

File: Parent : D07-16-02-0036
 Extension: D07-16-19-0012
 Extension: D07-16-22-0016
 Extension : D07-16-25-0016

MENU OF CONDITIONS
FOR DRAFT APPROVAL
DEERWOOD PARTNERSHIP
PINERY SUBDIVISION PHASE 3 & 4

DRAFT APPROVAL EXTENSION TO 09/11/2022
DRAFT APPROVAL EXTENSION TO 09/11/2025
DRAFT APPROVAL EXTENSION TO 09/11/2028

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The City of Ottawa's conditions applying to the approval of the final plan for registration of the Pinery Subdivision (Files # D07-16-02-0036, D07-16-19-0012, D07-16-22-0016 and D07-16-25-0016) are as follows:

1. This approval applies to the draft plan certified by Brian W. Kerr, Ontario Land Surveyor, dated April 10, 2018, showing a total of 61 residential lots divided by two phases.

2. The Owner agrees, by entering into a Subdivision Agreement, to satisfy all terms, conditions and obligations, financial and otherwise, of the City of Ottawa, at the Owner's sole expense, all to the satisfaction of the City.

**Clearing
Agency**

General

3. Prior to the issuance of a Commence Work Notification, the Owner shall obtain such permits as may be required from Municipal or Provincial authorities and shall file copies thereof with the General Manager, Planning, Development and Building Services Department.

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4. Prior to commencing construction, the Owner shall enter into a subdivision agreement with the City. The subdivision agreement shall, among other matters, require that the Owner post securities in a format approved by the City Solicitor, in an amount of 100% of the estimated cost of all works, save and except non-municipal buildings.

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The aforementioned security for site works shall be for works on both private and public property and shall include, but not be limited to, lot grading and drainage, landscaping and driveways, roads and road works, road drainage, underground infrastructure and services (storm, sanitary, watermains), streetlights, stormwater management works. The amount secured by the City shall be determined by the General Manager, Planning, Development and Building Services, based on current City tender costs, which costs shall be reviewed and adjusted annually.

Engineering, Inspection and Review fees will be collected based on the estimated cost of the works as noted herein and in accordance with the City's Planning Fees By-laws, as amended.

5. The Owner acknowledges and agrees that any person who, prior to the draft plan approval, entered into a purchase and sale agreement with respect to lots or blocks created by this Subdivision, shall be permitted to withdraw from such agreement

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without penalty and with full refund of any deposit paid, up until the acknowledgement noted above has been executed.

The Owner shall provide to the General Manager, Planning, Development and Building Services Department an acknowledgement from those purchasers who signed a purchase and sale agreement before the Plan was draft approved, that the Plan had not received draft approval by the City. The Owner agrees that the purchase and sale agreements signed prior to draft approval shall be amended to contain a clause to notify purchasers of this fact, and to include any special warning clauses, such as but not limited to Noise Warnings and easements.

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| 6. | All prospective purchasers shall be informed through a clause in the agreements of purchase and sale of the presence of lightweight fill on the lands, and that the presence of such lightweight fill may result in specific restrictions on landscaping, pools, additions, decks and fencing. | OTTAWA
Legal |
| 7. | The Owner, or his agents, shall not commence or permit the commencement of any site related works until such time as a pre-construction meeting has been held with Planning, Development and Building Services Department staff and until the City issues a Commence Work Notification. | OTTAWA
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Zoning

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| 8. | The Owner agrees that prior to registration of the Plan of Subdivision, the Owner shall ensure that the proposed Plan of Subdivision shall conform with a Zoning By-law approved under the requirements of the <i>Planning Act</i> , with all possibility of appeal to the Ontario Municipal Board exhausted. | OTTAWA
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Such amendment to the Zoning By-law, aside from use and general provisions shall also take in account setbacks (as detailed on the Pinery Estates Draft Plan of Subdivision, dated January 14, 2016) required as a result of the Environmental Impact Statement, Noise Study and Mineral Aggregate Impact Assessment.

