

**Third Modification to Conditions of Approval**  
**Draft Plan of Subdivision 30T-08204**  
**Activa Holdings Inc.**  
**468 Trussler Road**

Pursuant to Section 51(44) of the Planning Act, R.S.O. 1990, and By-law No. 2002-164 of the City of Kitchener, the Director of Development and Housing Approvals hereby modifies the conditions of draft approval for Plan of Subdivision 30T-08204 for Activa Holdings Inc., in the City of Kitchener, so that the conditions of draft approval read as follows (asterisk indicates revised and/or new conditions, strikethrough indicates deleted conditions, and bolding denotes modified wording):

1. That this approval applies to Plan of Subdivision 30T-08204 as shown on the attached plan prepared by MacNaughton Hermsen Britton Clarkson Planning Limited dated March 6, 2018, which shows the following:

Stage 1

Lots 1 to 127	- Single Detached (max. 127 units)
Blocks 128-132	- Mixed Use/Multiple Residential (min. 188 / max. 377 units)
Block 133	- Open Space/Park
Block 134	- Stormwater Management
Block 135, 136	- Future Development (SD, and Road)
Blocks 137-141	- Road Widening
Blocks 142, 143	- 0.3m Reserves
Block 144	- Pumping Station

Stage 2

Blocks 1 to 34	- Single Detached (min. 194 / max. 394 units)
Block 35	- Multiple Residential (min. 28 / max. 55 units)
Blocks 36 to 39	- Open Space/Park
Block 40	- Open Space/Woodland
Block 41	- Open Space/Community Trail
Block 42	- Stormwater Management
Blocks 43 to 45	- Public Walkways
Block 46	- Service Corridor
Block 47	- Road Widening
Blocks 48 to 51	- 0.3m Reserves

Stage 3

Block 1	- School (min. 31 / max. 63 units)
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Stage 4

Block 1	- Multiple Residential (min. 111 / max. 222 units)
Block 2	- Open Space/Community Trail
Block 3	- Road Widening

Total Minimum 679 / Maximum 1, 238 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 January 20, 2015, and last revised on March 6<sup>th</sup>, 2018 which shall contain the following special conditions:

### Part 1 – General Conditions

#### **Part 2 – Prior to Area Grading**

- 2.1 Prior to area grading, the SUBDIVIDER agrees to acquire a qualified Engineering Consultant who shall prepare an Area Grading, Erosion and Siltation Control Plan to the satisfaction of the CITY's Director of Engineering Services and those applicable CITY Departments in consultation with the Regional Municipality of Waterloo and the Grand River Conservation Authority. Without limiting the foregoing, the Erosion and Siltation Control Plan shall address the prevention of sedimentation into open space Block 39, Stage 2.
- 2.15 Prior to area grading the SUBDIVIDER shall obtain approval of a Lot Grading Control Plan showing the required elevation of each corner of each lot and block in the Plan and the required elevation(s) of the building site as approved by 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 provide a digital copy of the approved Lot Grading Control Plan to the CITY'S Director of Engineering Services once the plan is approved.
- 2.16 Prior to area grading or registration, whichever occurs first, the SUBDIVIDER agrees to submit the following to the satisfaction of the CITY's Coordinator, Cultural Heritage Planning:
- a) A letter from a professional engineer outlining how the additions and cladding will be removed from the existing dwelling at 2220 Ottawa Street South without compromising the structural integrity of the plank construction prior to the issuance of a building permit to demolish the existing residential building,
  - b) Photographic documentation of the original plank construction of the existing residential building municipally addressed at 2220 Ottawa Street South prior to demolition of the dwelling.

### Part 3 – Prior to Servicing

- 3.5 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 Directors of Planning and Engineering Services and HYDRO'S Engineer.
- 3.18 Prior to servicing, the SUBDIVIDER shall submit for review a detailed Geotechnical and Hydrogeological Investigation Report that discusses the suitability of soils to support the

infiltration measures proposed to the satisfaction of the CITY'S Director of Engineering Services.

- 3.19 That prior to servicing or registration, whichever occurs first, the SUBDIVIDER shall submit a detailed Water Servicing Report that reviews the extent of the lands that can be serviced by the municipal water distribution network to the satisfaction of the CITY'S Director of Engineering Services and the Regional Municipality of Waterloo.
- 3.20 That prior to registration or servicing of Stage 2, whichever occurs first, the SUBDIVIDER shall confirm that a legal outlet for post-development stormwater flows has been secured to the satisfaction of the CITY's Solicitor and the Region's Solicitor in consultation with the Directors of Engineering and Planning and the Regional Commissioner of Planning, Development and Legislative Services. In the event that such a legal outlet for post-development stormwater flows cannot be secured, the SUBDIVIDER must acknowledge and agree that registration shall not proceed, unless alternative means of drainage can be achieved to the satisfaction of the CITY's Director of Engineering Services in consultation with the CITY's Solicitor and the Region's Solicitor and the CITY's Director of Planning and the Regional Commissioner of Planning, Development and Legislative Services.
- 3.21 That prior to servicing, the SUBDIVIDER agrees to implement a detailed "pre-construction" monitoring program for stormwater management. 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 Grand River Conservation Authority and the Regional Municipality of Waterloo. The "pre-construction" monitoring program will document current groundwater infiltration conditions, and will be used to provide baseline information to compare conditions through the "during" and "post" construction monitoring periods.
- 3.22 That prior to servicing the SUBDIVIDER agrees to submit, obtain approval of, and implement a detailed "during development" monitoring and response program for stormwater management. 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 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 90% of the pond catchment area is stabilized (buildings are constructed and lots/blocks are sodded or vegetated) 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.
- 3.23 That prior to servicing the SUBDIVIDER agrees to submit, obtain approval of, and implement a detailed "post development" monitoring program in accordance with 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 facility continues 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, water balance, stormwater quantity and

quality and chloride impact assessments. The “post development” monitoring program will extend for a two year period after 90% of the pond catchment area is stabilized (buildings are constructed and lots/blocks are sodded or vegetated) to the satisfaction of the CITY’S Director of Engineering in consultation with the Grand River Conservation Authority and the Regional Municipality of Waterloo and coincide with the maintenance guarantee period required in the CITY’s Standard Form Residential Subdivision.

