

**Modification to Conditions of Approval – December 2021  
Draft Plan of Subdivision 30T-08206  
Mattamy (South Estates) Limited**

- \*1 That this approval applies to Plan of Subdivision 30T-08206 for Mattamy (South Estates) Limited as shown on the attached Plan of Subdivision prepared by GSP originally approved by the OMB on August 14, 2015, and revised by the City of Kitchener dated **November 3, 2021** which shows the following:

<u>Stage 1</u>	<u>Units</u>
Lots 30, 47-52, 58-131,143-158, 164-182,202-232,236 273-279,297-422	Single Detached Res. 281
Lots 249, 250	Semi-Detached Res. 2
Blocks 1-29,31-46, 53-57,132-142, 159-163,183-201, 233-235, 237-248,251-272, 280-296	Street Townhouses 139
Block 435 Block 433 Block 436 Block 432,434 Block 437 Block 438,439 Block 440 Blocks 425-430, 441, 447-454, Block 431 Block 423 Blocks 424, 442-445 Block 446	School Park Parkette Hydro Corridor / Park Open Space Habitat Protection Area Open Space/Stormwater Management Future Development- Single Semi-Towns Walkway Neighbourhood Institutional 0.3m Reserve Road Widening

**Stage 2**

<b>Lots 1-4 Blocks 5-7 Block 8</b>	<b>Single Detached Res. 4 Future Development - Single Road Widening</b>
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**1. 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 originally approved at the OMB on August 14, 2015 and revised on **November 3, 2021** which shall contain the following additional special conditions:

## Part 2 – Prior to Grading

- 2.10 a) Prior to registration, pre-grading or pre-servicing as required, in consideration of the wooded character of the subdivision lands and the CITY'S desire to minimize the impact of development on treed areas worth retaining, the SUBDIVIDER agrees to submit a Detailed Vegetation Plan and to obtain approval from the CITY'S Director of Planning.
- b) The Core Environmental Feature limits should be re-confirmed and surveyed concurrent with the design and development of these southern stages of the subdivision and at the time of the Detailed Vegetation Plan to the satisfaction of the CITY'S Director of Planning.
- c) The SUBDIVIDER shall provide a digital copy of the approved Detailed Vegetation Plan (where applicable) showing the approved grading, to the CITY'S Director of Planning.
- d) The SUBDIVIDER shall implement all approved measures for the protection of isolated trees, tree clusters and woodlands as approved in the Detailed Vegetation Plan (where applicable) and to provide written certification from the SUBDIVIDER'S Environmental Consultant to the CITY'S Director of Planning in consultation with the CITY'S Cultural Heritage Coordinator that all protection measures have been implemented and inspected, in accordance with the CITY'S Tree Management Policy.
- 2.13 The SUBDIVIDER agrees to implement a detailed "pre-construction" monitoring program. 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.

Further, the SUBDIVIDER agrees to submit, obtain approval of and implement a detailed "during development" 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 South west Urban Area Study, Comprehensive Storm Water Management Strategy Prepared by AMEC (June 22, 2011 as 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 GRCA and the Regional Municipality of Waterloo.

- 2.14 The SUBDIVIDER agrees to submit, obtain approval of, and implement a detailed "post development" monitoring program in accordance with the Comprehensive 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 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 for quantity and quality, chloride impact assessments. The “post development” monitoring program will extend for 2 years after full build out of the subdivision to the satisfaction of the CITY’S Director of Engineering Services in consultation with the GRCA and the Regional Municipality of Waterloo.

The SUBDIVIDER further agrees to implement any remedial action deemed necessary (including 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 bypass 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 GRCA and the Regional Municipality of Waterloo.

- 2.15 The SUBDIVIDER agrees that the recommendations of the Strasburg Creek Flood Control Environmental Assessment (EA) shall be implemented and the existing culvert at Fischer Hallman Road and Upper Strasburg Creek shall be replaced in accordance with the Strasburg Creek Flood Control Environmental Assessment, prior to any grading or servicing. Replacement of the existing culvert shall coincide with other engineering works in the area and area grading shall be coordinated in order to minimize disturbance to Strasburg Creek all to the satisfaction of the CITY’S Director of Engineering Services, the Regional Municipality of Waterloo, and Grand River Conservation Authority. The City is 100% responsible for the cost of these works. If sufficient money is not allocated from the appropriate CITY Development Charge Account(s) to permit the CITY to fund these works or the 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 with 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.