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| 9. | The Owner undertakes and agrees that prior to the registration of the Plan of Subdivision, the Owner shall deliver to the City a certificate executed by an Ontario Land Surveyor showing that the area and frontage of all lots and blocks within the Subdivision are in accordance with the applicable Zoning By-law. | OTTAWA
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Roadway Modifications

10. The Owner shall pay all expenses associated with all works related to roadway modifications, and shall provide financial security in the amount of 100% of the cost of implementing the required works. **OTTAWA Planning**

Highways/Roads

11. The Owner shall provide for temporary turn-arounds for all streets terminating at the edge of any phase of development, prior to registration of the Plan, to the satisfaction of the General Manager, Planning, Development and Building Services Department. The Owner agrees that it will convey to the City at no cost any temporary easements that may be required in order to establish the temporary turn-arounds. Turning circle(s) may include a 0.3 metre reserve along the perimeter of any temporary turning circle(s), to the satisfaction of the General Manager, Planning, Development and Building Services Department. For any portion of the temporary turn-around easements that do not form part of the permanent road allowance, the easements shall be released at the expense of the Owner when the easements are no longer required by the City. **OTTAWA Planning**
12. Any dead ends and/or open spaces of road allowances created by this plan of subdivision shall be terminated in 0.3 metre reserves. This may include a 0.3 metre reserve along any temporary turning circle. **OTTAWA Planning Legal**
13. The Owner shall provide the following site triangles on the final plan:
- Both sides of intersection of Whitetail Dr and Unnamed Rd on Draft Plan (lots 10 and 28 of Phase III)
 - Both sides of intersections of Unnamed Rd and Spruce Ridge Rd. (Phase III)
 - Both sides of intersection of Unnamed Rd and Unnamed Cul-de-sac (lots 36 and 37 Phase III)
- OTTAWA Planning Legal**
14. The Owner agrees to provide a construction traffic management plan for the subdivision prior to the earlier of registration of the Agreement or early servicing. Such plan shall be to the satisfaction of the General Manager, Planning, Development and Building Services Department. **OTTAWA Planning**
15. The design of all roads and intersections shall be to the satisfaction of the General Manager, Planning Development and Building **OTTAWA Planning**

Services Department.

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| 16. | The Owner acknowledges that the construction of buildings may be restricted on certain lots and/or blocks until such time as road connections are made so that snowplow turning and garbage collection can be implemented to the satisfaction of the General Manager, Planning, Development and Building Services Department. | OTTAWA
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Geotechnical

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| 17. | <p>The Owner shall submit a geotechnical report prepared in accordance with the City's Approved Geotechnical and Slope Guidelines for Development Applications by a geotechnical Engineer, licensed in the Province of Ontario, containing detailed information on applicable geotechnical matters and recommendations which matters may include, where applicable, but are not limited to:</p> <ul style="list-style-type: none"> i. identification of sub-surface soils conditions per ASTM, groundwater conditions; ii. slope stability and erosion protection, in addition to any building construction requirements adjacent to unstable slopes; iii. design and construction of underground services to the building, including differential settlement near any buildings or structures; iv. design and construction of the shared water services and sewer services below the stacked units and confirmation that the soils will support the pipes and building, and that any settlement will not adversely effect the pipes; v. design and construction of roadways, fire routes and parking lots; vi. design and construction of retaining walls and/or slope protection; vii. design and construction of engineered fill; viii. design and construction of building foundations; ix. site dewatering; xii. tree planting; xiii. design and construction of swimming pools; and xvi. any restrictions to landscaping, in particular type and size of trees and the proximity of these to structures/buildings; and xvii. design and construction of park blocks. | OTTAWA
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Landscaping/Streetscaping

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| 18. | <p>The Owner agrees that for all single detached and semi-detached lots, a minimum of 1 tree per interior lot and 2 trees per exterior side yard lots shall be provided on the Landscape Plan to the satisfaction of the General Manager, Planning, Development and Building Services Department. Said streetscape plan shall also include trees at a 6-8 metre on-centre separation distance the full extent of the road right-of-way abutting the future park block(s). Should specific site constraints prevent said allocation of trees, the required plantings shall be provided within any proposed park(s), open space or environmental blocks, non-residential road right-of-way frontages, stormwater management facility(s), or other suitable alternative location, to the satisfaction of the General Manager, Planning, Development and Building Services Department.</p> | <p>OTTAWA
Planning</p> |
| 19. | <p>The Owner agrees to have a landscape plan for the draft plan of subdivision prepared by a Landscape Architect. The landscape plan shall include detailed planting location and species list, pathway width and materials, access points, fencing requirements and fencing materials and shall be approved by the General Manager, Planning, Development and Building Services Department prior to subdivision registration.</p> | <p>OTTAWA
Planning
Forestry
Services</p> |
| 20. | <p>The Owner agrees to implement the approved landscape plan to the satisfaction of the General Manager, Development and Building Services Department.</p> | <p>OTTAWA
Planning
Forestry
Services</p> |
| 21. | <p>The Owner agrees to update the tree conservation report measures, namely the Inspection Report and Management Recommendations for Tree Conservation and Planting, dated October, 2002, prepared by William W. Hall R.P.F., Opeongo Forestry Service). The updated report must be prepared in accordance with City Specifications and Standards.</p> | <p>OTTAWA
Planning
Forestry
Services</p> |
| 22. | <p>The Owner agrees that all proposed landscape plantings for the site shall consist of locally appropriate native species where possible, and that only native species shall be planted in or adjacent to natural areas. Non-native invasive species (including but not limited to Norway Maple, Amur Maple, Black Locust, Scots Pine and all non-native Honeysuckles) shall not be included in the planting plan.</p> | <p>OTTAWA
Planning
Forestry
Services</p> |
| 23. | <p>The Owner agrees to implement the approved tree conservation report measures, prepared in accordance with City Specifications and Standards following registration of the plan, at the cost of the Owner. The Owner shall provide the General Manager, Planning,</p> | <p>OTTAWA
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Forestry
Services</p> |

