the satisfaction of Guelph Hydro.
47. Prior to registration of the plan, the Developer shall provide the City with written confirmation that the dwelling units on the subject site will be constructed to a standard that implements **energy efficiency** in order to support the Community Energy Plan, to the satisfaction of the City. The owner shall provide a letter of undertaking on the energy efficiency standards to be implemented for the dwelling units, which include an Energy Star standard and/or other recognized equivalent programs, including LEED for Homes and R-2000, and include verification through third party certification. These requirements shall be included in the subdivision agreement.

AGENCY CONDITIONS:

48. 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.
49. The Developer and the **Wellington Catholic 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.
50. The Developer agrees to provide the **Upper Grand District School Board** with a digital file of the plan of subdivision in either ARC/INFO export or DXF format containing the following information: parcel fabric and street network.
51. The Developer agrees in the subdivision agreement to **advise all purchasers** of residential units and/or renters of same, by inserting the following clause in all offers of Purchase and Sale/Lease, until such time as a permanent school is assigned:
 - "Whereas the Upper Grand District School Board has designated this subdivision as a Development Area for the purposes of school accommodation, and despite the best efforts of the Upper Grand District School Board, sufficient accommodation may not be available for all anticipated students from the area, you are hereby notified that students may be accommodated in temporary facilities and/or bused to a school outside the area, and further, that students may in future have to be transferred to another school.

52. 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) affixed to the permanent development sign advising perspective residents that students may be directed to schools outside the neighbourhood.
53. The Developer shall satisfy all requirements and conditions of **Canada Post** including advisories and suitable mailbox locations. The developer shall ensure that the eventual lot/home owner is advised in writing by the developer/subdivider/builder that Canada Post has selected the municipal easement to their lot for a Community Mail Box installation and the developer shall be responsible for the installation of concrete pads in accordance with the requirements of Canada Post, in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes. The concrete pads are to be poured at the time of curb installation within each phase of the subdivision.
54. That this **Draft Plan Approval shall lapse** on January 6, 2013.
55. That prior to the registration of all or any portion of the plan, the **Wellington Catholic District School Board** shall advise the City in writing how condition 50 has been satisfied.
56. That prior to the registration of all or any portion of the plan, **Upper Grand District School Board** shall advise the City in writing how conditions 51, 52 and 53 have been satisfied.
57. That prior to the registration of all or any portion of the plan, **Guelph Hydro Electric Systems Inc**, shall advise the City in writing how conditions 38 and 47 have been satisfied.
58. That prior to the registration of all or any portion of the plan, **Canada Post** shall advise the City in writing how condition 54 has been satisfied.