2.16 Prior to any site alteration, area grading, servicing or registration of any stage within this plan, the SUBDIVIDER shall obtain any necessary permits and approvals from the Ministry of Natural Resources (MNR) related to species at risk identified on or contiguous to the subject lands in compliance with the *Endangered Species Act*. Any measures required by MNR including but not limited to *Overall Benefits Plans* and/or *Mitigation Plans* shall be to the satisfaction of the Ministry of Natural Resources and the City.

**\*2.17 Deleted.**

2.18 Prior to registration, pre-grading or pre-servicing as required, a Stewardship Management Plan should be developed, submitted and approved to the satisfaction of the Director of Planning in consultation with the Director of Parks and Cemeteries, the Region, and GRCA. The Stewardship Management Plan shall be in compliance with the Scoped Environmental Impact Study (Howes-Jones, December 2012), the Response Document (NRSI, April 10, 2014) and incorporate any requirements of the Ministry of Natural Resources.

2.19 During- and post-construction environmental monitoring plans should be developed, submitted and approved as part of the Detailed Vegetation Plan and Stormwater Management Engineering design. The monitoring plans shall address parameters outlined in the Response Document (NRSI, April 10, 2014) and incorporate any requirements of the Ministry of Natural Resources. Monitoring plans shall be approved prior to registration, pre-grading or pre-servicing (whichever comes first) and to the satisfaction of the Directors of Planning and Engineering in consultation with the Director of Parks and Cemeteries the Region, and GRCA.

The period of time after 90% build-out of the subdivision that monitoring will be required to be implemented by the SUBDIVIDER will be determined as part of the environmental monitoring plans to be approved. Any restoration or mitigation measures arising from monitoring and deemed necessary by MNR, the Region, the GRCA and/or the City will be the sole responsibility of the SUBDIVIDER.

**\*2.20 Deleted.**

### **Part 3 – Prior to Servicing**

**\*3.2 Deleted.**

3.18 The SUBDIVIDER shall prepare a detailed Geotechnical/Hydrogeological Investigation Report which shall determine the suitability of soils to support lot level infiltration of roof water to the satisfaction of the Director of Engineering Services in consultation with the Region of Waterloo and the Grand River Conservation Authority. The design of the infiltration galleries should have a 20 % contingency to the satisfaction of the Director of Engineering Services.

**\*3.19 Deleted.**

3.20 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 released two years after 95% of the pond catchment area is stabilized (meaning buildings are constructed and lot/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.

- 3.21 The SUBDIVIDER agrees that the extension of the Middle Strasburg Sanitary Trunk Sewer through this plan of subdivision is required and shall be in accordance with the Middle Strasburg Sanitary Trunk Sewer EA or any addendum thereto. It is acknowledged that these works, including design expenses, are included in the City's Development Charge By-law 99-106, as amended, and the City shall be responsible for 100 % of the costs of these works. It is further acknowledged, if there is a need to increase the size and/or depth of the Middle Strasburg Sanitary Trunk Sewer to facilitate servicing lands located outside of the Rosenberg Secondary Planning Community, the City will be responsible for 100% of the cost of these upgrades.

If sufficient money is not allocated from the appropriate CITY Development Charge Account(s) to permit the CITY to fund these works or the 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 with 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.

**\*3.22 Deleted.**

**\*3.23 Deleted.**

**\*3.24 Deleted.**

**\*3.25 The SUBDIVIDER agrees to install black vinyl chain link fence, or other decorative fence that is not made of solid materials and provides visibility along Bleams**

**Road, along any property line rear and/or side of Lots 1 and 2 and Block 7, to the satisfaction of the Director of Engineering Services in consultation with Director of Parks and Cemeteries.**