Development and Building Services Department with an arborist's, forester's, landscape architect's, or other qualified professional's certification that the plan has been fully implemented.

Parks

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| 24. | In accordance with the <i>Planning Act</i> and the City of Ottawa Parkland Dedication By-law, the Owner shall: | OTTAWA
Planning |
| | i. Provide cash-in-lieu of parkland on the subject lands within Ward 5 - West Carleton March, such value of the land to be determined by the City's Realty Services Branch. The Applicant shall bear the cost of any appraisal costs incurred by the City. | |

All to the satisfaction of the General Manager, Recreation, Cultural and Facility Services Department.

Environmental Constraints

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| 25. | The Owner acknowledges that the Huntley Wetland Complex is subject to the Mississippi Valley Conservation Authority's "Prohibited Activities, Exemptions and Permits" regulation, made under Section 28 of the <i>Conservation Authorities Act</i> , R.S.O. 1990, c. C.27, as amended. The regulation requires that the Owner of the property obtain a permit from the Conservation Authority prior to straightening, changing, diverting, or interfering in any way with any watercourse. Any application received in this regard will be assessed within the context of approved policies for the administration of the regulation. | OTTAWA
Planning
MVCA |
| 26. | The Owner shall have an Environmental Impact Statement prepared, in accordance with the policies of the Official Plan, to the satisfaction of the General Manager, Planning, Development and Building Services Department. | OTTAWA
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MVCA |
| 27. | The Owner agrees to establish a 30 metre "No Touch/No Site Alterations or Development" setback along the Provincially Significant Wetland boundary, namely the Huntley Wetland Complex, as described in the draft plan of subdivision, Pinery Estates Phase 3 and 4, as revised dated June 7, 2007. The final approved plan of subdivision shall clearly show this setback. | OTTAWA
Planning
MVCA |
| 28. | The Owner acknowledges and agrees that an update to the Wetland Boundary Evaluation and Impact Assessment, Deerwood Estates, Phases 3 and 4, City of Ottawa, prepared by Ecotec | OTTAWA
Planning |

Environmental Consultants Inc, dated November 29, 2002, will be required. Any refinements to the wetland boundary for part of the Huntley Wetland Complex within the subject subdivision is subject to the Ministry of Natural Resources and Forestry's (MNR's) most current approvals process under the Planning Act and the City of Ottawa's Official Plan. In addition,

- Proof of upload/acceptance must be provided to the City.
- The owner shall provide written acknowledgement that the subdivision plans may necessitate an adjustment, if required, according to the MNR Ontario Wetland Evaluation System.

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| 29. | The Owner acknowledges and agrees that the construction of the subdivision shall be in accordance with the recommendation of updated Environmental Impact Statement. | OTTAWA
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| 30. | The Owners shall erect protective fencing along the setback perimeter of the wetland boundary prior to any site preparation works within the Subdivision to ensure no disturbance of the wetland during construction to the satisfaction of the Mississippi Valley Conservation Authority. These measures shall be maintained in good working order until the site has stabilized, after which any such measures that are not permanent shall be removed in a manner that minimizes disturbance to the site. If an up-to-date Environmental Impact Statement (EIS) determines that Species at Risk (SAR) may be harmed by protective fencing or that careful timing or mitigation measures may be necessary, the Owner shall consult with the City prior to implementation. | OTTAWA
Planning
MVCA |
| 31. | The Owner agrees to, prior to registration, early servicing or commence work whichever comes first, to submit an Information Gathering Form (IGF) to the Ministry of Environment, Conservation and Parks (MECP) to ensure due diligence as it concerns Species at Risk (SAR) and the Endangered Species Act. An Overall Benefit Permitting Process may or may not be required, as a result of the MECP IGF, as determined by that agency and based on the most up-to-date project information available, including an up-to-date and comprehensive Environmental Impact Statement (EIS) and detailed concept plan. | OTTAWA
Planning
MECP |
| 32. | The Owner shall prepare, to the satisfaction of the General Manager, Planning, Development and Building Services Department, an Owner Awareness Package highlighting the advantages and responsibilities of a homeowner living in or adjacent to a natural area. The OAP shall describe the natural attributes of the subdivision and the importance of good | OTTAWA
Planning |