- 3.24 That prior to servicing the SUBDIVIDER agrees to implement any remedial action deemed necessary (including additional monitoring for 2 additional years should chloride levels exceed the Reasonable Use Criteria of Alder Creek Watershed and Upper Strasburg Creek Subwatershed Update - CH2MHILL, 2008 report as approved, including the design and installation of winter by-pass upgrades, if required) 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.
- 3.25 Prior to servicing or registration, which ever 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. 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 on the CITY’s Director of Engineering.
- 3.26 Prior to servicing or registration of Stage 1, the SUBDIVIDER agrees to obtain a confirmation letter from the Township of Wilmot confirming adequate stormwater capacity in the Mannheim Estates SWM facility and/or storm sewer system to the satisfaction of the Director of Engineering Services.
- 3.27 Prior to Servicing of each stage requiring new stormwater management facilities, including stormwater management ponds, infiltration galleries and other related appurtenances, the SUBDIVIDER shall provide a letter of credit based on 60% of the estimated cost of the approved infiltration facilities, and 100% of the estimated cost of any contingency infiltration facilities to the satisfaction of the CITY’s Director of Engineering Services. The Letter of Credit will be reduced to 15% once 90% of the pond catchment area is stabilized (meaning buildings are constructed and lot/blocks are sodded/vegetated), as well as any other requirements in the monitoring program are completed; 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. The balance of the letter of credit will be reduced after the “post-construction” monitoring program has expired (two years after 90% of the pond catchment area is stabilized, meaning buildings are constructed and lots/blocks are sodded or vegetated) and the SUBDIVIDER’S consulting engineer has certified the “at source” infiltration facilities continue to function as intended and approved to the satisfaction of the CITY’S Director of Engineering Services.
- 3.28 Prior to Servicing, the SUBDIVIDER agrees to submit an infiltration design to meet the site water balance. To support the design, the SUBDIVIDER shall submit for review a detailed Geotechnical and Hydrogeological Investigation Report that discusses in further detail the suitability of soils to support the infiltration measures proposed, including further soil

investigations, to the satisfaction of the Director of Engineering Services in consultation with the Regional Municipality of Waterloo and the Grand River Conservation Authority. If existing soil conditions are not conducive to infiltration in the areas identified for infiltration, the SUBDIVIDER agrees to replace existing soils with permeable soils. Any third pipe system proposed to convey roof water to infiltration facilities may require additional financial arrangements to be paid for by the SUBDIVIDER for replacement cost of such system. The costs will be determined during the detailed design stage to the satisfaction of the CITY'S Director of Engineering Services.

- 3.29 Prior to the Servicing or Registration, whichever shall occur first, of each stage, the SUBDIVIDER shall prepare an On-Street Parking Plan and a Signage and Pavement Marking 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 with every two dwelling units where reasonable. 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. The Signage and Pavement Marking Plan shall show all required Regulatory, Warning, Information signs and Pavement Markings where applicable in accordance with the Ontario Traffic Manual.
- 3.30 Prior to servicing or registration, whichever occurs first, the SUBDIVIDER agrees to submit a functional design for the implementation of bicycle lanes, on-street parking and intersection curb extensions on both sides of Benninger Drive, in accordance with the lotting plan and On-Street Parking Plan, to the satisfaction of the CITY'S Director of Engineering Services in consultation with the Director of Transportation Services.

#### Part 6 – Other Time Frames

- 6.11 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) Corner (C) Priority Lots, being Corner Lots 8,15,39,47,51,81,82,88,92,93, and 97(Stage 1) and Blocks 2 to14, 17, 18 and 20 to 34 (Stage 2).
  - b) Terminating Vista (T) Priority Lots, being Lots 19,20,26,27,32,33 (Stage 1) and Blocks 132 (Stage 1); Blocks 6, 15 and 35 (Stage 2) and, Block 1 (Stage 4).
  - c) Gateway (G) Priority Lots, being Blocks 128,129,130,131, and 132 (Stage 1).
- 6.15 The SUBDIVIDER agrees that construction traffic for Stages 1 to 4 is restricted to Benninger Drive to Ottawa Street South and Trussler Road. Construction traffic will be prohibited from using any other streets in the community. 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.

- 6.16 The SUBDIVIDER agrees that if the existing private water supply is disrupted to properties located adjacent to the plan, within two years of the completion and final acceptance of underground services for the entire subdivision, as a result of the development of the subdivision, the SUBDIVIDER shall provide at its cost a water supply, to the said properties, to the satisfaction of the CITY'S Director of Engineering Services.
- 6.17 Prior to occupancy of the first unit being granted, the SUBDIVIDER shall determine the locations of all centralized mail receiving facilities to the satisfaction of the CITY's Director of Engineering Services in consultation with Canada Post and the City's Director of Operations. If required, the SUBDIVIDER shall provide suitable temporary centralized mail box locations that may be utilized by Canada Post until curbs, boulevards and sidewalks are constructed for the plan of subdivision.
- 6.18 The SUBDIVIDER shall include a statement in all Offers of Purchase and Sale Agreements, and/or Rental Agreements, which advises:
- a) That the home/business mail delivery will be from a designated Community Mail Box; and,
  - b) Homeowners of the exact Community Mail Box locations.

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

- 6.19 The SUBDIVIDER agrees that prior to the servicing of Stage 1, the Laurentian Pumping Station Class Environmental Assessment and design for the forcemain shall be completed and the construction tender awarded for the construction of the Laurentian Pumping Station, forcemain and any other necessary sanitary upgrades as required by the Regional Municipality of Waterloo to safeguard municipal groundwater supplies, to the satisfaction of the CITY's Director of Engineering Services, in consultation with the Region of Waterloo. Design of the sanitary forcemain and any other required sanitary upgrades along Ottawa Street South from Trussler Road to David Bergey Drive must demonstrate that any and all existing and proposed City and Regional in-ground and above-ground infrastructure can be accommodated within the designated road allowance for Ottawa Street South to the satisfaction of the CITY's Director of Engineering Services in consultation with the Region of Waterloo. Furthermore, above-ground infrastructure must include, but not be limited to, a typical urban cross section including a 4 metre multi-use trail on the north side of Ottawa Street South.

Should these works become a Development Charge eligible expense, the CITY agrees to recognize any monies paid by the SUBDIVIDER for any works or services normally paid out of the CITY's Development Charge account and such monies to be refunded or to be recognized as a credit towards any CITY Development Charge payable for each lot or block only within the registered plan in accordance with the applicable CITY Development Charge By-law and Policies in effect at the time the monies are paid by the SUBDIVIDER or the works become a Development Charge eligible expense, whichever shall be later.

If the registration of the plan is staged, a Supplementary Agreement identifying each lot or block for which credits are payable shall be registered for each stage prior to the registration of each stage of the plan of subdivision, until there is no outstanding balance remaining.

