

Draft Approval Conditions

**Draft Plan of Subdivision Application 30T-18202
Official Plan Amendment Application OP18/006/B/GS
Zoning By-law Amendment ZBA18/007/B/GS
2079546 Ontario Limited**

1. That this approval applies to Plan of Subdivision 30T-18202 for 2079546 Ontario Limited, as shown on the attached Plan of Subdivision prepared by the City of Kitchener dated May 23, 2023 which shows the following:

Stage 1

Blocks 1-14, 16-22	Singles/Towns	(166-277 units)
Blocks 23, 24	Urban Green	
Blocks 25-27	Public Walkway	
Blocks 28-33	Open Space	
Blocks 15, 34	Access	
Block 35	Archaeological Site	

Total 166-277 units

2. CITY OF KITCHENER CONDITIONS:

- 2.1 That the Subdivider shall enter into a City Standard Residential Subdivision Agreement, as approved by CITY Council, respecting those lands shown outlined on the attached Plan of Subdivision dated May 23, 2023. Standard conditions 2.4, 4.9, and 4.12 shall be deleted from the City Standard Residential Subdivision Agreement. The following special conditions shall be added to the City Standard Residential Subdivision Agreement:

Part 2 – General Conditions

- 2.11 Where the SUBDIVIDER has not completed servicing in accordance with any approved servicing plan and where the CITY'S Directors of Planning and Engineering Services consider it is in the public interest to provide such servicing within the subdivision to secure orderly development of the City, the CITY may, in its sole discretion, proceed with the engineering and construction of such services at the SUBDIVIDER'S expense and the cost thereof shall be a charge upon the subdivision and a debt payable by the SUBDIVIDER to the CITY upon receipt by the SUBDIVIDER of notice of the CITY'S decision. This provision shall extend to the servicing of adjacent privately held lands under usual circumstances.

Part 2 – Prior to Area Grading of the subdivision

- 2.14 The SUBDIVIDER agrees that prior to area grading, servicing or registration each stage, that the SUBDIVIDER shall complete a Record of Site Condition(s) (RSC) in accordance with Ontario Regulation 153/04 and the RSC shall be acknowledged by the Ministry of the Environment, Conservation and Parks (MECP). Prior to submitting the RSC and the commencement of area grading for the subdivision, site alteration, materials management, filling and preliminary grading will be permitted provided these activities comply with a materials management plan to be approved by the Region's Commissioner of Planning, Development and

Legislative Services and a preliminary grading plan to be approved by the CITY'S Director of Engineering Services in consultation with the Ministry of Natural Resources and Forestry or any Provincial successor thereof. The SUBDIVIDER further agrees the preliminary grading plan and implementation of same will ensure drainage through lands to the east does not exceed pre-development drainage flows.

- 2.15 The SUBDIVIDER agrees to implement the Erosion Threshold Analysis and specifically Model 4 prepared by Stantec Inc. dated April 7, 2015 including implementation of the unitary release rate of 1.1 litres per second per hectare which is assigned to Area 2 and 3 of the Rosenberg Secondary Planning Area on a proportionate gross area basis, to the satisfaction of the CITY'S Director of Engineering Services in consultation with the Grand River Conservation Authority.
- 2.16 The SUBDIVIDER agrees that prior to area grading, to retain a qualified Engineering Consultant who shall prepare a detailed area grading plan that addresses environmental and groundwater considerations identified through the Rosenberg Secondary Planning process. The area grading plan shall be to the satisfaction of the CITY'S Director of Engineering Services for the City of Kitchener, in consultation with the Grand River Conservation Authority. The area grading plan shall be in accordance with the Minutes of Settlement dated August 17, 2015 and will be coordinated with adjacent lands to the east to ensure gradual transition grades between plans to the satisfaction of the CITY'S Director of Engineering Services.
- 2.17 Prior to area grading, servicing and registration of any stage within the plan of subdivision, the SUBDIVIDER shall prepare and implement a detailed "development" monitoring program that will include three phases: "pre-construction", "during-construction" and "post-construction", in accordance with the Alder Creek Watershed Study and Upper Strasburg Creek Subwatershed Plan (CH2MHill and North-South Environmental Inc. 2008) and the Rosenberg Secondary Plan – Mattamy Community, Environmental Impact Study (NRSI). The monitoring program is to be approved by the CITY's Director of Engineering Services in consultation with the CITY's Director of Planning, the General Manager, Infrastructure Services, the Grand River Conservation Authority and the Regional Municipality of Waterloo.
- 2.18 The SUBDIVIDER further agrees to submit, obtain approval of, and implement a detailed "during development" ground water and surface water monitoring and response program. The program is to be approved by the CITY'S Director of Engineering Services in consultation with the Grand River Conservation Authority and the Regional Municipality of Waterloo. The purpose of the "during development" monitoring program is to ensure that the groundwater infiltration measures satisfy pre-development infiltration targets specified in the Alder Creek Watershed and Upper Strasburg Creek Subwatershed Update CH2MHILL, 2008 report as well as the Comprehensive Stormwater Management Strategy for the South West Urban Area prepared by AMEC (June 22, 2011 and revised July 18, 2011) and that Chloride Impact Management Strategy for the South West Urban Area prepared by AMEC (June 22, 2011 and revised July 18, 2011) and that Chloride Impact assessments meet the Reasonable Use Criteria of the Alder Creek

Watershed and Upper Strasburg Creek Subwatershed Update CH2MHILL, 2008 report as approved. The “during development” monitoring program is to extend until full build out of the subdivision to the satisfaction of the CITY’S Director of Engineering Services in consultation with the Grand River Conservation Authority and the Regional Municipality of Waterloo.

- 2.19 The SUBDIVIDER agrees that prior to area grading to submit, obtain approval of, and implement a detailed “post development” monitoring program in accordance with the Storm Water Management Strategy prepared by AMEC (June 22, 2011 as revised July 18, 2011) and the Alder Creek Watershed and Upper Strasburg Creek Subwatershed Update CH2MHILL, 2008 report as approved. The program is to be approved by the CITY’S Director of Engineering Services in consultation with the Grand River Conservation Authority and the Regional Municipality of Waterloo. The purpose of the “post development” monitoring program is to ensure that the stormwater management facilities continue to satisfy the current pre-development conditions for infiltration and to identify any specific additional requirements that may be necessary to monitor, including but not limited to infiltration rates for quantity and quality and chloride impact assessments. The “post development” monitoring program will extend for a two year period after 95% build out of the subdivision to the satisfaction of the CITY’S Director of Engineering Services in consultation with the Grand River Conservation Authority and the Regional Municipality of Waterloo.
- 2.20 The SUBDIVIDER further agrees to implement, within a reasonable timeframe, any remedial action deemed necessary (including additional monitoring should chloride levels exceed the Reasonable Use Criteria of Alder Creek Watershed and Upper Strasburg Creek Subwatershed Update CH2M HILL, 2008 report as approved), as a result of the aforementioned monitoring program at their sole expense to the satisfaction of the CITY’S Director of Engineering Services in consultation with the Grand River Conservation Authority and the Regional Municipality of Waterloo.
- 2.21 The SUBDIVIDER agrees to submit construction details for all or any proposed retaining walls to the satisfaction of the CITY’s Director of Engineering Services, in consultation with the CITY’s Director of Planning and the CITY’s Building Department.
- 2.22 The SUBDIVIDER shall provide confirmation that any existing private wells and septic systems within the lands proposed to be graded that are required to be decommissioned have been in accordance with the Ministry of the Environment, Conservation and Park standards to the satisfaction of the CITY’s Director of Engineering Services.
- 2.23 Prior to area grading, servicing and registration of any stage within the plan of subdivision, the SUBDIVIDER shall submit an Environmental Impact Study, and to obtain approval from the CITY’S Director, Planning in consultation with the CITY’S Director, Parks and Cemeteries, Region of Waterloo, and the Grand River Conservation Authority.