stewardship practices to ensure the long-term health and sustainability of the Huntley Wetland Complex and associated significant woodlands. Topics to be discussed include, but are not limited to, reducing environmental impacts from common household activities (e.g., water conservation, yard waste disposal, chemical use and storage, etc.), avoiding human-wildlife conflicts, and recommendations of locally appropriate native species for landscaping. The OAP shall be distributed to all purchasers with the Agreement of Purchase and Sale.

33.

The Owner acknowledges that the endangered Butternut Tree Species is present on or adjacent to the property, and special legislative requirements must be met. Prior to registration, early servicing, or any on-site works that might result in injury or destruction of butternut trees, the Owner shall obtain a Butternut Health Assessment by a Qualified Butternut Health Expert (BHE) at the appropriate time of the year (leaf-on). The assessment shall categorize the individual Butternut trees present (Category 1 through 3) and determine conservation requirement. The most up-to-date legislation and policies shall be adhered to. Furthermore, if significant time lapses between the Butternut Assessment and the proposed site alterations, a new assessment may be required as per the requirements of the Ministry of Environment, Conservation and parks.

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34.

Prior to registration of the subdivision, or of each phase thereof, the Owner shall ensure that the Environmental Impact Statement (EIS) and/or the Tree Conservation Report (TCR) are updated as necessary to reflect the final plan as approved. The proponent must address any impacts and mitigation measures that may be required as a result of changes to the draft plan, or changes in the known environmental context of the site. This update shall be to the satisfaction of the General Manager, Planning, Development and Building Services Department, and shall include, but not be limited to, the following:

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- A review of the current list of Species at Risk in Ottawa and the associated regulatory lists at the provincial and national level, in comparison with the species list for the site compiled as part of the EIS and the most recent species occurrence data available from the Natural Heritage Information Centre. The purpose of this review is to ensure that any species at risk either added to the regulations or discovered in the vicinity of the site since the submission of the original EIS are not overlooked.
- Re-assessment of the anticipated impacts and mitigation measures, based on the final plans and updated technical

information.

- Confirmation that the significant features and ecological functions are protected from negative impacts, with any necessary adjustments to the recommended mitigation measures to reflect changes in the draft plan, or recommendation of additional mitigation measures if warranted.

- 35.** At the completion of each phase of the development, and prior to the commencement of each subsequent phase, the Owner shall ensure that the conditions of approval and associated mitigation measures as described in the EIS and TCR have been implemented to the satisfaction of the General Manager, Planning, Development and Building Services Department. Any necessary amendments to these conditions or mitigation measures, based on observed effectiveness or opportunities for improvement, shall be documented and approved by the City of Ottawa.
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Planning**

Schools

- 36.** The Owner is required to inform prospective purchasers that school accommodation pressures exist in the Ottawa-Carleton District School Board schools designated to serve this development, which are currently being addressed by the utilization of portable classrooms and/or by directing students to schools outside their community.
- OCDSB**

Archaeology

- 37.** The Owner acknowledges having been required to retain a licensed consultant archaeologist to undertake an archaeological assessment of the entire property, including 1:10,000 scale mapping, "Archaeological Site Record" and report(s).
- The Owner agrees to implement the recommendations of the approved assessment, including mitigation, through preservation or removal and documentation of archaeological resources; and the Owner agrees that no site works shall take place until any archaeological resource conservation concerns have been addressed.
- All of the above noted condition shall be to the satisfaction of the Ministry of Tourism, Culture and Sport and the General Manager, Planning, Development and Building Services Department.
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Planning
Ministry
Tourism,
Culture
and Sport**