- 3.26 The SUBDIVIDER acknowledges that the servicing plan will indicate areas where the servicing (construction) trench will be located within a shallow or deeper groundwater system. The SUBDIVIDER agrees that mitigation measures must be identified and implemented so that subsurface infiltration adjacent to the wetland or watercourses and/or their buffers will not be interrupted and groundwater flows to the wetland or watercourse will be maintained with the pre-development conditions to the satisfaction of the CITY's Director of Engineering Services in consultation with the GRCA and the MNR as appropriate.
- 3.27 The SUBDIVIDER agrees to coordinate the decommissioning of the temporary pumping station at Fischer Hallman Road and Bleams Road immediately following servicing to the satisfaction of the City's Director of Engineering Services.
- 3.28 Prior to any site alteration, area grading, servicing or registration of any stage within this plan, the SUBDIVIDER shall obtain any necessary permits and approvals from the Ministry of Natural Resources (MNR) related to species at risk identified on or contiguous to the subject lands in compliance with the *Endangered Species Act*. Any measures required by MNR including but not limited to *Overall Benefits Plans* and/or *Mitigation Plans* shall be to the satisfaction of the Ministry of Natural Resources and the City.
- 3.29 Prior to registration, pre-grading or pre-servicing as required the SUBDIVIDER agrees that a Stewardship Management Plan should be developed, submitted and approved to the satisfaction of the Director of Planning in consultation with the Deputy Chief Administrative Officer of Infrastructure Services (formerly Parks), the Region, and GRCA. The Stewardship Management Plan shall be in compliance with the Scoped Environmental Impact Study (Howes-Jones, December 2012), the Response Document (NRSI, April 10, 2014) and incorporate any requirements of the Ministry of Natural Resources.
- 3.30 During- and post-construction environmental monitoring plans should be developed, submitted and approved as part of the Detailed Vegetation Plan and Stormwater Management Engineering design. The monitoring plans shall address parameters outlined in the Response Document (NRSI, April 10, 2014) and incorporate any requirements of the Ministry of Natural Resources. Monitoring plans shall be approved prior to registration, pre-grading or pre-servicing (whichever comes first) and to the satisfaction of the Directors of Planning and Engineering in consultation with the Deputy Chief Administrative Officer of Infrastructure Services (formerly Parks), the Region, and GRCA.

The period of time after 90% build-out of the subdivision that monitoring will be required to be implemented by the SUBDIVIDER will be determined as part of the environmental monitoring plans to be approved. Any restoration or mitigation measures arising from monitoring and deemed necessary by MNR, the Region, the GRCA and/or the City will be the sole responsibility of the SUBDIVIDER.

**Part 4- Prior to Application of Building Permit in Each Stage**

**\*4.18 Deleted.**

**\*4.19 Deleted.**

**Part 6 – Other Timeframes**

**\*6.11 Deleted.**

**\*6.15 Deleted.**

**\*6.16 Deleted.**

6.17 The SUBDIVIDER agrees to include a statement in all Offers of Purchase and Sale, and/or rental Agreements with home buyer that there is a planned transit route through the neighbourhood and to provide an information pamphlet or website address regarding Grand River Transit services.

6.18 Prior to registration, pre-grading or pre-servicing as required, 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 Rosenberg Way to the satisfaction of the CITY'S Director of Engineering in consultation with the Director of Transportation Services.

6.19 The SUBDIVIDER shall warrant and guarantee all park and trail works against all defects of material and quality of work for a period of 24 months from completion and acceptance thereof by the CITY.

6.20 The SUBDIVIDER agrees to complete the detailed design and to implement the construction of that portion of the services identified in the Area Servicing Plan, as set out in Schedules "B1", "B2" and "B3" to Minutes of Settlement dated August 17, 2015, which are located on the SUBDIVIDER'S land and which are included in the stage of the Plan of Subdivision that is being registered, that are required for the future development of the lands to the west in accordance with the approved Rosenberg Secondary Plan - Land Use Plan dated April 4, 2013 and the agreed-upon Area Servicing Plan. The dedicated storm sewer to be provided on the SUBDIVIDER's land shall have sufficient capacity to accommodate a minimum flow of 2.0 cubic metres/second from the lands located within Area 2 of the Rosenberg Secondary Planning Community.

6.21 Prior to registration, pre-grading or pre-servicing as required the SUBDIVIDER shall agree to prepare and have approved a boundary treatment plan, which may include fencing and/ landscaping or combination thereof for the southern boundary of the subject lands along Block 438 adjacent to the CITY's lands to the south (Williamsburg Cemetery) to the satisfaction of the Director of Planning in consultation with the Director of Parks and Cemeteries.