- 2.24 Prior to area grading, servicing and registration of any stage within the plan of subdivision, the SUBDIVIDER shall submit a Natural Heritage Restoration and Enhancement Plan, and to obtain approval from the CITY'S Director, Planning in consultation with the CITY'S Director, Parks and Cemeteries, Region of Waterloo, and the Grand River Conservation Authority.

Natural Heritage Restoration and Enhancement Plan shall include details and plans for wetland habitat creation, habitat enhancements, habitat linkages, wildlife corridor connections (amphibian and turtle crossings roads and trails), trails, vegetation loss compensations, permanent fencing, and on-site interpretive and educational signage.

- 2.25 The SUBDIVIDER agrees to implement the recommendations in the Rosenberg Secondary Plan – Mattamy Community, Environmental Impact Study Update (NRSI) revised August 2021, including the implementation for the Natural Heritage Restoration and Enhancement Plan. Where the implementation of the Natural Heritage Restoration and Enhancement Plan is not completed prior to area grading, the SUBDIVIDER shall provide a Letter of Credit based on 100% of the estimated cost of all works, to the satisfaction of the CITY'S Director of Planning in consultation with the CITY'S Director, Parks and Cemeteries. The Letter of Credit shall be based on an approved Cost Estimate of all works required to implement the Natural Heritage Restoration and Enhancement Plan.

The letter of credit will be released once the City is in receipt of confirmation from the SUBDIVIDER's Landscape Architect that all applicable works, as outlined in the approved Cost Estimate, are completed.

- 2.26 Prior to area grading, servicing and registration of any stage within the plan of subdivision, the SUBDIVIDER shall obtain, if necessary, any permits and approvals from the Ministry of the Environment, Conservation and Parks (MECP) related to species at risk identified on the subject lands in accordance with the Endangered Species Act (ESA).

Any measures required by MECP including but not limited to informing and consulting with First Nations, Mitigation Measures and Overall Benefit Activities shall be to the satisfaction of the Director of Planning in consultation with the MECP or other Provincial successor thereof.

Mitigation Measures and Overall Benefit Activities that are to be owned and maintained by the CITY shall be to the satisfaction of the CITY'S Director of Parks and Cemeteries and the CITY'S Director of Planning in consultation with the MECP or other Provincial successor thereof.

Part 3 – Prior to Servicing

- 3.18 The SUBDIVIDER agrees that prior to the CITY'S approval of servicing drawings for lotless blocks intended for street townhouse dwellings or single, semi-detached or duplex dwellings, to submit a draft reference plan for each lot or block, and obtain approval of such reference plan from the CITY'S Director of Engineering Services, in consultation with the CITY'S Director of Planning.

- 3.19 The SUBDIVIDER agrees that prior to servicing to prepare a detailed Geotechnical/Hydrogeological Investigation Report which shall confirm the suitability of soils to support lot level infiltration of roof water to the satisfaction of the CITY'S Director of Engineering Services in consultation with the Region of Waterloo and the Grand River Conservation Authority. The design of the infiltration galleries should be oversized by 20% as shall be as outlined in the Preliminary Stormwater Management Report (MTE, July 6, 2018), and all to the satisfaction of the CITY'S Director of Engineering Services.
- 3.20 The SUBDIVIDER agrees that prior to servicing or registration, whichever occurs first, to prepare an updated water servicing report which shall make recommendations that address water pressure within the limits of the subdivision to the satisfaction of the CITY'S Director of Engineering Services and the Regional Municipality of Waterloo and Kitchener Utilities.
- 3.21 The SUBDIVIDER agrees that prior to servicing or registration, whichever shall occur first, to submit, obtain approval of and implement a detailed ground water and surface water monitoring program to evaluate the performance of end of pipe infiltration facilities (including pre-construction and post-construction phases) and to identify if the required water balance is met (as identified in the Alder Creek Watershed Study(2007) and the Alder Creek Watershed and Upper Strasburg Creek Subwatershed Update-CHM2HILL, 2008 as well as the Comprehensive Stormwater Management Strategy for the South West Urban Area prepared by AMEC (June 22, 2011 and revised July 18, 2011), to the satisfaction of the CITY'S Director of Engineering Services in consultation with the Regional Municipality of Waterloo and the Grand River Conservation Authority. Further, the SUBDIVIDER agrees to implement the approved monitoring program to the satisfaction of the Director of Engineering Services.
- 3.22 The SUBDIVIDER agrees that prior to servicing or registration, whichever shall occur first, to retain a qualified Engineering Consultant who shall prepare a detailed engineering design and report for stormwater management to the satisfaction of the CITY'S Director of Engineering Services in consultation with the Director of Operations, the Region of Waterloo and the Grand River Conservation Authority. The stormwater management design and report shall be in accordance with the Comprehensive Stormwater Management Strategy for the South West Urban Area prepared by AMEC (June 22, 2011 and revised July 18, 2011) and the Alder Creek Watershed and Upper Strasburg Creek Subwatershed Update-CH2MHILL, 2008 and shall accommodate a flow of 2.0 cubic metres/second from Area 2 lands of which 1.337 is assigned to Subdivision 30T-18201 and 30T-18202.
- 3.23 The SUBDIVIDER agrees that prior to servicing stormwater management facilities will be designed to achieve a unitary release rate of 1.1 litres per second per gross hectare in accordance with the Erosion Threshold Analysis prepared by Stantec Inc. dated April 7, 2015, to the satisfaction of the CITY'S Director of Engineering Services in consultation with the Grand River Conservation Authority.
- 3.24 The SUBDIVIDER agrees that prior to servicing of each stage requiring new stormwater management facilities, including stormwater management ponds, infiltration galleries and other related appurtenances, to provide a letter of credit

based on 60% of the estimated cost of the approved infiltration facilities to the satisfaction of the CITY'S Director of Engineering Services.

The Letter of Credit will be released two years after 95% of the pond catchment area is stabilized (meaning buildings are constructed and lots/blocks are sodded/vegetated) and the SUBDIVIDER's consulting engineer has certified the infiltration facilities are functioning as intended and approved to the satisfaction of the CITY'S Director of Engineering Services.

- 3.25 The SUBDIVIDER agrees that prior to servicing or registration of each stage, whichever occurs first, to prepare an On-Street Parking Plan to the satisfaction of the CITY'S Director of Transportation Services, in consultation with the CITY'S Director of Engineering Services and Director of Planning, in accordance with the CITY'S On-Street Parking Policy I-1070, as approved and amended. The On-Street Parking Plan shall be considered in accordance with the servicing drawings and shall generally provide for one on-street parking space for every two dwelling units. Other options such as driveway length, garage space, communal parking facilities, and/or parking along the park frontage, may be considered in accordance with the CITY'S Policy and to the satisfaction of the CITY'S Director of Transportation Services.
- 3.26 The SUBDIVIDER agrees that prior to servicing of each Stage, to submit a street cross section plan for all streets in accordance with the City's Complete Street Guidelines, to the satisfaction of the CITY'S Director of Transportation and the CITY'S Director of Engineering Services. The following preferred cross sections are applicable:
- Local street, 18 metre right-of-way
 - Minor neighbourhood collector, 20 metre right-of-way
- 3.27 The SUBDIVIDER agrees that prior to servicing or registration, whichever comes first, to submit a detailed stormwater management plan for the stormwater management facilities located within each stage to be registered to the satisfaction of the CITY'S Director of Engineering Services, Grand River Conservation Authority, and Region including, but not limited to, the design and location of end of pipe infiltration facilities required to sustain the flow of groundwater to Core Environmental Features.
- 3.28 All public right-of-ways and all services shall be designed and constructed to the standards specified in the most current City of Kitchener Standards, Development Manual, Regional Standards and other applicable Provincial Standards to the satisfaction of the Director of Engineering.
- 3.29 Where major overland flow routes are not on municipally owned lands, the owner must deed to the City of Kitchener a minimum 6.0 m wide drainage corridor.
- 3.30 The SUBDIVIDER agrees that prior to servicing or registration, whichever shall occur first, to submit, obtain approval of and implement a detailed groundwater and surface water monitoring program to evaluate the performance of end of pipe infiltration facilities (including pre-construction and post-construction phases) and

to identify if the required water balance is met (as identified in the Alder Creek Watershed Study (2007) and the Alder Creek Watershed and Upper Strasburg Creek Subwatershed Update – CH2MHILL, West Urban Area prepared by AMEC (June 22, 2011 revised July 18, 2011), to the satisfaction of the CITY'S Director of Engineering Services in consultation with the Regional Municipality of Waterloo and the Grand River Conservation Authority. Further, the SUBDIVIDER agrees to implement the approved monitoring program and complete any redesign and/or remediation to achieve the required targets at the sole expense of the SUBDIVIDER all to the satisfaction of the CITY'S Director of Engineering Services.