Stormwater Management

- 38.** The Owner shall provide to the General Manager, Planning, Development and Building Services Department any and all stormwater reports that may be required by the City for approval prior to the commencement of any works in any phase of the Plan of Subdivision. Such reports shall be in accordance with any watershed or subwatershed studies, conceptual stormwater reports, City or Provincial standards, specifications and guidelines. The reports shall include, but not be limited to, the provision of erosion and sedimentation control measures, implementation or phasing requirements of interim or permanent measures, and all stormwater monitoring and testing requirements. All reports shall be to the satisfaction of the General Manager, Planning, Development and Building Services Department.
- OTTAWA
Planning
MVCA**
- 39.** Prior to the commencement of construction of any phase of this Subdivision (roads, utilities, any off site work, etc.) the Owner shall:
- i. have a Stormwater Management Plan and an Erosion and Sediment Control Plan prepared by a Professional Engineer in accordance with Current Best Management Practices,
 - ii. provide all digital models and modelling analysis in an acceptable format,
 - iii. have said plans approved by the General Manager, Planning, Development and Building Services Department, and
 - iv. provide certification to the General Manager, Planning, Development and Building Services Department through a Professional Engineer that the plans have been implemented.
- Any changes made to the Plan shall be submitted to the satisfaction to the City of Ottawa and the Mississippi Valley Conservation Authority.
- The Owner shall implement an inspection and monitoring plan to maintain erosion control measures.
- 40.** On completion of all stormwater works, the Owner shall provide certification to the General Manager, Planning, Development and Building Services Department through a Professional Engineer that all measures have been implemented in conformity with the approved Stormwater Site Management Plan.
- OTTAWA
Planning**
- 41.** Prior to the registration, or the making of an application for a Ministry of Environment, Environmental Compliance Approval, for
- OTTAWA
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any stormwater works, whichever event first occurs, the Owner shall prepare a Stormwater Site Management Plan in accordance with a Conceptual Stormwater Site Management Plan for Pinery Woods, Phases III & IV prepared by McIntosh Perry Consulting Engineers and dated December 2002. The Stormwater Site Management Plan shall identify the sequence of its implementation in relation to the construction of the subdivision and shall be to the satisfaction of the General Manager, Planning, Development and Building Services Department and the Mississippi Valley Conservation Authority.

MVCA

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| 42. | The Owner shall maintain the stormwater management pond in accordance with the recommendations of the Stormwater Management Plan and to the satisfaction of the General Manager, Planning, Development and Building Services Department until such time as the stormwater management pond has been given Final Acceptance and assumed by the City of Ottawa. | OTTAWA
Planning |
| 43. | The Owner shall design and construct, as part of the stormwater management infrastructure, at no cost to the City, a monitoring facility or facilities and vehicular access to the satisfaction of the General Manager, Planning, Development and Building Services Department. | OTTAWA
Planning |
| 44. | The Owner agrees that the development of the Subdivision shall be undertaken in such a manner as to prevent any adverse effects, and to protect, enhance or restore any of the existing or natural environment, through the preparation of any storm water management reports, as required by the City. All reports are to be approved by the General Manager, Planning, Development and Building Services Department prior to the commencement of any Works. | OTTAWA
Planning |
| 45. | The Owner covenants and agrees that the following clause shall be incorporated into all agreements of purchase and sale for the whole or any part of a lot or block on the Plan of Subdivision, and registered separately against the title: | OTTAWA
Legal |
- “The Owner acknowledges that some of the rear yards within this subdivision are used for on-site storage of infrequent storm events. Pool installation and/or grading alterations on some of the lots may not be permitted and/or revisions to the approved Subdivision Stormwater Management Plan Report may be required to study the possibility of pool installation on any individual lot. The Owner must obtain approval of the General Manager, Planning, Development and Building Services Department of the City of Ottawa prior to

undertaking any grading alterations.”