**\*6.22 Deleted.**

**\*6.23 The SUBDIVIDER agrees to update the Noise Study prior to registration for Lots 1 - 4 and Block 5 and 7 to consider alternative mitigation methods including building design and orientation toward Bleams Road on site as well as the use of berms and appropriate construction materials. The SUBDIVIDER further agrees that should a modification to the plan be required to implement these design considerations and noise mitigation methods, to initiate a modification to the plan to ensure these**

**recommendations are implemented to the satisfaction of the CITY's Director of Planning in consultation with the Region of Waterloo.**

- 6.24 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 Canada Post, in consultation with the CITY's Director of Engineering Services and the CITY's Director of Planning. If required, the SUBDIVIDER shall provide temporary suitable centralized mail box locations that may be utilized by Canada Post until curbs, boulevards and sidewalks are constructed for the plan of subdivision.
- 6.25 The SUBDIVIDER shall include a statement in all Offers of Purchase and Sales 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).

**\*6.26 Deleted.**

## **PART 2.2 PRIOR TO REGISTRATION CONDITIONS**

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 shall be registered on title.
2. The SUBDIVIDER shall submit copies of the plan for registration to the CITY'S Director of Planning and to obtain approval of such applications 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, with co-ordinate values and elevations thereon and submit for registration the plans showing the location of 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 HYDRO, and telephone companies and 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 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 Engineering, or, in the case of parkland, the CITY'S General Manager of Community Services; and
  - e) to provide to the CITY'S Director of Planning, a clearance letter from each of the 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. For Stage 2, the SUBDIVIDER shall convey to the City free of cost and encumbrances the following:**

**Block 8**

**Road Widening**

10. 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 located outside the required yard setbacks of the applicable zone and 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 location, notifications regarding contacts for school sites, noise attenuation measures, 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 application, 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, enquiries should be made at the CITY'S Planning Division.
11. The SUBDIVIDER agrees that all streets shall be named as shown on the Draft Plan.
12. 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 1.22a) of the Subdivision Agreement.
13. The SUBDIVIDER shall prepare a Streetscape Plan to the satisfaction of the CITY'S Director of Planning in consultation with the CITY'S Director of Transportation Services, CITY'S Director of Engineering Services and the CITY'S Director of Parks and Cemeteries. The Streetscape Plan shall illustrate a consistent streetscape theme for the Priority Street showing:
- a) Design and construction details, with preference to low-maintenance, sustainable plantings and decorative streetscape elements;
  - b) Conceptual street tree planting locations for Rosenberg Way
  - c) Conceptual locations and type of flankage lot streetscape features, such as decorative fencing and landscaping between the side yard fencing and the property line of flankage lots; and,
  - d) Potential locations of utilities.
14. Prior to Grading or Registration, whichever shall occur first, the SUBDIVIDER agrees to submit, obtain approval of and implement a detailed monitoring program to evaluate the performance of infiltration galleries (including pre-construction and post-construction phases) and to identify if the required water balance is met, to the satisfaction of the CITY'S Director of Engineering Services in consultation with the Regional Municipality of Waterloo.
15. Prior to Servicing or Registration, whichever shall come first, the SUBDIVIDER shall confirm whether decorative street signage and street lighting will be used to the satisfaction

of the CITY'S Director of Transportation Services and Kitchener Wilmot Hydro. Should these decorative elements be utilized, they shall be installed at the appropriate time frame and to the SUBDIVIDER'S cost, including the provision of a one-time supply of 10% of the materials for future maintenance replacement, to the satisfaction of the CITY'S Director of Transportation Services and Kitchener Wilmot Hydro.