- 3.31 The SUBDIVIDER agrees that prior to servicing or registration, whichever occurs first, to provide detailed sanitary sewer design and to make arrangements satisfactory to the CITY'S Director of Engineering Services for a sanitary sewer connection to the Middle Strasburg Trunk Sanitary Sewer. The SUBDIVIDER further agrees that where any upgrades are required to any local sewers required to connect these lands to the trunk sewer will be at the sole expense of the SUBDIVIDER.
- 3.32 Prior to servicing, the SUBDIVIDER shall submit, if required, a detailed construction dewatering assessment to support a Permit to Take Water and to obtain approval from the CITY'S Director, Engineering in consultation with the CITY'S Director, Planning, and the Grand River Conservation Authority.

The dewatering assessment should be reviewed for the southeast region of the Subject Lands during the final design stage (in advance of construction) to estimate construction dewatering requirements for a Permit to Take Water (PTTW). The assessment is to ensure dewatering will maintain the water balance to the wetlands retained within 30T-18201 (Plan 1) (W1 and W4), and within 30T-18202 (Plan 2) (W1, W2 and W4).

Part 4 – Prior to the issuance of building permit in each stage

- 4.22 The SUBDIVIDER agrees to undertake any measures required to ensure proper water pressure to all lots and blocks within the proposed plan of subdivision to the satisfaction of the CITY'S Director of Engineering Services or the CITY'S Chief Building Official in consultation with CITY'S Director of Utilities.
- 4.23 The SUBDIVIDER agrees that all dwellings shall be designed in accordance with garage and driveway widths shown on the approved On-Street Parking Plan to the satisfaction of the CITY'S Chief Building Official, in consultation with the CITY'S Director of Planning and Director of Transportation Services.
- 4.24 The SUBDIVIDER agrees that no building permit shall be applied for or issued for the following Priority Lots unless the building designs are in accordance with the approved Design Guidelines for Priority Lots to the satisfaction of the CITY'S Chief Building Official, in consultation with the CITY'S Director of Planning:
- a) The future Corner (C) Priority Lots in the following blocks; 1, 4, 5, 7, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 22
 - b) Park (P) Priority Lots in the following blocks; 4, 5, 11, 12

- 4.25 The SUBDIVIDER shall reassess all needs of trees to be maintained as set out in Section 2.10, immediately following the completion of area grading of a particular Stage or Phase. A Tree Maintenance Report as outlined in the CITY'S Tree Management Policy detailing all recommended tree maintenance measures shall be submitted to and approved by the CITY'S Director of Planning.
- 4.26 a) Where the Detailed Vegetation Plan required in Section 2.10 has identified that there are trees to be retained in a Stage or Phase or that require further study, the SUBDIVIDER shall submit a Tree Preservation/Enhancement Plan for the same to the CITY'S Director of Planning in accordance with the CITY'S Tree Management Policy for the following Lots or Blocks within the Stage or Phase:
- i. those which are subject to site plan approval under Section 41 of The Planning Act;
 - ii. corner Lots where site service locations and building type have not been predetermined;
 - iii. interior Lots having street frontage greater than 13.7 metres
 - iv. those where buildings or structures are proposed to be located deeper on the Lots than as approved on the Detailed Vegetation Plan; and
 - v. those on which the revised grading will have an adverse effect on the vegetation, which is to be saved, as determined by the CITY'S Director of Planning and as shown on the Detailed Vegetation Plan.
- b) The SUBDIVIDER shall implement all measures for the protection of trees to be retained as approved in the Tree Preservation/Enhancement Plan and to provide written certification from the SUBDIVIDER'S Environmental Consultant to the CITY'S Director of Planning that all protection measures have been implemented and inspected in accordance with the CITY'S Tree Management Policy.

Part 6 – Other Time Frames

- 6.10 That prior to registration, the owner enter into an agreement with the City of Kitchener to ensure that the water balance completed to date be updated with the "as-built" infiltration gallery data (based on suitability of soils encountered during construction) and that this data be reported to the Region of Waterloo in the event that a ground water deficit results and mitigation measures may be required to maintain the existing water balance.
- 6.11 The SUBDIVIDER agrees to include the following clause in all agreements purchase and sale, and/or rental agreements for all lots with retaining walls:
- "Purchasers/tenants are advised that a retaining wall is located on this property. The owner of this property also owns his/her section of the retaining wall. The retaining wall is not in public ownership. Monitoring, maintenance, inspection, repair and replacement of this retaining wall, including any associated costs, are the sole responsibility of the property owner. The City of Kitchener is in no way

responsible for this retaining wall. Should this retaining wall fail, it is the property owner's responsibility to repair or replace his/her section of the wall, at his/her cost.

- 6.12 The SUBDIVIDER agrees to provide the City of Kitchener with evidence that satisfactory arrangements, financial and otherwise, have been made with Canada Post Corporation for the installation of Community Mail Boxed (CMB) as required by Canada Post Corporation, at the time of sidewalk and/or curb installation.
- 6.13 That the SUBDIVIDER or subsequent Owner agrees to include the following clauses in all Agreement of Purchase and Sale with home buyers, and/or Rental Agreements, which advise:
- a) that the home/business mail delivery will be from a designated Community Mail Box;
 - b) that identifies the exact Community Mail Box locations.

The SUBDIVIDER further agrees that the location of all Community Mail Box facilities will be shown on maps, information boards and plans, including maps displayed in the sales office.

- 6.14 The SUBDIVIDER agrees to satisfy the CITY'S parkland dedication for the entire subdivision by the conveyance of Park Blocks 23 and 24. Conveyance of each of the said Park Blocks will take place at the time of registration of the stage which includes a parkland dedication block. The SUBDIVIDER agrees that the parkland provided within the plan of subdivision shall be at no additional frontage cost to the CITY and shall be to the satisfaction of the CITY'S Director of Parks and Cemeteries.
- 6.15 The SUBDIVIDER agrees that prior to occupancy of the units within a stage that includes a park, to install demarcation posts along property lines adjacent to all park and open space blocks to the satisfaction of the CITY'S Director of Parks and Cemeteries.
- 6.16 The SUBDIVIDER agrees where pressure reducing valves are required, to enter into an agreement with the CITY to provide for such installation; and to include in all agreements of purchase and sale and/or rental agreements, a clause identifying the presence of such water pressure reduction device and advising that it may not be removed by the owner/occupant.
- 6.17 The SUBDIVIDER agrees that phasing of construction will provide for on-going access to the lands that are located south of and adjacent to the subdivision to the satisfaction of the Director of Engineering Services in consultation with the Director of Planning or until the Amand Drive extension has been constructed, whichever comes first.
- 6.18 The SUBDIVIDER agrees to construct required lot level infiltration galleries for all lots and blocks. Further, the SUBDIVIDER'S consulting engineer will supervise and certify installation prior to occupancy of the applicable lot or block to the satisfaction of the CITY'S Director of Engineering Services.