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| 46. | The owner agrees to review and abide by all conditions listed in stormwater CLI-ECA 008-S701 and sanitary CLI-ECA 008-W601. This shall include but not be limited to submission of all required forms, consents and verifications. The owner further agrees to provide all its consultants, contractors or sub-contractors, and agents who may be involved in carrying out work on, or operate any aspect of, the Authorized System with a copy of this condition. | OTTAWA
Planning |
| 47. | The design of the subdivision shall be in accordance with the recommendations found in Section 3-E of the “Inspection Report and Management Recommendations for Tree Conservation and Planting, dated October 2002, prepared by Opeongo Forestry Service”. | OTTAWA
Planning |
| 48. | The design of the subdivision shall be in accordance with the recommendations found in the Report “Wetland Impact Assessment and Review of Management Agreement – Deerwood Estates, Phase 3 and 4 – City of Ottawa, dated November 2002, prepared by Ecotec Environmental Consultants Inc”. | OTTAWA
Planning /
MVCA |
| 49. | The sewage disposal systems will be designed in accordance with the recommendations contained in the report “Terrain Analysis and Hydrogeological Investigation, Pinery Phase 3 and 4 Subdivision, dated November 2002, prepared by Gorrell Resource Investigations, and future addenda, and the Ontario Building Code and Ontario Regulation 358. | OTTAWA
Planning |
| 50. | All wells will be drilled up gradient of the sewage disposal systems and the construction shall be supervised by a Professional Geoscientist or Professional Engineer competent to practice professional geoscience, licensed in the Province of Ontario. | OTTAWA
Planning |
| 51. | <p>The offer of purchase and sale will include wording that notifies prospective purchasers of the following:</p> <ul style="list-style-type: none"> i. Water quality on site could be variable and water treatment systems may be required. ii. Fluoride levels in the water from drilled wells could be above health limits and re-drilling may be required to obtain safe water. iii. If fluoride levels above 1.5 mg/L are detected in routine analysis then the local Medical Officer of Health must be notified. | OTTAWA
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- iv. Deep drilling may be required to obtain sufficient quantity for domestic use.
- v. Lots adjoining the wetland area are to have additional wording regarding the total prohibition of development within the wetland areas to the rear of their properties and in the buffer zones adjacent to the wetland areas.

52.	The Owner acknowledges that a formal permit required under the regulation <i>Prohibited Activities, Exemptions and Permits</i> must be obtained from the Mississippi Valley Conservation Authority prior to commencing any on-site works in or adjacent to Huntley Wetland Complex.	OTTAWA Legal / MVCA
<u>Unserviced Lands</u>		
53.	The Owner agrees that all well construction, including test wells, shall be in accordance with the recommendations of the approved Hydrogeological and Terrains Analysis Report, and that certification by a Professional Engineer or Professional Geoscientist will be provided to the City of Ottawa in this regard. The Owner shall advise all prospective lot purchasers, in the agreements of purchase and sale and in the Deed(s), of these certification requirements.	OTTAWA Planning
54.	The Owner is advised that a clause will be inserted into the Subdivision Agreement requiring that all agreements of purchase and sale shall include the following notification. “The City of Ottawa does not guarantee the quality or quantity of the groundwater. If, at some future date, the quality or the quantity of the groundwater becomes deficient, the City of Ottawa bears no responsibility, financial or otherwise, to provide solutions to the deficiency, such solutions being the sole responsibility of the homeowner.”	OTTAWA Planning / Legal
55.	The Owner is advised that a clause shall be included in the Subdivision Agreement requiring that all Offers of Purchase and Sale, shall include a notification, in wording acceptable to the City, advising that the sodium levels in well water may exceed 20 mg/l. the City Medical Officer of Health recommends that persons with cardiac problems such as hypertension, etc. should discuss this matter with their family physician prior to accepting an offer of purchase.	OTTAWA Public Health / Legal

- 55.** The registration of this subdivision shall be phased. Each phase of registration is to contain not more than 40 lots. Prior to the registration of each phase other than the first phase, the Owner shall submit a performance review of the operation of wells and private sewage disposal systems in the previous phase(s) of the development. Such review shall demonstrate that the previous phase(s) are operating satisfactorily. A Professional Engineer, with experience in hydrogeology, or a Professional Geoscientist shall prepare the performance review.

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The final number of lots required for analysis must be supported in the performance review, but in any case the performance review shall only be prepared and submitted for review when a minimum of 50% of the lots in the previous phase have been built and occupied for not less than three seasons, and, when requesting the registration of any phase beyond the second phase, a representative number of lots, to the satisfaction of the General Manager, Planning, Development and Building Services Department in the older phases must also be analysed.

Further, the Owner agrees that prior to the registration of each phase, lots in that phase or any subsequent phase will not be offered for sale.

- 57.** Prior to registration of Phase 3, the Owner(s) shall submit a Hydrogeological and Terrain Analysis Report prepared in accordance with the City's Hydrogeological and Terrain Analysis Guidelines, prepared by a Professional Geoscientist or Professional Engineer competent to practice professional geoscience, and currently licensed in the Province of Ontario. Barium has been noted in exceedance of the Ontario Drinking Water Standard, among other water quality and quantity issues, which will affect the proposed lot configuration. A revised draft plan shall be provided representing areas of the Phase 3 area which cannot be developed due to the above concerns.