16. 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 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.
- \*17. Deleted**
- \*18. Deleted**
19. Prior to registration, the SUBDIVIDER shall 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 soil suitability encountered during construction) and 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 to sustain the wetland and ESPA features on the subject lands.
20. Prior to any site alteration, area grading, servicing or registration of any stage within this plan, the SUBDIVIDER shall obtain any necessary permits and approvals from the Ministry of Natural Resources (MNR) related to species at risk identified on or contiguous to the subject lands in compliance with the *Endangered Species Act*. Any measures required by MNR including but not limited to *Overall Benefits Plans* and/or *Mitigation Plans* shall be to the satisfaction of the Ministry of Natural Resources and the City.
21. The SUBDIVIDER agrees that a Stewardship Management Plan should be developed, submitted and approved prior to registration, pre-grading or pre-servicing (whichever comes first) to the satisfaction of the Director of Planning in consultation with the Deputy Chief Administrative Officer of Infrastructure Services (formerly Parks), the Region, and GRCA. The Stewardship Management Plan shall be in compliance with the Scoped Environmental Impact Study (Howes-Jones, December 2012), the Response Document (NRSI, April 10, 2014) and incorporate any requirements of the Ministry of Natural Resources.
- 21A. During- and post-construction environmental monitoring plans should be developed, submitted and approved as part of the Detailed Vegetation Plan and Stormwater Management Engineering design. The monitoring plans shall address parameters outlined in the Response Document (NRSI, April 10, 2014) and incorporate any requirements of the Ministry of Natural Resources. Monitoring plans shall be approved prior to registration, pre-grading or pre-servicing (whichever comes first) and to the satisfaction of the Directors of Planning and Engineering in consultation with the Deputy Chief Administrative Officer of Infrastructure Services (formerly Parks), the Region, and GRCA.

The period of time after 90% build-out of the subdivision that monitoring will be required to be implemented by the SUBDIVIDER will be determined as part of the environmental monitoring plans to be approved. Any restoration or mitigation measures arising from monitoring and deemed necessary by MNR, the Region, the GRCA and/or the City will be the sole responsibility of the SUBDIVIDER.

**\*22. Deleted.**

23. 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 Rosenberg Way to the satisfaction of the CITY'S Director of Engineering in consultation with the Director of Transportation Services.

24. The SUBDIVIDER agrees to complete the detailed design and to implement the construction of that portion of the services identified in the Area Servicing Plan, as set out in Schedules "B1", "B2" and "B3" to Minutes of Settlement dated August 17, 2015, which are located on the SUBDIVIDER'S land and which are included in the stage of the Plan of Subdivision that is being registered, that are required for the future development of the lands to the west in accordance with the approved Rosenberg Secondary Plan - Land Use Plan dated April 4, 2013 and the agreed-upon Area Servicing Plan. The dedicated storm sewer to be provided on the SUBDIVIDER's land shall have sufficient capacity to accommodate a minimum flow of 2.0 cubic metres/second from the lands located within Area 2 of the Rosenberg Secondary Planning Community.

**\*25. Deleted.**

**\*26. Deleted.**

27. Prior to Servicing or Registration which ever shall occur first, the SUBDIVIDER agrees to provide a detailed sanitary servicing report and to make arrangements satisfactory to the Director of Engineering for a sanitary servicing 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 cost of the SUBDIVIDER. A separate cost sharing and cooperation agreement dated August 17, 2015 has been entered into by the SUBDIVIDER and benefitting landowners which includes cost sharing arrangements respecting the Area 3 Sanitary Sewer as defined in that Agreement.

28. 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.

29. Deleted.

**\*30. That prior to registration of Stage 2 of the plan of subdivision, the SUBDIVIDER complete a Record of Site Condition (RSC) for all of the lands in Stage 2 accordance with Ontario Regulation 153/04. A copy of the completed RSC, acknowledgement from the Ministry of the Environment, Conservation and Parks, and any other documents (e.g., Environmental Site Assessment reports)**

**completed in support of the RSC must be forwarded to the CITY'S Directors of Engineering and Planning.**

### **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, semi-detached and townhouse lots are permitted, at a density not exceeding the density identified in the draft approval conditions.
2. That the owner agrees to stage the development for this subdivision in a manner satisfactory to the Regional Commissioner of Planning, Development and Legislative Services;
3. 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 final approval of the subdivision plan;
- 4a. That the owner enters 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 comes 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;
- 4b. That the owner includes 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 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.”
5.
  - a) That prior to final approval, the Owner submit for review and approval a detailed functional servicing report for the entire plan, with such report to assess the need for pressure reducing valves; to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services;
  - b) That prior to final approval, the Owner agrees to submit for review and approval, engineering drawings which include the Kitchener Zone 4 750mm trunk watermain within the hydro-corridor easement and a section of Forestwalk Street;

to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services;