- 6.19 The SUBDIVIDER agrees to install the granular base of all hard surface community/pedestrian trails shown on the area grading, erosion and siltation control plan to the satisfaction of the CITY'S Director of Parks and Cemeteries.
- 6.20 The SUBDIVIDER acknowledges that Gehl Place will be closed on a permanent basis by the CITY and converted to a Multi-Use Pathway (Type 1). The closure of Gehl Place by the CITY will be subject to the southerly extension of Amand Drive so as to ensure access to adjacent lands to the south, the extension of the street network through adjacent lands to the east and/or the west such that all stages of the subdivision have two means of access to Bleams Road and/or Trussler Road.
- 6.21 The SUBDIVIDER agrees to include the following clause in applicable offers of purchase and sale and tenancy agreements, which shall be registered on the title of the lands immediately upon registration for all lots with rear yard continuous linear infiltration galleries:
- “Purchasers/tenants are advised that an infiltration gallery is located on the subject property. The owner of this property also owns his/her section of the infiltration gallery. The infiltration gallery is not in public ownership. Monitoring, maintenance, inspection, repair and replacement of this infiltration gallery, including any associated costs, are the sole responsibility of the property owner. The City of Kitchener is in no way responsible for this infiltration gallery. Should this infiltration gallery fail, it is the property owner's responsibility to repair or replace his/her section of the infiltration gallery, at his/her cost.”
- 6.22 The SUBDIVIDER agrees that construction traffic to and from the proposed subdivision shall be restricted to using Bleams Road and Trussler Road, as appropriate. The SUBDIVIDER agrees to advise all relevant contractors, builders and other persons of this requirement with the SUBDIVIDER being responsible for any required signage, all to the satisfaction of the CITY'S Director of Engineering Services.
- 6.23 The SUBDIVIDER agrees to include a clause in all Agreements of Purchase and Sale with home buyers, and/or Rental Agreements, that provides the contact information for the four (4) School Boards in the Region to ensure that purchasers have contacts at the respective Boards for school boundary and other related school accommodation inquiries.
- 6.24
- a) Where a tree designated to be saved suffers minor damage due to construction, the SUBDIVIDER shall implement remedial measures such as trimming, dressing, or bark doctoring at its cost and as directed by its Environmental Consultant who prepared the approved Detailed Vegetation and Tree Preservation/Enhancement Plan (if applicable).
 - b) Where a tree designated to be saved suffers major irreparable damage or is judged to be unsafe in the opinion of the SUBDIVIDER'S Environmental Consultant or the CITY'S Director of Planning, the SUBDIVIDER shall remove and replace, at its cost, each such tree with one at least of equal value based on the tree value formula as set out in “Guide for Plant Appraisal” of the International Society of Arboriculture, Latest Edition.
 - c) Tree replacements shall be located on the same lot or block as the tree

requiring removal or at a location requiring enhancement within the subdivision.

- d) Furthermore, such remedial measures or tree replacements shall be approved and implemented to the satisfaction of the CITY'S Director of Planning, prior to occupancy of the unit(s) where the damaged tree is located or, due to weather conditions, by the next planting season.

- 6.25 The SUBDIVIDER agrees to submit, obtain approval of and implement a "pre-construction" monitoring and response program. The during-construction program is to be approved by the CITY'S Director of Engineering Services in consultation with the CITY'S Director of Planning, the General Manager, Infrastructure Services, the Grand River Conservation Authority and the Regional Municipality of Waterloo.

The pre-construction monitoring and response program will document current conditions such as the extent and condition of buffer and natural areas, as outlined in the Rosenberg Secondary Plan – Mattamy Community, Environmental Impact Study (NRSI) revised August 2021.

- 6.26 The SUBDIVIDER agrees to submit, obtain approval of and implement a detailed "during-construction" monitoring and response program. The during-construction program is to be approved by the CITY'S Director of Engineering Services in consultation with the CITY'S Director of Planning, the General Manager, Infrastructure Services, the Grand River Conservation Authority and the Regional Municipality of Waterloo.

The purpose of the "during construction" monitoring and response program is to ensure environmental mitigations are implemented as per the Rosenberg Secondary Plan – Mattamy Community, Environmental Impact Study (NRSI), that the groundwater infiltration measures satisfy pre-development infiltration targets specified in the Alder Creek Watershed and Upper Strasburg Creek Subwatershed Update CH2MHILL, 2008 report, as well as the Comprehensive Stormwater Management Strategy for the South West Urban Area prepared by AMEC (June 22, 2011 and revised July 18, 2011) and that Chloride Impact assessments meet the Reasonable Use Criteria of the Alder Creek Watershed and Upper Strasburg Creek Subwatershed Update CH2MHILL, 2008 report as approved.

The "during construction" monitoring and response program is to extend until full build out of the subdivision to the satisfaction of the CITY'S Director of Engineering Services in consultation with the Grand River Conservation Authority and the Regional Municipality of Waterloo.

- 6.27 The SUBDIVIDER agrees to submit, obtain approval of, and implement a detailed "post-construction" monitoring and response program. The post-construction program is to be approved by the CITY'S Director of Engineering Services in consultation with the Director of Planning, the General Manager, Infrastructure Services, the Grand River Conservation Authority and the Regional Municipality of Waterloo.

The purpose of the “post-construction” monitoring and response program is to ensure that the stormwater management system and environmental initiatives outlined in the Rosenberg Secondary Plan – Mattamy Community, Environmental Impact Study (NRSI) continue to satisfy the Alder Creek Watershed and Upper Strasburg Creek Subwatershed Update CH2MHILL, 2008 report, as well as the Comprehensive Stormwater Management Strategy for the South West Urban Area prepared by AMEC (June 22, 2011 and revised July 18, 2011) and to identify any specific additional monitoring and maintenance requirements that may be necessary.

The post-construction monitoring and response program shall also monitor impacts to buffers and natural areas and other significant vegetation on the property.

The post-construction monitoring and response program shall extend for a two-year period after 95% of the pond catchment area is stabilized (buildings are constructed and lots/blocks are sodded or vegetated) to the satisfaction of the during-construction program is to be approved by the CITY’S Director of Engineering Services in consultation with the CITY’S Director of Planning, the General Manager, Infrastructure Services, the Grand River Conservation Authority and the Regional Municipality of Waterloo.

- 6.28 The SUBDIVIDER further agrees to implement any remedial action deemed necessary as a result of the “pre-construction”, “during-construction” or “post-construction” monitoring and response program at their sole expense , in a timely manner, to the satisfaction of the during-construction program is to be approved by the CITY’S Director of Engineering Services in consultation with the CITY’S Director of Planning, the General Manager, Infrastructure Services, the Grand River Conservation Authority and the Regional Municipality of Waterloo.
- 6.29 The SUBDIVIDER agrees to implement all the recommendations of the Rosenberg Secondary Plan – Mattamy Community, Environmental Impact Study (NRSI, revised August 2021) for a period of no less than 5 years from the date of draft plan approval to the satisfaction of the City’s Director of Planning.
- 2.1 That prior to final approval of the plan to be registered, the SUBDIVIDER shall fulfill the following conditions:
1. The CITY Standard Residential Subdivision Agreement be registered on title.
 2. The SUBDIVIDER shall submit copies of the final plan for registration to the CITY’S Director of Planning and shall obtain approval therefrom.
 3. The SUBDIVIDER agrees to commute all local improvement charges outstanding on any part of the lands and to pay all outstanding taxes on the lands.
 4. The SUBDIVIDER shall install within the subdivision any required geodetic monuments under the direction of the CITY’S Director of Engineering Services, with co-ordinate values and elevations thereon and submit for registration the plans showing the location of the monuments, their co-ordinate values, elevations and code numbers as prescribed by the Surveyor General of Ontario.