When no outstanding credit balance remains, then the Development Charges will be paid in the normal manner in accordance with the CITY's By-law.

If, following the registration of the entire Plan of Subdivision and issuance of all building permits, there is any outstanding credit balance, it shall remain with the lands to be used as a credit for future development, or alternatively, the CITY may enter into an agreement with the SUBDIVIDER, under Section 40 of the Development Charges Act, to enable the transfer of Development Charge credits to other benefiting lands within the community, subject to satisfactory arrangements being made between all parties.

- 6.20 The SUBDIVIDER agrees to dedicate the lands for the pumping station (Block 144, Stage 1) to the CITY free of cost and encumbrances prior to servicing or registration of Stage 1, whichever occurs first.
- 6.21 The SUBDIVIDER agrees to install fencing and signage along the rear of all lots or blocks abutting Block 40, Stage 2 and protected with a development limit setback of 5m from the dripline, as recommended by the Natural Environment Report (Ecoplans, June 2008) within a year of registration or servicing of each stage all to the satisfaction of the CITY's Director of Planning in consultation with the Regional Commissioner of Planning, Development and Legislative Services.
- 6.22 Prior to registration of Stage 1, the SUBDIVIDER agrees to implement mitigation measures, and submit, obtain approval of and implement a monitoring program as outlined in the Natural Environment Report (Ecoplans, June 2008) and Addendums (dated October, 2010 and April 2013). This will include biological monitoring and any additions or modifications identified by the CITY, Region or GRCA 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 Operations, Regional Municipality of Waterloo and Grand River Conservation Authority.
- 6.23 Prior to servicing or registration, whichever occurs first, the SUBDIVIDER agrees to submit an operational analysis and functional design for roundabouts at the various intersections of Benninger Drive, prepared by a qualified roundabout design engineer to the satisfaction of the CITY'S Director of Engineering Services in consultation with the Director of Transportation Services. In the event that it is determined through the operational analysis and/or the functional design that additional property is required to construct the roundabouts, the SUBDIVIDER agrees to dedicate the required property to the CITY free of cost and encumbrances and to modify the plan accordingly.
- 6.24 That the SUBDIVIDER or subsequent owner agrees that geothermal wells shall not be installed within any lot or block within the plan. This condition shall not be released from title.
- 6.25 The SUBDIVIDER agrees to construct required lot level infiltration galleries and, if required, convey related easements to the satisfaction of the CITY's Director of Engineering Services. Further, the SUBDIVIDER'S consulting engineer will supervise and certify installation prior to occupancy of the affected lot or block to the satisfaction of the CITY's Director of Engineering Services.

6.26 The SUBDIVIDER agrees to construct the storm sewer and appurtenances within the road allowance as required for infiltration facilities at such time as the adjacent road is constructed to the satisfaction of the CITY's Director of Engineering Services.

6.27 The SUBDIVIDER agrees to include a clause in Agreements of Purchase and Sale with home buyers, or in Agreement of Purchase and Sale with builders that will require the builders to include a statement in all Agreements of Purchase and Sale, and/or Rental Agreements with home buyers, that:

- a) Identify the presence of the water pressure reduction devices, where applicable, and advises that it not be removed by the owner/occupant.
- b) Advises of the presence of lot level infiltration gallery requirements (as applicable) and the requirement to maintain such facilities. Further, occupants/owners shall be notified in the Agreement of the exact location, size and intent of the infiltration galleries. The wording of the statement shall be to the satisfaction of the CITY's Director of Engineering Services.
- c) Advises that due to the sensitive nature of groundwater and proximity to GUDI wells in the Mannheim well field, the installation of geothermal wells is prohibited.

~~6.28 The SUBDIVIDER agrees that Stage 4 shall not be registered until the holding provision is removed from the subdivision lands within Stage 4 by by-law.~~

**\*6.28 The SUBDIVIDER agrees to include the following warning clause in all future Agreements of Purchase and Sale and all future lease/rental agreements and condominium declarations for all residential dwelling units within Stage 4, relative to odours associated with the nearby equestrian establishment:**

- **"WARNING: Purchasers/tenants within Stage 4 are advised that this dwelling unit is located within close proximity of an equestrian establishment/livestock use, which is in continuous operation and which operations will create, without limitation, odours associated with animal manure and manure storage.**
- **Purchasers/tenants are advised that this dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby reducing odour levels associated with nearby livestock uses.**
- **Purchasers/tenants are advised that despite the inclusion of central air conditioning, odour levels within the dwelling unit and within outdoor living areas may on occasion interfere with some activities of the dwelling occupants."**

6.29 That the SUBDIVIDER agrees to include this clause in all Agreements of 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."*

- 6.30 The SUBDIVIDER agrees to include the following statement in all Agreements of Purchase and Sale, and/or Rental Agreements with home buyers until such time as a permanent school is constructed on Block 1, Stage 3:

"Whereas the Waterloo Region District School Board has designated this subdivision as a Development Area for the purposes of school accommodation, and despite the best efforts of the Board, sufficient accommodation may not be available for all anticipated students, 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."

- 6.31 The SUBDIVIDER agrees to include a clause in all Agreements of Purchase and Sale, and/or Rental Agreements with home buyers that provide homebuyers with 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.
- 6.32 The SUBDIVIDER agrees that access to Ottawa Street South for Block 132, Stage 1 will be considered at such time as a site plan is approved for Block 132, Stage 1. Such access shall comply with Regional Municipality of Waterloo criteria to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services.
- 6.33 Prior to registration of Stage 1, the SUBDIVIDER agrees to construct a westbound right-turn lane with 15 metres of storage length and appropriate tapers on Nathalie Street at Trussler Road as identified in the Traffic Impact Study prepared by Paradigm Transportation Solutions Limited, dated July 2014 to the satisfaction of the CITY's Director of Engineering Services.
- 6.34 The SUBDIVIDER agrees that prior to servicing, grading or registration whichever comes first, to design the parks on Block 133 (Stage 1), Blocks 36, 37, and 38 (Stage 2) and the community trail system including Blocks 39, 40 and Block 41 (Stage 2) and Block 2 (Stage 4) to the satisfaction of the CITY'S Director of Operations in consultation with the CITY'S Director of Planning, prior to registration of the stage within which the park block(s) is located.