- c) deleted
  - d) deleted
6. Where pressure reducing valves are required in Condition No. 5 a) above, the Owner must enter into an agreement with the City of Kitchener to provide for such installation; and to include in all offers to purchase 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.
- \*7. Deleted.**
8. That prior to final approval, the Owner 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.
9. That prior to final approval, the Owner decommissions any monitoring and private wells (not used for long term monitoring) on the property in accordance with O. Reg. 903 prior to any grading on the property; and furthermore, that the owner 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.
10. That prior to final approval of all or any part of this plan of subdivision, the Owner submits an interim and/or final lot grading and drainage plan as deemed necessary by the Region, for review and approval by the Regional Commissioner of Planning, Development and Legislative Services. The lot grading and drainage plan must include existing grades / profiles for Bleams Road and address the Region's requirements set out in its letter "Regional Transportation Planning Comments" dated January 15, 2014. Furthermore, the Owner enter into an agreement with the Regional Municipality of Waterloo to secure completion and implementation of the above requirements.
11. That prior to final approval of all or any part of this plan of subdivision, the Owner submits an interim and/or final stormwater management report as deemed necessary by the Region, for review and approval by the Regional Commissioner of Planning, Development and Legislative Services. The interim and/or final stormwater management report must:
- a) establish water quantity trigger levels and/or infiltration benchmarks, and propose a strategy for mitigating impacts in the event there is a shortfall meeting infiltration targets, consistent with the Water Management Strategy for the Rosenberg Secondary Plan;
  - b) identify the design and location of infiltration facilities; and
  - c) address the Region's requirements set out in its letter "Regional Transportation Planning Comments" dated January 15, 2014.

Furthermore, the Owner enter into an agreement with the Regional Municipality of Waterloo to secure completion and implementation of the above stormwater management requirements.

13. That prior to final approval, the Owner submits a boulevard restoration plan for Bleams Road, to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services.
14. Deleted.
- \*15. That if required by the Region, the Owner obtains a Regional Road Access Permit to close the existing access on Bleams Road (Regional Road 56).**
- \*16. That the Owner upon written request by the Region, or that the plan for final approval (whichever comes first), provide for road widening Block 8 (Stage 2), and any road widening dedication along the Bleams Road frontage identified through the Bleams Road environmental assessment project as deemed necessary by the Region, to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services.**
- \*17. Deleted.**
18. Deleted.
- \*19. That prior to final approval, the Owner enter into an agreement with the Regional Municipality of Waterloo for the installation of a 1.5 metres high chain link fence along any lot properties fronting Bleams Road (Regional Road 56), to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services.**
- \*20. Deleted.**
21. Deleted.
- \*22. a)That the Owner enter into an agreement with the Regional Municipality of Waterloo for Lots 1 to 4, Block 5, Block 6, and Block 7 all inclusive, to provide for the installation of a forced air-ducted heating system suitably sized and designed for the future installation of a central air conditioning system by the occupant.**  
**b)That the Owner enter into an agreement with the Regional Municipality of Waterloo for Lots 1 to 4, Block 5, Block 6, and Block 7 all inclusive, to include the following warning clause in all offers to purchase and/or rental agreements:**  
  
**“Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.**  
  
**“This dwelling unit has been designed with the provision for adding central air conditioning at the occupant’s discretion. Installation of central air conditioning**

**by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the limits of the Municipality and the Ministry of the Environment, Conservation and Parks.**

23. Deleted.

\*24. Deleted.

\*25. **That prior to area grading, servicing or final approval of all or any part of the plan of subdivision, the SUBDIVIDER complete a Record of Site Condition (RSC) for all of the lands in Stage 2 accordance with Ontario Regulation 153/04. A copy of the completed RSC, acknowledgement from the Ministry of the Environment, Conservation and Parks, and any other documents (e.g., Environmental Site Assessment reports) completed in support of the RSC must be forwarded to the Regional Commissioner of Planning, Development and Legislative Services. The RSC boundaries must exclude any land being dedicated to the Region for road widening purposes.**