5. The SUBDIVIDER shall make satisfactory arrangements with Enova Power (formerly Kitchener-Wilmot Hydro) for the provision of permanent electrical services to the subdivision and/or the relocation of the existing services. Further, the SUBDIVIDER acknowledges that this may include the payment of all costs associated with the provision of temporary services and the removal of such services when permanent installations are possible.
6. The SUBDIVIDER shall make satisfactory arrangements for the provision of permanent telephone services to the subdivision and/or the relocation of the existing services. Further, the SUBDIVIDER acknowledges that this may include the payment of all costs associated with the provision of temporary services and the removal of such services when permanent installations are possible.
7. The SUBDIVIDER shall make arrangements for the granting of any easements required for utilities and municipal services. The SUBDIVIDER agrees to comply with the following easement procedure:
 - (a) to provide copies of the subdivision plan proposed for registration and reference plan(s) showing the easements to HYDRO, and telephone companies and the CITY, to the CITY'S Director of Planning.
 - (b) to ensure that there are no conflicts between the desired locations for utility easements and those easement locations required by the CITY'S Director of Engineering Services for municipal services;
 - (c) to ensure that there are no conflicts between utility or municipal service easement locations and any approved Tree Preservation/Enhancement Plan;
 - (d) if utility easement locations are proposed within lands to be conveyed to, or presently owned by the CITY, the SUBDIVIDER shall obtain prior written approval from the CITY'S Director of Planning and CITY'S Director of Engineering Services or, in the case of parkland, the CITY'S Director of Operations; and
 - (e) to provide to the CITY'S Director of Planning, a clearance letter from each of HYDRO and telephone companies. Such letter shall state that the respective utility company has received all required grants of easement, or alternatively, no easements are required.
8. The SUBDIVIDER shall dedicate all roads, road widenings, and public walkways to the CITY by the registration of the Plan of Subdivision.
9. The SUBDIVIDER shall erect and maintain a subdivision billboard sign at each major entrance to the subdivision, in accordance with a plan approved by the CITY'S Director of Planning, in accordance with the following criteria:
 - a) The sign shall be in accordance with the CITY'S Sign by-law and shall be located outside the required yard setbacks of the applicable zone and outside

the corner visibility triangle, with the specific, appropriate location to be approved by the CITY'S Director of Planning;

- b) The sign shall have a minimum clearance of 1.5 metres, a maximum height of 6 metres, and a maximum area of 13 square metres;
 - c) Graphics shall depict the features within the limits of the subdivision including, without limiting the generality of the foregoing, approved street layout, including emergency access roads, zoning, lotting and specific land uses, types of parks, storm water management areas, hydro corridors, trail links and walkways, potential or planned transit routes and bus stop locations, notification regarding contacts for school sites, noise attenuation measures, environmentally sensitive areas, tree protection areas, special buffer/landscaping areas, water courses, flood plain areas, railway lines and hazard areas and shall also make general reference to land uses on adjacent lands including references to any formal development applications, all to the satisfaction of the CITY'S Director of Planning;
 - d) Approved subdivision billboard locations shall be conveniently accessible to the public for viewing. Low maintenance landscaping is required around the sign and suitable parking and pedestrian access may be required between the sign location and public roadway in order to provide convenient accessibility for viewing; and,
 - e) The SUBDIVIDER shall ensure that the information is current as of the date the sign is erected. Notice shall be posted on the subdivision billboard signs advising that information may not be current and, to obtain updated information, inquiries should be made at the CITY'S Community Services Department – Planning Division or the appropriate School Board for school accommodation information.
 - f) The sign shall also advise prospective residents that students from the subdivision may be directed to schools outside the neighbourhood.
10. The SUBDIVIDER agrees that the streets shall be named as shown on the plan.
11. To expedite the approval for registration, the SUBDIVIDER shall submit to the CITY'S Director of Planning, a detailed written submission documenting how all conditions imposed by this approval that require completion prior to registration of the subdivision plan(s), have been satisfied.
12. The SUBDIVIDER agrees to convey to the CITY the following lands for the purposes stated therein, at no cost and free of encumbrance, concurrently with the registration of each stage of the plan of subdivision within which the identified blocks are located:

Stage 1

Blocks 23, 24	Urban Green
Blocks 25-27	Public Walkway
Blocks 28-33	Open Space
Blocks 15, 34	Access

Blocks 15 and 34 shall be transferred to the City of Kitchener as future development blocks and not a road allowance. These blocks will be developed in future for a future road connection to lands to the south of the subject lands.

13. The SUBDIVIDER agrees that the plan shall be registered in one stage in accordance with the following and to the satisfaction of the CITY'S Director of Planning:
 - a) Following or concurrent with the registration of Stage 1, 30T-18201 and stage 1 30T-14201.
14. The SUBDIVIDER shall satisfy the 5% parkland dedication for the entire subdivision by the conveyance of Park Blocks 23 and 24.
15. The SUBDIVIDER shall agree to provide adequate notice to all home purchasers of the proposal to construct multiuse pathways, including identification of pathway plans and cross sections displayed in sales offices and shall be noted in all agreements of purchase and sale and/or rental agreements when the multi-use pathway is proposed on lands immediately adjacent to the purchased lot.
16. The SUBDIVIDER agrees that if servicing or grading has not commenced prior to final approval of the plan, a Detailed Vegetation Plan is to be submitted for approval by the CITY'S Director of Planning. The Detailed Vegetation Plan shall also show approved grading. The SUBDIVIDER agrees to implement all of the measures identified in the approved Detailed Vegetation Plan including delivering all information contained in the approved Detailed Vegetation Plan to prospective purchasers to ensure that the requirements are carried out as specified.
17. The SUBDIVIDER agrees to have all proposed tree and shrub plantings on public rights of way reviewed and approved by the CITY'S Director of Parks and Cemeteries.
18. The SUBDIVIDER agrees to design and construct the parks Park Blocks 2 and 24 to the satisfaction of the CITY'S Director of Parks and Cemeteries in consultation with the CITY'S Director of Planning prior to. Grading, topsoiling and seeding shall be completed before occupancy of the first unit or in the event of winter conditions, by June 1st immediately following the issuance of the first occupancy permit. The SUBDIVIDER shall complete construction of the park and community trail within one year of registration or servicing, whichever occurs first. The applicable construction costs such as grading, topsoiling, seeding, sodding in accordance with the City's Local Service Policy, are at the sole cost of the SUBDIVIDER.
19. The SUBDIVIDER shall confirm whether decorative street signage and street lighting will be used for the subdivision to the satisfaction of the CITY'S Director of Transportation Services and CITY'S Director of Planning and Enova Power (formerly Kitchener-Wilmot Hydro) and the Region of Waterloo. Should these decorative elements be utilized, they shall be installed at the appropriate timeframe and at the SUBDIVIDER'S cost, including the provision of 10% of the cost of

materials for future replacement/maintenance, to the satisfaction of the CITY'S Director of Transportation Services and Enova Power (formerly Kitchener-Wilmot Hydro).

20. Prior to the Servicing or Registration, whichever shall occur first, of each stage, the SUBDIVIDER shall prepare an On-Street Parking Plan to the satisfaction of the CITY'S Director of Transportation Services, in consultation with the CITY'S Director of Engineering Services in accordance with the CITY'S On-Street Parking Policy, as approved and amended. The On-Street Parking Plan shall be considered in accordance with the servicing drawings and shall generally provide for one on-street parking space for every two dwelling units. Other options such as driveway length, garage space, communal parking facilities, and/or parking along the park frontage, may be considered in accordance with the CITY'S Policy and at the discretion of the Director of Transportation Services.
21. That prior to registration, the SUBDIVIDER agrees to prepare a brochure for new home purchasers which provides information about the natural heritage features within the subdivision along with advice about good stewardship of these areas, and that the brochure shall be to the satisfaction of the CITY'S Director of Planning in consultation with the Grand River Conservation Authority and the Regional Municipality of Waterloo. Furthermore, the SUBDIVIDER agrees to distribute this brochure to new homeowners.
22. That prior to registration conveyance of Open Space Blocks 27, 28, 29, 30, 31, 32 and 33 the SUBDIVIDER shall remove any garbage or debris to the satisfaction of the CITY'S Director of Parks and Cemeteries in consultation with the Regional Municipality of Waterloo. The SUBDIVIDER shall treat these lands as required by the Kitchener Tree Management Policy (2002) Section 3.3.1.6 including the removal of any garbage or debris to the satisfaction of the CITY'S Director of Planning and the CITY'S Director of Parks and Cemeteries.
23. The SUBDIVIDER agrees that prior to area grading, servicing or registration of all or any part of the plan of subdivision, whichever shall occur first, to prepare a detailed engineering design for Storm Water Management including any requisite monitoring and obtain approval thereof from the CITY'S Director of Engineering Services in consultation with the Grand River Conservation Authority and the Regional Municipality of Waterloo. The Stormwater Management design shall be in accordance with the Alder Creek Watershed Study (2007) and Alder Creek Watershed and Upper Strasburg Creek Subwatershed Update-CH2MHILL, 2008 as well as the Comprehensive Stormwater Management Strategy for the South West Urban Area prepared by AMEC (June 22, 2011 and revised July 18, 2011), the Minutes of Settlement dated August 17, 2015, and the City's Integrated SWM Master Plan. The approved engineering design for Storm Water Management will include a maintenance program for a period of two years following 95% build-out of the subdivision, which will ensure the stormwater management facilities function as designed to the satisfaction of the CITY'S Director of Engineering Services.
24. That the SUBDIVIDER agrees to include the following statement in all agreements of purchase and sale and/or rental agreements that may be entered into pursuant to Section 52 of the Planning Act, prior to the registration of this plan:

“The lot, lots, block or blocks which are the subject of this agreement of lease or purchase and sale are not yet registered as a plan of subdivision. The fulfillment of all conditions of draft plan approval, including the commitment of water supply and sewage treatment services thereto by the Region and other authorities, has not yet been completed to permit registration of the plan. Accordingly, the purchaser should be aware that the vendor is making no representation or warranty that the lot, lots, block or blocks which are the subject of this agreement or lease or purchase and sale will have all conditions of draft plan approval satisfied, including the availability of servicing until the plan is registered.”

25. Prior to servicing or registration, whichever shall occur first, the SUBDIVIDER shall prepare a detailed engineering design for Storm Water Management including any requisite monitoring and obtain approval thereof from the CITY'S Director of Engineering Services in consultation with the Grand River Conservation Authority and the Regional Municipality of Waterloo. The Stormwater Management design shall be in accordance with the Alder Creek Watershed Study (2007) and Alder Creek Watershed and Upper Strasburg Creek Subwatershed Update-CH2MHILL, 2008 as well as the Comprehensive Stormwater Management Strategy for the South West Urban Area prepared by AMEC (June 22, 2011 and revised July 18, 2011) and the City's SWM Master Plan. The approved engineering design for Storm Water Management will include a maintenance program for a period of two years following 95% build-out of the subdivision, which will ensure the stormwater management facilities function as designed to the satisfaction of the CITY'S Director of Engineering Services.
26. Prior to registration, the SUBDIVIDER agrees to implement mitigation measures, and submit, obtain approval of and implement a monitoring program as outlined in the Rosenberg Secondary Plan – Mattamy Community, Environmental Impact Study – Update (NRSI Inc., August 2021). This will include biological monitoring and any additions or modifications identified by the City, Region or Grand River Conservation Authority as part of the final review and approval of the monitoring program. The SUBDIVIDER further agrees to implement any remedial action deemed necessary as a result of the aforementioned monitoring program at their sole expense to the satisfaction of the CITY'S Director of Engineering Services and the Director of Planning in consultation with the CITY'S Director of Parks and Cemeteries, the Regional Municipality of Waterloo and the Grand River Conservation Authority.
27. The SUBDIVIDER agrees to install black vinyl chain link fence, or approved decorative fencing that is designed to provide visibility along any rear and/or side lot lines identify the blocks or lots that are adjacent to Open Space Blocks to the satisfaction of the CITY'S Director of Engineering Services in consultation with the CITY'S Director of Operations.
28. The subdivision shall be registered prior to, in conjunction with or subsequent to Subdivision 30T-14201 and that prior to registration of any stage, the SUBDIVIDER shall provide and/or convey any required temporary or permanent easements to the City of Kitchener and the Regional Municipality of Waterloo to permit the construction of those services and roads necessary for the development of the subdivision as identified in the Area Servicing Plan as set out in Schedule “B1”, “B2” and “B3” to Minutes of Settlement dated August 17, 2015. Further, the

design and construction of services within the subdivision shall be in accordance with the Area Servicing Plan attached as Schedules "B1", "B2" and "B3" to Minutes of Settlement dated August 17, 2015.

29. Prior to Servicing or Registration, whichever shall occur first, the SUBDIVIDER agrees to receive final approval of a Priority Lotting Plan and of Design Guidelines for Priority Lots to the satisfaction of the CITY'S Director of Planning.

The Design Guidelines for Priority Lots shall include, but not be limited to, the following considerations:

- a) For Corner Priority Lots, building elevation drawings shall ensure that consideration has been given to the design treatment along both road frontages for each lot/dwelling, including such items as the provision of porches, porticos, stairs or other projections; secondary or angled door entries; horizontal articulation, brick or masonry-style skirting along both the front and exterior side yard and/or accentuated windows; increased building massing and height; and consideration to fencing and landscaping.
 - b) For Park Priority Lots, building elevation drawings shall ensure that consideration has been given to the design treatment along the road frontage and the park flankage for each lot/dwelling, including such items as the provision for porches, porticos, stairs or other projections, secondary entry doors, horizontal articulation, brick and masonry-style skirting and/or accentuated windows; and consideration to fencing and landscaping.
 - c) For Gateway Priority Lots, building elevation drawings shall ensure that consideration has been given to design treatment along the road frontage including such items as the provision of porches, porticos, stairs or other projections, horizontal articulation, brick and masonry style skirting and/or accentuated windows.
30. The SUBDIVIDER agrees prior to registration to prepare, a community trail design for Gehl Place, to be approved by the CITY'S Director of Parks and Cemeteries in consultation with the CITY'S Director of Planning.
31. The SUBDIVIDER agrees that prior to servicing or registration, whichever occurs first, to prepare an updated water servicing report which shall make recommendations that address water pressure within the limits of the subdivision to the satisfaction of the CITY'S Director of Engineering Services and the Regional Municipality of Waterloo.
32. The SUBDIVIDER agrees that prior to registration of to erect signage, clearly setting out the CITY'S future intent to close Gehl Place to vehicular traffic and incorporate the road right-of-way into the community trail system. The location and content of said signage shall be approved by the CITY'S Director of Planning.
33. The SUBDIVIDER agrees to make the necessary arrangements with the adjacent landowner to the east (30T-14201) for the sharing of costs associated with

oversizing sewers including the dedicated winter by-pass sewer as required to service these lands and to provide the City's Director of Engineering Services written confirmation that these cost sharing arrangements have been made prior to registration.

34. The SUBDIVIDER provides fill certifications to the satisfaction of the City's Director of Engineering Services, prior to the registration of each phase, to ensure the geotechnical integrity of all filled lands.

3. REGIONAL MUNICIPALITY OF WATERLOO CONDITIONS:

1. That the plan for final approval may incorporate a lot pattern for all blocks in which single detached and townhouse lots are permitted, at a density not exceeding the density identified in the draft approval conditions;
2. That the SUBDIVIDER agrees to stage the development of this subdivision in a manner satisfactory to the Regional Commissioner of Planning, Development and Legislative Services;
3. That this plan of subdivision only proceed to registration concurrently with, or following registration of Stage 1 of adjacent Plan 30T-18201 or otherwise deemed satisfactory to the Regional Commissioner of Planning, Development and Legislative Services.
4. That the subdivision agreement be registered by the City of Kitchener against the lands to which it applies and a copy of the registered agreement be forwarded to the Regional Commissioner of Planning, Development and Legislative Services prior to registration of this subdivision plan;
5. That any dead ends and open sides of road allowances created by this plan of subdivision shall be terminated in 0.3 metre reserves, to be conveyed to and held in trust by the City of Kitchener until required for future road allowances or the development of adjacent land.
6. That the SUBDIVIDER enter into an Agreement for Servicing with the Regional Municipality of Waterloo to preserve access to municipal water supply and municipal wastewater treatment services prior to registration or any agreement for the installation of underground services, whichever comes first. Where the SUBDIVIDER has already entered into an agreement for the installation of underground servicing with the area municipality, such agreement shall be amended to provide for a Regional Agreement for Servicing prior to registration of any part of the plan. The Regional Commissioner of Engineering and Environmental Services shall advise prior to an Agreement for Servicing that sufficient water supplies and wastewater treatment capacity is available for this plan to be registered;
7. That, prior to registration or servicing, whichever comes first, the Functional Servicing Report (MTE, dated July 6, 2018 and/or future amendments thereto) be completed to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services.