Grading, topsoiling and seeding shall be completed before occupancy of the first unit within the stage which includes the park block(s) 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 parks and community trails within one year of registration or servicing the stage within which the park block(s) is located, whichever occurs first. The applicable construction costs of the park and community trail such as grading, topsoiling, seeding, sodding, installation of playground equipment, landscaping, seating and signage in accordance with the approved park and trail design shall be paid for by the SUBDIVIDER, and the applicable construction costs, such as playground equipment, landscaping, seating and signage relating to the parks and surface treatment relating to the trails shall be reimbursed to the SUBDIVIDER. If sufficient money is not allocated from the appropriate CITY Development Charge Account(s) to permit the CITY to fund these works or these works are not a Development Charge eligible expense and the SUBDIVIDER wishes to proceed, the SUBDIVIDER agrees to provide and up-front the cost of these works.

Should these works become a Development Charge eligible expense, the CITY agrees to recognize any monies paid by the SUBDIVIDER for any works or services normally paid out of the CITY's Development Charge account and such monies to be refunded or to be recognized as a credit towards any CITY Development Charge payable for each lot or block only within the registered plan in accordance with the applicable CITY Development Charge By-law and Policies in effect at the time the monies are paid by the SUBDIVIDER or the works become a Development Charge eligible expense, whichever shall be later.

If the registration of the plan is staged, a Supplementary Agreement identifying each lot or block for which credits are payable shall be registered for each stage prior to the registration of each stage of the plan of subdivision, until there is no outstanding balance remaining.

When no outstanding credit balance remains, then the Development Charges will be paid in the normal manner in accordance with the CITY's By-law.

If, following the registration of the entire Plan of Subdivision and issuance of all building permits, there is any outstanding credit balance, it shall remain with the lands to be used as a credit for future development, or alternatively, the CITY may enter into an agreement with the SUBDIVIDER, under Section 40 of the Development Charges Act, to enable the transfer of Development Charge credits to other benefiting lands within the community, subject to satisfactory arrangements being made between all parties.

**\*6.35 The SUBDIVIDER shall design all dwelling units with an air-ducted heating and ventilation system, suitably sized and designed and installed with a central air conditioning system, and shall install these systems prior to occupancy of each unit, to the satisfaction of the City's Chief Building Official.**

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 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 of Kitchener 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 the plan of subdivision:

Stage 1

- a) Block 133 as Open Space/Park,
- b) Block 134 as Open Space/ SWM,
- c) Block 136 as Future Development (S Detached Residential/ Road),
- d) Blocks 137-141 as Road Widenings,
- e) Blocks 142-143 as 0.3 metre reserves, and,
- f) Block 144 as Pumping Station

Stage 2

- a) Blocks 36-39 as Park,
- b) Block 40 as Open Space/ Woodland,
- c) Block 41 as OpenSpace /Trail,
- d) Block 42 as Open Space/ SWM,
- e) Block 42-45 as Public Walkways,
- f) Block 46 as Service Corridor,

- g) Block 47 as Road Widening, and
- h) Blocks 48-51 as 0.3 metre reserves.

Stage 4

- a) Block 2 as Open Space/ Trail,
- b) Block 3 as Road Widening.

13. The SUBDIVIDER agrees that the plan shall be registered in four stages in accordance with the following and to the satisfaction of the CITY's Director of Planning:
  - a) Stage 1 shall be registered first;
  - b) Stage 2 shall be registered concurrently with or subsequent to Stage 1;
  - c) Stage 3 shall be registered concurrently with or subsequent to Stage 2;
  - d) Stage 4 shall be registered concurrently with or subsequent to Stage 2;
14. The SUBDIVIDER shall satisfy the 5% parkland dedication for the entire subdivision by the conveyance of Block 133 (Stage 1) and Blocks 36, 37, 38 and 39 (Stage 2).
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 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 Operations.
18. The SUBDIVIDER agrees to obtain the appropriate land use plan, from the City of Kitchener, for the area being subdivided in order to satisfy Condition 1.23a) of the Subdivision Agreement.
19. Prior to area grading or registration, whichever occurs first, the SUBDIVIDER agrees to submit the following to the satisfaction of the CITY's Coordinator, Cultural Heritage Planning:
  - a) A letter from a professional engineer outlining how the additions and cladding will be removed from the existing dwelling at 2220 Ottawa Street South without compromising the structural integrity of the plank construction prior to the issuance of a building permit to demolish the existing building,

- b) Photographic documentation of the original plank construction prior to demolition of the dwelling municipally addressed as 2220 Ottawa Street South prior to demolition of the existing residential dwelling.
- 20. The SUBDIVIDER shall obtain approval of landscape plans for the stormwater management facilities and for all buffer areas contiguous to Open Space Block 40, Stage 2 and that recommended buffer plantings consist of locally-appropriate, self-sustaining native vegetation. The landscape plans are to be prepared by a qualified landscape architect and/or environmental professional and approved by the CITY'S Director of Operations in consultation with the Grand River Conservation Authority and the Regional Commissioner of Planning, Development and Legislative Services.
- 21. The SUBDIVIDER agrees to dedicate the lands for the pumping station (Block 144, Stage 1) to the CITY free of cost and encumbrances immediately upon registration of Stage 1.
- 22. 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 Director of Planning and Kitchener-Wilmot Hydro. 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 Kitchener-Wilmot Hydro.
- 23. Prior to the Servicing or Registration, whichever shall occur first, of each stage, the SUBDIVIDER shall prepare an On-Street Parking Plan and a Signage and Pavement Marking 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, 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 with every two dwelling units where reasonable. 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. The Signage and Pavement Marking Plan shall show all required Regulatory, Warning, Information signs and Pavement Markings where applicable in accordance with the Ontario Traffic Manual.
- 24. The SUBDIVIDER agrees to design the parks on Block 133 (Stage 1), Blocks 36, 37, and 38 (Stage 2) and the community trail system including Blocks 39, 40 and Block 41 (Stage 2) and Block 2 (Stage 4) to the satisfaction of the CITY'S Director of Operations in consultation with the CITY'S Director of Planning, prior to registration of the stage within which the park block(s) is located.

Grading, topsoiling and seeding shall be completed before occupancy of the first unit within the stage which includes the park block(s) 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 parks and community trails within one year of registration or servicing the stage within which the park block(s) is located, whichever occurs first. The applicable construction costs of the park and community trail such as

grading, topsoiling, seeding, sodding, installation of playground equipment, landscaping, seating and signage in accordance with the approved park and trail design shall be paid for by the SUBDIVIDER, and the applicable construction costs, such as playground equipment, landscaping, seating and signage relating to the parks and surface treatment relating to the trails shall be reimbursed to the SUBDIVIDER. If sufficient money is not allocated from the appropriate CITY Development Charge Account(s) to permit the CITY to fund these works or these works are not a Development Charge eligible expense and the SUBDIVIDER wishes to proceed, the SUBDIVIDER agrees to provide and up-front the cost of these works.