#### **4. OTHER AGENCY CONDITIONS:**

##### **4A Grand River Conservation Authority**

1. As per Policy 5.2.6 of the Rosenberg Secondary plan, prior to any grading or servicing, the existing culvert at Fischer Hallman Road and Upper Strasburg Creek shall be replaced in accordance with the Strasburg Creek Flood Control Environmental Assessment (Stantec). Construction is intended to coincide with other works in the area to minimize disturbance to the creek.
2. Prior to any grading or construction on the site and prior to registration of the plan, the owners or their agents submit the following plans and reports to the satisfaction of the Grand River Conservation Authority.
  - a) A detailed stormwater management report in accordance with the 2003 Ministry of the Environment Report entitled "Stormwater Management Planning and Design Manual", the Alder Creek Watershed Study and the Upper Strasburg Creek Subwatershed Study update, and in keeping with the Preliminary SWM report and addendums prepared by Stantec.
  - b) A detailed Lot Grading, Servicing and Storm Drainage Plan. The Lot Grading Plan must illustrate the location of community trails. The Servicing Plan should incorporate the final Middle Strasburg sanitary sewer alignment as approved in the Class Environmental Assessment or approved modifications.
  - c) An Erosion and Siltation Control Plan in accordance with the Grand River Conservation Authority's Guidelines for sediment and erosion control, indicating the means whereby erosion will be minimized, and silt maintained on-site throughout all phases of grading and construction.



- d) The submission and approval of a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses permit from the GRCA prior to any development within areas regulated under Ontario Regulation 150/06.
- e) As per Policy 5.2.6 of the Rosenberg Secondary Plan, the existing culvert at Fischer Hallman Road and Upper Strasburg Creek be replaced in accordance with the Strasburg Creek Flood Control Environment Assessment (Stantec). Construction is intended to coincide with other works in the area to minimize disturbance to the creek.
- f) Detailed water balance information showing how infiltration targets will be met will be provided.
- g) An erosion analysis and mitigation strategy for Strasburg Creek will be provided. A peer review may be requested, to be paid for by the proponent.
- h) A short term and long-term monitoring and maintenance plan for all of the infiltration facilities, on public and private lands, with access available to the City, will be provided.
- i) A monitoring plan to assess the performance of the cooling trench, including flow and water temperature, will be provided.
- j) A pre, during and post construction monitoring program and reporting as outlined in the Environmental Impact Study will be provided. Remedial measures will be outlined the monitoring program and implemented if needed.

## **5. CLEARANCE CONDITIONS**

- 1. That prior to the signing of the final plan by the CITY's Director of Planning, the City of Kitchener is to be advised by the Regional Commissioner of Planning, Development and Legislative Services that Conditions 3.1 to 3.23 have been carried out to the satisfaction of the Regional Municipality of Waterloo. The clearance letter from the Region shall include a brief but complete statement detailing how each condition has been satisfied.
  - a. 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 Condition 2.2.5 and 2.2.7 has been carried out satisfactorily. The clearance letter shall include a brief statement detailing how each condition has been satisfied.
  - b. That prior to the signing of the final plan by the CITY's Director of Planning, the Director shall be advised by the telecommunication companies (Bell, Rogers) that Conditions 2.2.6 and 2.2.7 have been carried out satisfactorily. The clearance letter shall include a brief statement detailing how each condition has been satisfied.

## **6. NOTES**

### **Development Charges**

- 1. The owner/developer is advised that the provisions of the Regional Development Charge By-law 09-024 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 Planning and Development Departments of any changes in ownership, agent, address and phone number.

#### Regional Fees

4. The owner/developer is advised that the Regional Municipality of Waterloo has adopted By-Law 09-003, 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-08206.

#### Identification of Applicable Planning Act

5. This draft plan was received on or after May 22, 1996 and shall be processed and finally disposed of under the Planning Act, R.S.O.1990, as amended by S.O.2006, c.23(Bill 51).

#### Unobstructed Access to Units

6. The owner/developer is responsible to ensure that each dwelling unit has unobstructed access at grade or ground level, having a minimum width of 0.9 metres, from the front yard to the rear yard of the lot either by:
  - i. direct access on the lot without passing through any portion of the dwelling unit; or,
  - ii. direct access through the dwelling unit without passing through a living or family room, dining room, kitchen, bathroom, bedroom, or recreation room or any hallway that is not separated by a door to any such room; or,
  - iii. access over adjacent lands which, if the lands are not owned by the City of Kitchener or the Regional Municipality of Waterloo, are secured by a registered easement prior to final approval of the subdivision plan.

#### Regional Servicing Agreement

7. 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 and Culture 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, 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

8. To ensure that a Regional Release is issued by the Regional Commissioner of Planning, Housing and Community 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

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

- 9.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.

#### Final Plans

10. 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	Original mylar
Four	Mylar copies
Four	White paper copies