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| 58. | <p>Prior to registration of Phase 4, the Owner(s) shall submit a Hydrogeological and Terrain Analysis Report prepared in accordance with the City's Hydrogeological and Terrain Analysis Guidelines, prepared by a Professional Geoscientist or Professional Engineer competent to practice professional geoscience, and currently licensed in the Province of Ontario. Barium has been noted in exceedance of the Ontario Drinking Water Standard, among other water quality and quantity issues, which will affect the proposed lot configuration. A revised draft plan shall be provided representing areas of the Phase 4 area which cannot be developed due to the above concerns.</p> | <p>OTTAWA
Planning</p> |
| 59. | <p>The Owner agrees that any operation involving groundwater extraction (e.g. groundwater source open loop heat pumps) within the development shall not be permitted unless a detailed assessment of the water demand on the overall aquifer is completed.</p> | <p>OTTAWA
Planning</p> |
| 60. | <p>The Owner shall provide a dedicated monitoring well, at no cost to the City, and to which the City will have unlimited access by way of a permanent easement dedication, to monitor groundwater conditions. Where the subdivision has a number of phases, one monitoring well shall be required for each phase of development. The limits of the block shall be extended 5 metres by 5 metres around the monitoring well so as to not encroach on the 6 metre wide pathway.</p> | <p>OTTAWA
Planning</p> |
| <p><u>Utilities</u></p> | | |
| 61. | <p>The Owner shall by written notice to all telecommunication carriers and distribution undertakings regulated by the Canadian Radio-Television and Telecommunications Commission and operating within the City, and as specified by the City, provide the opportunity to install, repair and maintain equipment in a common utilities trench within all future road allowances, and up to but not interfacing with or connecting to, individual dwelling or commercial building units.</p> | <p>Bell
Enbridge
Hydro One
Rogers</p> |
| 62. | <p>The Owner acknowledges and agrees to enter into such agreements and provide such easements which may be required, but not limited to, drainage, servicing, electrical, gas, telephone, and cablevision facilities, to the satisfaction of the appropriate authority, and the Owner shall ensure that these easement documents are registered on title immediately following registration of the final plan, and the affected agencies are duly notified.</p> | <p>Bell
Enbridge
Hydro One
Rogers</p> |
| 63. | <p>Where the relocation or removal of any existing on-site/adjacent</p> | <p>Bell</p> |

utility facility, including water, sewer, electrical, gas, telephone and cablevision, is required as a direct result of the development, the Owner shall pay the actual cost associated therewith to the satisfaction of the appropriate utility authority.

**Enbridge
Hydro One
Rogers**

- 64.** The Owner shall coordinate the preparation of an overall utility distribution plan showing the location and installation, timing and phasing of all required utilities, including on-site drainage facilities and streetscaping
- Bell
Enbridge
Hydro One
Rogers**
- 65.** The Owner shall grade all streets to final elevation prior to the installation of the gas lines and provide the necessary field survey information required for the installation of the gas lines, all to the satisfaction of Enbridge Gas Distribution.
- Enbridge**
- 66.** That all of the natural gas distribution system will be installed within the proposed road allowances and/or walkway blocks; easements may be required.
- Enbridge**
- 67.** That prior to commencing any work within the plan, the developer must confirm that sufficient wire-line communication/telecommunication infrastructure is currently available within the proposed development to provide communication/telecommunication service to the proposed development. In the event that such infrastructure is not available, the developer is hereby advised that the developer may be required to pay for the connection to and/or extension of the existing communication /telecommunication infrastructure. If the developer elects not to pay for such connection to and/or extension of the existing communication /telecommunication infrastructure, the developer shall be required to demonstrate to the municipality that sufficient alternative communication /telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication /telecommunication service for emergency management services (i.e., 911 Emergency Services).
- Bell**

Noise Attenuation

- 68.** That the Owner agrees to implement the Noise Study undertaken by Daley Ferraro Associates (*dfa*), dated November 2004. All structural mitigation measures required as a result of such study must be constructed to current City of Ottawa standards, such as the 3m high noise berm constructed along the southern property line of the proposed development. The Owner shall provide, prior to final building inspection, certification to the General Manager,
- OTTAWA
Planning
Legal**

Planning, Development and Building Services Department, through a Professional Engineer, that the noise control measures have been implemented in accordance with Noise Study undertaken by Daley Ferraro Associates (*dfa*), dated November 2004.