Should these works become a Development Charge eligible expense, the CITY agrees to recognize any monies paid by the SUBDIVIDER for any works or services normally paid out of the CITY's Development Charge account and such monies to be refunded or to be recognized as a credit towards any CITY Development Charge payable for each lot or block only within the registered plan in accordance with the applicable CITY Development Charge By-law and Policies in effect at the time the monies are paid by the SUBDIVIDER or the works become a Development Charge eligible expense, whichever shall be later.

If the registration of the plan is staged, a Supplementary Agreement identifying each lot or block for which credits are payable shall be registered for each stage prior to the registration of each stage of the plan of subdivision, until there is no outstanding balance remaining.

When no outstanding credit balance remains, then the Development Charges will be paid in the normal manner in accordance with the CITY's By-law.

If, following the registration of the entire Plan of Subdivision and issuance of all building permits, there is any outstanding credit balance, it shall remain with the lands to be used as a credit for future development, or alternatively, the CITY may enter into an agreement with the SUBDIVIDER, under Section 40 of the Development Charges Act, to enable the transfer of Development Charge credits to other benefiting lands within the community, subject to satisfactory arrangements being made between all parties.

25. The SUBDIVIDER agrees that prior to the registration of Stage 2 to design a commemorative plaque or feature as part of the design of park Block 36, Stage 2. The plaque or feature is to commemorate the cultural and heritage values associated with the former farmstead on the property municipally addressed as 468 Trussler Road. The design of the commemorative plaque or feature shall be prepared to the satisfaction of the CITY's Director of Operations and the CITY'S Coordinator, Cultural Heritage Planning in consultation with the CITY'S Director of Planning. Construction/installation of the commemorative plaque or feature shall be completed concurrent with the construction of park Block 36.
26. That prior to registration, the SUBDIVIDER shall develop a brochure for new home purchasers 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 City of Kitchener in consultation with the Grand River Conservation Authority and the Region. Furthermore, the SUBDIVIDER shall enter into an agreement with the City of Kitchener to distribute this brochure to new homeowners.
27. That prior to registration of Stage 2 and conveyance of Open Space Block 40, Stage 2, the SUBDIVIDER shall remove any garbage or debris from Block 40 to the satisfaction of the

City of Kitchener in consultation with the Regional Commissioner of Planning, Development and Legislative Services.

28. That prior to servicing or registration, whichever occurs first, the SUBDIVIDER shall submit a detailed Water Servicing Report that reviews the extent of the lands that can be serviced by the municipal water distribution network to the satisfaction of the CITY'S Director of Engineering Services and the Regional Municipality of Waterloo.
29. That prior to registration or servicing of Stage 2, whichever occurs first, the SUBDIVIDER shall confirm that a legal outlet for post-development stormwater flows has been secured to the satisfaction of the CITY's Solicitor and the Region's Solicitor in consultation with the Directors of Engineering and Planning and the Regional Commissioner of Planning, Development and Legislative Services. In the event that such a legal outlet for post-development stormwater flows cannot be secured, the SUBDIVIDER must acknowledge and agree that registration shall not proceed, unless alternative means of drainage can be achieved to the satisfaction of the CITY's Director of Engineering Services in consultation with the CITY's Solicitor and the Region's Solicitor and the CITY's Director of Planning and the Regional Commissioner of Planning, Development and Legislative Services.
30. Prior to servicing or registration, which ever 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. 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 on the CITY's Director of Engineering.
31. Prior to servicing or registration of Stage 1, the SUBDIVIDER agrees to obtain a confirmation letter from the Township of Wilmot confirming adequate stormwater capacity in the Mannheim Estates SWM facility and/or storm sewer system to the satisfaction of the Director of Engineering Services.
32. The SUBDIVIDER agrees to install fencing and signage along the rear of all lots of blocks abutting Block 40, Stage 2 and protected with a development limit setback of 5m from the dripline, as recommended by the Natural Environment Report (Ecoplans, June 2008) within a year of registration or servicing of each stage all to the satisfaction of the CITY's Director of Planning in consultation with the Regional Commissioner of Planning, Development and Legislative Services.
33. Prior to registration of Stage 1, the SUBDIVIDER agrees to implement mitigation measures, and submit, obtain approval of and implement a monitoring program as outlined in the Natural Environment Report (Ecoplans, June 2008) and Addendums (dated October, 2010 and April 2013). This will include biological monitoring and any additions or modifications identified by the CITY, Region or GRCA 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 Operations, Regional Municipality of Waterloo and Grand River Conservation Authority.

34. Prior to servicing or registration, whichever occurs first, the SUBDIVIDER agrees to submit a functional design for the implementation of bicycle lanes, on-street parking and intersection curb extensions on both sides of Benninger Drive, in accordance with the lotting plan and On-Street Parking Plan, to the satisfaction of the CITY'S Director of Engineering Services in consultation with the Director of Transportation Services.
35. Prior to registration of Stage 1, the SUBDIVIDER agrees to construct a westbound right-turn lane with 15 metres of storage length and appropriate tapers on Nathalie Street at Trussler Road as identified in the Traffic Impact Study prepared by Paradigm Transportation Solutions Limited, dated July 2014 to the satisfaction of the CITY's Director of Engineering Services.
- ~~36. The SUBDIVIDER agrees that Stage 4 shall not be registered until the holding provision is removed from the subdivision lands within Stage 4 by by-law.~~

### **3. REGIONAL MUNICIPALITY OF WATERLOO CONDITIONS**

That the SUBDIVIDER satisfies the following conditions to the satisfaction of the Regional Municipality of Waterloo Commissioner of Planning, Development and Legislative Services.

1. 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.
2. That the plan submitted for final approval may incorporate a lot pattern for all blocks in which single detached, semi-detached and townhouse lots are permitted, at a density not exceeding the density identified in the draft approval conditions.
3. That the subdivision agreement be registered by the City of Kitchener against the land 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 final approval of the subdivision plan.
4. a) 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 final approval or any agreement for the installation of underground services, whichever occurs first. Where the owner 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 Transportation and Environmental Services shall advise prior to an Agreement for Servicing that sufficient water supplies and wastewater treatment capacity is available for this plan, or the portion of the plan to be registered.