8. That, the SUBDIVIDER agrees that prior to servicing or registration, whichever occurs first, to submit an updated water servicing report for the entire plan of subdivision, with such report to assess the need for pressure reducing valves, to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services.
9. Where individual pressure reducing valves are required in Condition No. 8, the SUBDIVIDER must enter into an agreement with the City of Kitchener to provide for such installation; and to include in all agreements of purchase and sale and/or rental agreements, a clause identifying the presence of such water pressure reduction device and advising that it may not be removed by the SUBDIVIDER/occupant.
10. That, prior to any grading or construction, and registration of this plan of subdivision, the SUBDIVIDER submits a final lot grading and drainage plan for the entire plan for review and approval to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services.
11. That, prior to registration of this plan of subdivision, the SUBDIVIDER prepare a groundwater monitoring and mitigation plan to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services. The plan must include and /or address the following:
 - a. Achievement of the infiltration targets of the Comprehensive Stormwater Management Strategy for the South West Urban Area prepared by AMEC (June 22, 2011 and revised July 18 2011);
 - b. Any significant changes in ground water levels and/or geochemistry such as elevated chloride levels;
 - c. An infiltration implementation plan which reviews and addresses problems associated with the installation of end-of-pipe and/or lot level infiltration facilities due to poor soil, high water table, or the implementation of the materials management plan; and
 - d. Monitoring prior to, during, and post-construction for a two year period following 95 percent build-out of the plan of subdivision.

Further, the SUBDIVIDER agrees to implement any remedial action deemed necessary (including additional monitoring should chloride levels exceed the Reasonable Use Criteria of Alder Creek Watershed and Upper Strasburg Creek Subwatershed Update CH2M HILL, 2008 report as approved), as a result of the aforementioned monitoring program at their sole expense to the satisfaction of the CITY'S Director of Engineering Services, Grand River Conservation Authority, and the Regional Commissioner of Planning, Development and Legislative Services.

12. That, prior to servicing or registration, whichever comes first, the SUBDIVIDER submit a final detailed stormwater management strategy and drainage plan for the stormwater management infrastructure located within the plan to be registered to the satisfaction of the City of Kitchener, Grand River Conservation Authority, and the Regional Commissioner of Planning, Development and Legislative Services. The detailed stormwater management strategy and drainage plan shall include, but not be limited to, the design and location of infiltration facilities required to sustain the flow of groundwater to Core Environmental Features;

Furthermore, that the detailed SWM strategy and drainage plan, required above, be completed in accordance with the conclusions and recommendations of the accepted functional drainage plan titled “Area 5 – Functional Drainage Plan (Upper Strasburg Creek Subwatershed)” (MTE and NRSI, dated August 31, 2018) and preliminary stormwater management report titled “Rosenberg Secondary Plan – Mattamy Community” (MTE, dated July 6, 2018; last revised August 31, 2021).

13. That prior to registration, the owner enter into an agreement with the City of Kitchener, to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services, to ensure that the water balance completed to date be updated with the “as-built” infiltration gallery data (based on suitability of soils encountered during construction) and that this data be reported to the Region of Waterloo and City of Kitchener in the event that a ground water deficit results and mitigation measures may be required to maintain the existing water balance, such as building infiltration galleries with an overflow connection to stormwater infrastructure on those lots which an infiltration gallery was originally not built due to unsuitable soils. Monitoring reports for the infiltration in the groundwater recharge areas are required for 2 years post development of the subdivision to ensure the water balance is being achieved.
14. That, prior to registration of this plan of subdivision, the SUBDIVIDER enter into an agreement with the City of Kitchener to include the following clause in the agreements of purchase and sale or rental agreements for all residential lots and blocks in the stage(s) to be registered:

“This property is located within a Wellhead Protection Area designated by the Regional Municipality of Waterloo. To reduce the risk of contamination to the Region’s current and future municipal drinking-water supply, the installation of a geothermal well on this property is not permitted.”
15. That prior to registration, the SUBDIVIDER decommissions any monitoring and private wells (not used for long term monitoring) and septic systems on the property in accordance with O. Reg. 903 prior to any grading on the property; and furthermore, that the SUBDIVIDER enter into an agreement with the City of Kitchener to decommission any long term monitoring wells no longer used for such purposes, all to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services.
16. That prior to registration, if required, the SUBDIVIDER enter into an agreement with the Regional Municipality of Waterloo to implement the conclusions and recommendations of the accepted Materials Management Plan (MTE, dated November 3, 2020) to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services.
17. That the boundaries of the Core Environmental Feature within the subject lands be interpreted as shown on Map 1 (Core Environmental Features and W4) of the Rosenberg Secondary Plan – Mattamy Community, Environmental Impact Study – Update (Natural Resource Solutions Inc., December 2019, Updated August 20, 2021).

18. That prior to registration of this plan of subdivision, the Core Environmental Features and associated buffers on the subject lands (Open Space – Blocks 31 and 32) and restoration zones (including Open Space - Block 30) be placed in suitable natural heritage conservation zoning.
19. That prior to any land clearing, grading or construction on the subdivision lands, the SUBDIVIDER confirms that no clearing of vegetation on the site occur during the bird breeding season (April 1 - August 31) in compliance with the Migratory Birds Convention Act unless it can be ascertained by a qualified expert that no birds covered by the Act are observed to be breeding in or adjacent to the affected area.
20. That prior to any land clearing, grading or construction on the subdivision lands, the SUBDIVIDER will enter into an agreement with the Regional Municipality of Waterloo to provide copies of all reports required under Overall Benefit Permit WC-C-001-19, including annual monitoring reports and final reports, to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services.
21. That, prior to registration and any land clearing, grading, or the installation of services, the SUBDIVIDER submit a detailed erosion and sediment control plan acceptable to the Regional Commissioner of Planning, Development and Legislative Services, City of Kitchener and Grand River Conservation Authority in order to prevent sedimentation into the Core Environmental Features located in Open Space Blocks 31 and 32.
22. That, prior to registration, the SUBDIVIDER submit a Detailed Vegetation Management Plan and a Natural Heritage Restoration and Enhancement Plan, in accordance with the Overall Benefit Permit WC-C-001-19 and the recommendations of the Rosenberg Secondary Plan – Mattamy Community, Environmental Impact Study – Update (Natural Resource Solutions Inc., December 2019, Updated August 2021) including the design of restoration zones and buffers identified on Map 6, to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services and the City of Kitchener, and in consultation with the Grand River Conservation Authority.
23. That, prior to registration the SUBDIVIDER submit landscaping and planting plans consistent with Overall Benefit Permit WC-C-001-19 for all buffer areas contiguous to the Core Environmental Features, wetlands and stormwater management facilities located within the plan of subdivision, and that recommended plantings shall consist of locally-appropriate, self-sustaining native vegetation to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services, the City of Kitchener, and in consultation with the Grand River Conservation Authority.
24. That, prior to registration of this plan of subdivision, the SUBDIVIDER submit a detailed monitoring plan for the Core Environmental Features, Buffers and Restoration Zones (Open Space Blocks 31, 32 and 33) on the subject lands as outlined in the Rosenberg Secondary Plan – Mattamy Community, Environmental Impact Study – Update (Natural Resource Solutions Inc., December 2019, Updated August 2021, to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services and the City of Kitchener, in consultation with the Grand River Conservation Authority. Furthermore, as

necessary, the SUBDIVIDER enter in an agreement with the City of Kitchener to implement any required remedial action deemed necessary as a result of the monitoring plan.