- b) That the SUBDIVIDER include the following statement in all agreements of lease or purchase and sale 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 fulfilment 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."*

5. That prior to any grading or construction, and final approval of all or any part of the draft plan of subdivision, a consultant Archaeologist shall carry out an Archaeological Survey and Rescue Excavation of any significant archaeological remains found on the site, at the expense of the SUBDIVIDER to the satisfaction of the Ministry of Tourism, Culture and Sport. Two (2) copies of the completed assessment and Ministry approval/acknowledgement must be forwarded to the Regional Commissioner of Planning, Development and Legislative Services for clearance of this condition.
6. a) That Blocks 137-141, inclusive Stage 1 and Block 47, Stage 2, and Block 3, Stage 4 be conveyed to the Region at no cost and free of encumbrance, concurrently with the registration of the plan of subdivision, for road widenings equal to 50 feet from the centreline of Ottawa Street South and Trussler Road.
- b) That the SUBDIVIDER shall convey an easement to the Regional Municipality of Waterloo, no later than January 15, 2018 and at no cost to the Region, to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services and the Regional Solicitor. The easement is to provide access onto the subdivision lands for the purpose of reconstruction of Ottawa Street South including but not limited to, the installation of underground services within the road widening Blocks 140 and 141 (Stage 1) by the Region.
7. That concurrently with the registration of Stage 1, two twenty-five (25) foot daylighting triangles be established at the intersection of Ottawa Street South and Benninger Drive, which shall be dedicated on the final plan as a public highway.
8. That concurrently with the registration of Stage 1, two twenty-five (25) foot daylighting triangles be established at the intersection of Trussler Road and Nathalie Street, which shall be dedicated on the final plan as a public highway.
9. a) That prior to final approval of Stage 1 the SUBDIVIDER obtain a Regional Road Access permit for the intersections of Ottawa Street South and Benninger Drive and Trussler Road and Nathalie Street.
- b) That prior to final approval of Stage 1, the SUBDIVIDER enter into an agreement with the Regional Municipality of Waterloo to obtain an Access Permit for any access proposed for Ottawa Street South on Block 132, Stage 1, to the satisfaction of the Regional Commissioner

of Planning, Development and Legislative Services.

10. That prior to final approval, the SUBDIVIDER shall enter into an agreement with the Regional Municipality of Waterloo to provide the necessary financial resources for installation of eight (8) transit pads, to the satisfaction of the Region Commissioner of Planning, Development and Legislative Services.
11. a) That prior to final approval of Stage 1, the SUBDIVIDER will provide a functional design and cost estimate for:
  - i) a southbound left-turn lane with 80 metres of storage length and appropriate tapers on Trussler Road at Nathalie Street;
  - ii) an eastbound left-turn lane with 25 metres of storage length and appropriate tapers on Ottawa Street South at Benninger Drive;
  - iii) a future roundabout at Ottawa Street and Trussler Road. Notwithstanding Condition 3.6, the SUBDIVIDER agrees that in the event the functional design demonstrates the potential need for additional land required from the subdivision in order to implement the roundabout, the SUBDIVIDER agrees to dedicate such land to the Regional Municipality of Waterloo prior to final approval; and
- b) The SUBDIVIDER further agrees to provide the Region the necessary physical resources (free of encumbrances and at no cost to the Region) and financial resources to construct all required road improvements as noted above prior to final approval of Stage 1.
- c) That conditions a) and b) above all be fulfilled to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services.
- 12 a) The SUBDIVIDER agrees, that prior to final approval of Stage 1, to submit a preliminary roundabout design and screening analysis and intersection control study prepared by a qualified roundabout design engineer and where necessary to the satisfaction of the Region's Commissioner of Planning, Development and Legislative Services in consultation with the CITY's Director of Transportation Services for the intersection of Trussler Road and Nathalie Street. In the event the analysis for the intersection demonstrates the potential need for additional land from the subdivision in order to implement a roundabout option or other intersection improvements, the SUBDIVIDER agrees to dedicate such land free of encumbrances and at no cost to the Regional Municipality of Waterloo prior to final approval. The SUBDIVIDER shall enter into an agreement with the Regional Municipality of Waterloo requiring that should a determination be made (through the completion of an Environmental Assessment or otherwise) that a roundabout is not the preferred alternative to address operations at the subject intersection or other intersection improvements are not required, then the land will be re-conveyed to the owner of the adjacent block(s).
- b) That prior to final approval of Stage 1, the Region has the necessary financial resources to construct all required road improvements in a) above.

13. Prior to final approval of Stage 1, the SUBDIVIDER enter into an agreement with the Regional Municipality of Waterloo to provide, upon written request by the Region, for the conveyance to the Region (or as the Region directs), free of encumbrances and at no cost to the Region, a 3 metre wide driveway over Future Development Block 135, Stage 1, on terms and conditions satisfactory to the Region ("the Driveway"). The purpose of such conveyance is to provide private vehicular access for the dwelling located at 632 Trussler Road in the event the roundabout screening analysis recommends the implementation of a roundabout or traffic control signals at the intersection of Trussler Road and Nathalie Street resulting in the removal of the existing driveway.

The location and grade of the Driveway shall be determined to the satisfaction of the CITY'S Director of Transportation Planning in consultation with the owner of 632 Trussler Road and the Regional Municipality of Waterloo. The SUBDIVIDER shall be responsible for the cost of closing the existing driveway to Trussler Road and constructing the new Driveway over Block 135 in addition to any alterations required on the property at 632 Trussler Road to connect the new Driveway to the existing driveway on 632 Trussler Road. For clarity, the costs of the closing of the existing driveway shall be limited to the portion of the existing driveway within the Trussler Road right-of-way and the costs of the new Driveway on Block 135 and 632 Trussler Road shall be based on a driveway constructed with materials consistent with the existing driveway on 632 Trussler Road. The SUBDIVIDER shall provide a cost estimate and security for such costs, satisfactory to the Regional Solicitor. Should a determination be made that a roundabout or traffic control signals at the intersection of Trussler Road and Nathalie Street are not required, then the Region shall release the securities.

14. That the SUBDIVIDER enter into an agreement with the Regional Municipality of Waterloo to distribute source water protection and winter salt management information with all Agreements of Purchase and Sale, and/or Rental Agreements to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services.
15. That prior to final approval, any existing private wells, monitoring wells and septic systems be decommissioned in accordance with applicable laws and regulations to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services.
16. That prior to final approval of Blocks 131 and 132, Stage 1; Block 35, Stage 2; Block 1, Stage 3; and Block 1, Stage 4, that the SUBDIVIDER shall enter into an Agreement with the Regional Municipality of Waterloo to require a Salt Management Plan to be submitted to the Regional Municipality of Waterloo for approval, and implementation secured through appropriate agreements with the Region and/or condominium declarations.
17. That prior to final approval an Area Grading, Erosion and Siltation Control Plan be submitted for the entire plan of subdivision to the satisfaction of the Regional Municipality of Waterloo where the lands drain to a Regional facility. The plan must be compatible with both the existing and future grades and cross-sections for Trussler Road and Ottawa Street South.
18. That prior to final approval a detailed Water Servicing Report that reviews the extent of the lands that can be serviced by the municipal water distribution network be submitted to the satisfaction of the Region's Commissioner of Transportation and Environmental Services.
19. That prior to final approval, the SUBDIVIDER shall identify which lots or blocks with a centreline road elevation lower than 372 mASL and enter into an agreement with the City of Kitchener to include water pressure devices for each dwelling unit below this elevation and

include in the Agreements of Purchase and Sale, and/or Rental Agreements a clause identifying the presence of water pressure reducing devices and advising that it not be removed by the purchaser.

20. That prior to final approval, the Region of Waterloo review and accept the noise study entitled "Trussler North Lands, City of Kitchener, Revised Noise Impact Assessment" (Stantec Consulting, November 2014). Furthermore, the SUBDIVIDER enter into an agreement with the City of Kitchener and/or the Regional Municipality of Waterloo as necessary to provide for implementation of the Study recommendations, to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services.
21. That prior to final approval of Blocks 131 and 132, Stage 1, Block 35, Stage 2, Block 1, Stage 3, and Block 1, Stage 4, the SUBDIVIDER enter into an agreement with the Regional Municipality of Waterloo to complete a detailed noise study prior to site plan approval of Blocks 131 and 132, Stage 1, Block 35, Stage 2, Block 1, Stage 3, and Block 1, Stage 4 to determine noise attenuation requirements to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services. Where appropriate, the lands shall be designed to avoid the use of outdoor physical noise attenuation measures through appropriate site design and setbacks. Furthermore, the SUBDIVIDER shall enter into an agreement with the City of Kitchener and/or Regional Municipality of Waterloo as necessary to provide for implementation of the noise attenuation measures recommended in the Study.
22. That prior to the registration of Stage 1, the SUBDIVIDER prepare and submit a Boulevard Restoration Plan for Ottawa Street South and Trussler Road to the satisfaction of the Regional Municipality of Waterloo and shall enter into an agreement with the Regional Municipality of Waterloo to provide for implementation of the approved Boulevard Restoration Plan, if necessary. Implementation may be phased by stage.
23. That prior to final approval, the SUBDIVIDER agrees to provide any necessary easements in favour of the Regional Municipality of Waterloo for grading and drainage purposes over Block 134, Stage 1 and Block 42, Stage 2, to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services.
24. That prior to final approval, the SUBDIVIDER enter into an agreement with the Regional Municipality of Waterloo to indicate that any future site specific grading and drainage plan and stormwater management report submitted for site plan approval for multiple residential Blocks 131 and 132, Stage 1, multiple residential Block 35, Stage 2, School Block 1, Stage 3, and multiple residential Block 1, Stage 4, be in accordance with the approved stormwater management plan for this plan of subdivision.
25. That prior to final approval, the SUBDIVIDER submits for review and approval a final stormwater management (SWM) report, to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services. The SWM report must include, but not limited to, the following:
  - i. the design and location of infiltration facilities;
  - ii. infiltration facilities including conveyance infiltration facilities (CIFs) be oversized by 15 percent;
  - iii. infiltration features, as well as CIFs, have overflow connections to storm sewer infrastructure;

- iv. no infiltration of stormwater be permitted within 100 metres of a municipal well;
  - v. install borehole at the location of the proposed CIF within Park Block 36, Stage 2 to confirm that coarse soils exist beneath the proposed CIF location at the proposed depth, so that the backfilled material will drain adequately;
  - vi. require Guelph Permeameter testing at the proposed location and depths of the two (2) CIFs; and
  - vii. water balance analysis.
26. That prior to servicing or final approval for Stage 1, whichever shall occur first, the SUBDIVIDER submits for review and approval a functional design, and detailed design as deemed necessary by the Region, for the outlet of the proposed stormwater management facilities related to the storm crossing on Trussler Road at Rickert Way/Nathalie Street, and that all associated road widenings be conveyed to the Region free of cost and encumbrances for both the existing road and future improved road conditions. Furthermore, that all associated storm outlet improvement costs will be the responsibility of the SUBDIVIDER, all to the satisfaction of the Region.
27. That prior to final approval, open space Block 40, Stage 2 and associated buffers within the subject block be placed in suitable conservation open space zoning (P-2).
28. That prior to any land clearing, grading or construction on the subdivision lands, the SUBDIVIDER enter into an agreement with the Regional Municipality of Waterloo to indicate that no clearing of vegetation on the site occur during the bird breeding season (May 1 - July 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;
29. That all storm sewer and sanitary sewer infrastructure within 100 metres of municipal wells K91 and K92 (wells situated on the north side of Ottawa Street South), and aquifer storage and recovery well ASR02 (well situated on the south side of Ottawa Street S.) be constructed to zero exfiltration standards, to the satisfaction of the Regional Commissioner of Transportation and Environmental Services.
30. That any system upgrades to the sanitary and/or storm services farther east along Ottawa Street South, within 100 metres of municipal production well K21, be completed to meet zero exfiltration standards, to the satisfaction of the Regional Commissioner of Transportation and Environmental Services.
31. That impermeable geotextile liners will be installed underneath boulevards for all roads within 100 metres of municipal wells K91 and K92, and aquifer storage and recovery well ASR02, to the satisfaction of the CITY's Director of Engineering Services in consultation with the CITY'S Director of Operations the Regional Commissioner of Transportation and Environmental Services.
32. That prior to any grading or construction, and final approval of all or any part of the draft plan of subdivision, the SUBDIVIDER enter into an agreement with the Regional Municipality of Waterloo to notify the Region's Manager of Hydrogeology and Source Water at least thirty (30) days prior to commencement of any grading or construction-related activities, or storage of equipment within 100 metres radius surrounding the Region's municipal supply wells, in

order that the Region may advise on practices and procedures required to safeguard such municipal supply wells.