25. That, prior to registration, the owner remove any debris and/or garbage from Core Environmental Features within the subject lands to the satisfaction of the City and the Regional Commissioner of Planning, Development and Legislative Services.
26. That, prior to registration of this plan of subdivision, the SUBDIVIDER provides a brochure and other information tools for new home purchasers and residents which provides information about the natural heritage features within the subdivision, along with advice about how they can be good stewards of these areas, and that the brochure be to the satisfaction of the Regional Municipality of Waterloo. The SUBDIVIDER will be required to enter into an agreement with the City of Kitchener or the Regional Municipality of Waterloo to distribute the approved stewardship brochure or other comparable information tools to home purchasers.
27. That, prior to registration, the SUBDIVIDER enter into an agreement with the Regional Municipality of Waterloo to distribute source water protection and winter salt management information with all offers to purchase and/or rental agreements, to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services.
28. That, prior to registration, the SUBDIVIDER agrees to implement the recommendations and implement the avoidance and protection measures of Archaeological Site Block 35 as recommended and described in the following reports:
 - a. Stage 4 Archaeological Mitigation of Site AiHd-160 Parts of Lot 141 and 142, German Company Tract Small Lot, Geographic Township of Waterloo, County of Waterloo, Now in the City of Kitchener, Regional Municipality of Waterloo, Ontario", (prepared by ASI, dated Feb 27, 2023
 - b. Stage 3 Site-specific Assessment of the "Locus B" Archaeological Site Avoidance and Protection Area, a Portion of Site AiHd-160, Parts of Lot 141 and 142, German Company Tract Small Lot, Geographic Township of Waterloo, County of Waterloo, Now in the City of Kitchener, Regional Municipality of Waterloo, Ontario – Original Report and Supplementary Documentation (prepared by ASI, dated March 15, 2022).

4. OTHER AGENCY CONDITIONS:

Grand River Conservation Authority

1. 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 final stormwater management report in accordance with the 2003 Ministry of the Environment Report entitled "Stormwater Management Planning and Design Manual" and in keeping with the Rosenberg

Secondary Plan Mattamy Community 30T18201 & 30T-18202 Preliminary Stormwater Management Report (dated August 31, 2021, prepared by MTE Consultants Inc).

- b) Final Lot Grading, Servicing, and Storm Drainage Plans.
- c) A final erosion and sediment control plan in accordance with the Grand River Conservation Authority's Guidelines for erosion and sediment control, indicating the means whereby erosion will be minimized and sediment maintained on-site throughout all phases of grading and construction.
- d) The submission and approval of a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses permit from the GRCA prior to any grading or construction in a regulated area.

5. CLEARANCE CONDITIONS

1. That prior to the signing of the final plan by the CITY'S Director of Planning, the Director shall be advised by the Regional Commissioner of Planning, Development and Legislative Services that Conditions 3.1 to 3.36 have been carried out to the satisfaction of the Regional Municipality of Waterloo. The clearance letter from the Region shall include a brief statement detailing how each condition has been satisfied.
2. That prior to the signing of the final plan by the CITY'S Director of Planning, the Director, shall be advised by the telephone company that Conditions 2.1.6 and 2.1.7 have been carried out satisfactorily. The clearance letter should contain a brief statement as to how the conditions were satisfied.
3. That prior to the signing of the final plan by the CITY'S Director of Planning, the Director shall be advised by Enova Power (formerly Kitchener-Wilmot Hydro) that Conditions 2.1.5 and 2.1.7 have been carried out satisfactorily. The clearance letter should contain a brief statement as to how the conditions were satisfied.
4. That prior to the signing of the final plan by the CITY'S Director of Planning, the Director shall be advised by the Grand River Conservation Authority that Condition 4.2 has been carried out satisfactorily. The clearance letter should contain a brief statement as to how the condition was satisfied.

NOTES

1. The owner/developer is advised that the provisions of the Regional Development Charge By-law 14-046 are applicable.
2. The final plans for Registration must be in conformity with Ontario Regulation 43/96, as amended, under The Registry Act.
3. It is the responsibility of the Owner of this plan to advise the Regional Municipality of Waterloo and the City of Kitchener Planning Division of any changes in ownership, agent, address, and phone and fax numbers.

4. The owner/developer is advised that the Regional Municipality of Waterloo has adopted By-Law 17-076, pursuant to Section 69 of the Planning Act, R.S.O. 1990 c. P.13, as amended, to prescribe a tariff of fees for application, recirculation, draft approval, modification to draft approval and registration release of plans of subdivision.
5. The owner/developer is advised that pursuant to Regional By-Law 17-076, the current fee for review of a road traffic noise study is \$250.00, payable to the Regional Municipality of Waterloo upon submission of the study for review.
6. This draft plan was received on or after January 1, 2007 and shall be processed and finally disposed of under the Planning Act, R.S.O. 1990, c. P.13, as amended by S.O. 2006, c. 23 (Bill 51).
7. The Owner is advised that draft approval is not a commitment by the Regional Municipality of Waterloo to water and wastewater servicing capacity. To secure this commitment the owner/developer must enter into an "Agreement for Servicing" with The Regional Municipality of Waterloo by requesting that the Region's Planning, Development and Legislative Services Department initiate preparation of the agreement. When sufficient capacity is confirmed by the Region's Commissioner of Transportation and Environmental Services to service the density as defined by the plan to be registered, the owner/developer will be offered an "Agreement for Servicing". This agreement will be time limited and define the servicing commitment by density and use. Should the "Agreement for Servicing" expire prior to plan registration, a new agreement will be required.

The owner/developer is to provide the Regional Municipality of Waterloo with two print copies of the proposed plan to be registered along with the written request for a servicing agreement

8. To ensure that a Regional Release is issued by the Regional Commissioner of Planning, Development and Legislative Services to the City of Kitchener prior to year end, it is the responsibility of the Owner to ensure that all fees have been paid, that all Regional conditions have been satisfied and the required clearance letters, agreements, prints of plan to be registered, and any other required information or approvals have been deposited with the Regional Planner responsible for the file, no later than December 15th. Regional staff can not ensure that a Regional Release would be issued prior to year end where the Owner has failed to submit the appropriate documentation by this date.
9. The Owner is advised that the lands, or a portion of the lands, are subject to the Region of Waterloo International Airport Zoning Regulations issued under the federal Aeronautics Act. The purpose of the Regulations is two-fold: 1) to prevent lands adjacent to or in the vicinity of the Region of Waterloo International Airport site from being used or developed in a manner that is incompatible with the safe operation of the airport or an aircraft; and 2) to prevent lands adjacent to or in the vicinity of facilities used to provide services relating to aeronautics from being used or developed in a manner that would cause interference with signals or communications to and from aircraft or to and from those facilities.

It is the landowner's responsibility to be aware, and to make all users of the land aware of the restrictions under these Regulations which may include but not limited to height restrictions on buildings or structures, height of natural growth, interference with communications, and activities or uses that attract birds.

10. The Owner is advised that the lands, or a portion of the lands, may be subject to Canadian Aviation Regulations Standard 621.19 issued under the federal Aeronautics Act. This Standard allows aviation officials to assess individual obstructions, namely buildings, structures or objects, to determine if they are likely to constitute a hazard to air navigation and consequently require marking and/or lighting in accordance with the Standards. Persons planning to erect an obstruction, namely a building, structure or object, including a moored balloon, either permanently or temporarily, should contact the Regional Manager, Aerodrome Safety (Ontario Region), Transport Canada at (416) 952-0248 as early as possible and provide the necessary information on the planned obstruction using the Aeronautical Obstruction Clearance Form (#26-0427) issued by Transport Canada.
11. When the survey has been completed and the final plan prepared to satisfy the requirements of the Registry Act, they should be forwarded to the City of Kitchener. If the plans comply with the terms of approval, and we have received an assurance from the Regional Municipality of Waterloo and the applicable clearance agencies that the necessary arrangements have been made, the Manager of Development Review's signature will be endorsed on the plan and it will be forwarded to the Registry Office for registration.

The following is required for registration under The Registry Act and the Region's purposes:

- One (1) original mylar
- Three (3) mylar copies
- Four (4) white paper prints