33. That the proposed sewage pumping station constructed within pumping station Block 144, Stage 1, require an automatic call procedure and a spill response and contingency plan prepared to the satisfaction of the Regional Commissioner of Transportation and Environmental Services.
34. That prior to final approval, the SUBDIVIDER complete a Risk Management Plan for stormwater management Block 134, Stage 1, and Block 42, Stage 2, to address nitrate issues identified within WHPA E for municipal well K23 pursuant to the Clean Water Act, to the satisfaction of the Regional Commissioner of Transportation and Environmental Services.
35. That prior to final approval, the SUBDIVIDER enter into an agreement with the City of Kitchener to complete, prior to site plan approval, a land use compatibility study to address stationary noise associated with any commercial uses within multiple residential Block 132, Stage 1, and proximity to sensitive uses.
36. That prior to final approval of Stage 1, the SUBDIVIDER agrees to convey, free of encumbrances and at no cost to the Region, any additional road widening required along the plan's frontage on Ottawa Street South as a result of completing the detailed design for the sanitary forcemain as set out in CITY Condition 6.19, to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services.

#### **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 SUBDIVIDER or their agents submit the following plans and reports to the satisfaction of the Grand River Conservation Authority.
  - a) A detailed storm water management report in accordance with the 2003 Ministry of the Environment Report entitled "Stormwater Management Planning and Design Manual" and in keeping with the Preliminary Servicing and Stormwater Management Report, dated April 2013 prepared by Stantec Consulting Ltd., as well as additional information provided by Stantec Consulting Limited in their memo dated September 13, 2012.
  - b) A detailed Lot Grading, Servicing and Storm Drainage Plan.
  - c) An Erosion and Siltation Control Plan in accordance with the Grand River Conservation Authority's Guidelines for sediment and erosion control, indicating the means whereby erosion will be minimized and silt maintained on-site throughout all phases of grading and construction. The plan should be prepared to take into consideration the environmental management recommendations contained in the Natural Environment Report (Ecoplans Ltd., June 2008).
  - d) The submission and approval of a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Permit from Grand River Conservation

Authority prior to the construction in a wetland and/or any grading or development (as defined by the Conservation Authorities Act) within regulated areas.

- e) Confirm that no trails are within 15 meters of the wetland within Block 40, Stage 2.
- f) Confirm that site and grading plans demonstrate how the water balance in the wetland in Block 40, Stage 2 will be maintained post development.

#### **Waterloo Region District School Board**

- 1. That prior to final approval of Stage 3, the SUBDIVIDER agrees to make satisfactory arrangements with the Waterloo Region District School Board with respect to Block 1, Stage 3.

#### **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 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 4.1 has been carried out satisfactorily. The clearance letter should contain a brief statement as to how the condition was satisfied.
- 5. That prior to the signing of the final plan for Stage 3 by the CITY'S Director of Planning, the Director shall be advised by the Waterloo Region District School Board that Condition 4.2 has been carried out satisfactorily. The clearance letter should contain a brief statement as to how the condition was satisfied.

#### **6. NOTES**

##### *Development Charges*

- 1. The owner/developer is advised that the provisions of the Development Charge By-laws of the City of Kitchener and the Regional Municipality Waterloo, as they may be amended from time to time, are applicable.



*Registry Act*

2. The final plans for Registration must be in conformity with Ontario Regulation 43/96, as amended, under The Registry Act.

*Updated Information*

3. It is the responsibility of the owner of this draft plan to advise the Regional Municipality of Waterloo and the City of Kitchener Business and Planning Services Departments of any changes in ownership, agent, address and phone number.

*Agreement*

4. Most of the Regional Municipality of Waterloo conditions can be satisfied through an agreement. The onus is on the owner to contact Regional staff in writing to request the preparation of such an agreement. A copy of a reference plan showing the lands to be registered that are affected by the agreement and the conditions to be covered by the agreement should be provided. The fees for the preparation and registration of this agreement, are payable to the Regional Municipality of Waterloo.

*Fees*

5. The owner/developer is advised that the City of Kitchener and the Regional Municipality of Waterloo have adopted By-Laws, pursuant to Section 69 of the Planning Act, R.S.O. 1990 c. P.13, to prescribe a tariff of fees for application, recirculation, draft approval, modification to draft approval and registration release of plans of 30T-08204.

*Approvals for Servicing Systems*

6. The proposed water distribution system meets the definition of a "water works" as defined in the Ontario Water Resources Act. Prior to the construction of the proposed water supply system, the proponent must ensure that the application for approval of water works, and appropriate supporting information, is submitted to the Ministry of the Environment for approval.

*Stormwater Management*

7. The proposed stormwater management system meets the definition of a "sewage works" as defined in the Ontario Water Resources Act. Therefore, approval of the Director must be obtained under Section 53 of the Ontario Water Resources Act prior to the construction of the proposed stormwater management system. The proponent must ensure that the application for approval of sewage works, and appropriate supporting information, is submitted to the Ministry of the Environment for approval.

*Sewage System*

8. The proposed sanitary sewage collection system meets the definition of a "sewage works" as defined in the Ontario Water Resources Act. Therefore, approval of the Director must be obtained under section 53 of the Ontario Water Resources Act prior to the construction of the proposed sanitary sewage collection system. The proponent must ensure that the application for approval of sewage works, and appropriate supporting information, is submitted to the Ministry of the Environment for approval.

*Identification of Applicable Planning Act*

9. This draft plan was received on July 29, 2008 and shall be processed and finally disposed of under the Planning Act, R.S.O. 1990, c. P.13, as amended as of that date.

### *Regional Servicing Agreement*

10. The owner/developer 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, Housing and Community Services Department initiate preparation of the agreement. When sufficient capacity is confirmed by the Region's Commissioner of Engineering 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, 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.

### *Registration Release*

11. 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 cannot ensure that a Regional Release would be issued prior to yearend where the owner has failed to submit the appropriate documentation by this date.

### *Airport Zoning*

- 12.a) 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 are not limited to height restrictions on buildings or structures, height of natural growth, interference with communications, and activities or uses that attract birds.

- 12.b) 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.

*Ministry of Transportation*

- 13.a) The Owner is advised that permits are required from the Ministry of Transportation before any grading or construction commences within 45 metres of any highway limit and within a 395 metre radius of the centreline intersection of Highway 7 & 8 and Trussler Road.
- 13.b) The Owner will be required to submit to the Ministry of Transportation for review and approval: development drawings/plans not limited to site plans, grading plans, servicing plans, illumination plans, landscaping plans and details.
- 13.c) The Ministry requires that all buildings and structures be setback a minimum of 14.0 metres from the Highway 7 & 8 property limit. Fences (noise barriers) shall be setback a minimum of 0.3 metres from the Highway 7 & 8 property limit.
- 13.d) The Owner shall provide the Ministry of Transportation a mylar and three paper copies of the registered final plans.

**Final Plans**

- 14. 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 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 and under The Registry Act and for our use:

One	(1)	original mylar
Four	(4)	mylar copies
Four	(4)	white paper copies