- 69.** The Owner agrees that all purchase and sale agreements and Deed for the whole or any part of the lot/block on the Plan of Subdivision shall contain the following clauses that shall be incorporated in all Transfers/Deeds from the Owner so that the clauses shall be covenants running with the lands in the Subdivision.
- OTTAWA
Planning
Legal**

"Purchasers are advised that due to the proximity of the adjacent facility, the Ottodrome International Speedway, sound levels from the facility may at times interfere with outdoor activities at some locations."

- 70.** The Owner agrees that all purchase and sale agreements and Deed for the whole or any part of the lot/block on the Plan of Subdivision shall contain the following clauses that shall be incorporated in all Transfers/Deeds from the Owner so that the clauses shall be covenants running with the lands in the Subdivision.
- OTTAWA
Planning
Legal**

"Purchasers/land owners are advised that there is a licensed quarry greater than 500 metres away and that, from time to time, they may experience noise and/or vibration as a result of the ongoing operations."

Land Transfers

- 71.** The Owner shall convey, at no cost to the City, all lands required for public purposes, including but not limited to, reserves, road widenings, daylighting triangles, walkway blocks, open space blocks, lands required for parks (or cash-in-lieu thereof) and for storm water management. In particular, the Owner shall convey, at no cost to the City, the following lands:
- OTTAWA
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- i) Pathway, Walkway or Servicing Blocks –
- ii) Open Space Blocks –
- iii) Watercourses (buffer strips/riparian corridors) -
- iv) Park Blocks –
- v) Storm Water Management Blocks –
- vi) Road Widening Blocks –
- vii) 0.3 m Reserve Blocks –
- viii) Daylighting Triangles –

- ix) Transit Corridors –
- x) Wetlands –

- 72.** The Owner shall convey, at no cost to the City, any easements that may be required for the provision of water and wastewater systems, in addition to underground or overland stormwater drainage systems. **OTTAWA Planning Legal**

Development Charges By-law

- 73.** The Owner acknowledges that some of the works of the Subdivision are eligible for development charges revenues pursuant to the City's applicable Development Charges By-law and background study, as well as budget approval by City Council where required. Such contributions are to be determined and agreed to by the City, prior to the commencement of the associated Works or as agreed to by the City. The Owner agrees to enter into any agreements that may be required pursuant to the applicable Development Charges By-law. **OTTAWA Planning Legal**

- 74.** The Owner shall inform the purchaser after registration of each lot or block of the development charges that have been paid or which are still applicable to the lot or block. The applicable development charges shall be as stated as of the time of the conveyance of the relevant lot or block and the statement shall be provided at the time of the conveyance. The statement of the Owner of the applicable development charges shall also contain the statement that the development charges are subject to changes in accordance with the *Development Charges Act, 1997* and the *Education Development Charges Act*. **OTTAWA Planning Legal**

75. Parkland Development Contribution

The Owner acknowledges and agrees to pay to the City a park development contribution for each lot on the plan at the Council-approved rate at the time of registration, in order to satisfy the park development requirements for this subdivision. **OTTAWA Parks Planning Legal**

- 76.** The Owner acknowledges and agrees to enter into any front-ending agreements with the City of Ottawa for (specify the works) that are anticipated to be required in advance of the time as approved by Council. The City shall repay the Owner for the cost of works as noted herein in accordance with the approved Front-Ending Policy of the City's Development Charge By-law, and subject to budget approval of the required expenditure by City Council in the year in **OTTAWA Planning Legal**

which it is approved.

77.

The Owner acknowledges that for building permits issued after January 15, 2010, payment of non-residential development charges, excluding development charges for institutional developments, may be calculated in two installments at the option of the Owner, such option to be exercised by the Owner at the time of the application for the building permit. The non-discounted portion of the development charge shall be paid at the time of issuance of the building permit and the discounted portion of the development charge shall be payable a maximum of two years from the date of issuance of the initial building permit subject to the following conditions:

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- (a) a written acknowledgement from the Owner of the obligation to pay the discounted portion of the development charges;
- (b) no reduction in the Letter of Credit below the amount of the outstanding discounted development charges; and
- (c) indexing of the development charges in accordance with the provisions of the Development Charges By-law.

The Owner further acknowledges that Council may terminate the eligibility for this two stage payment at any time without notice, including for the lands subject to this agreement and including for a building permit for which an application has been filed but not yet issued.

For the purposes of this provision, “discounted portion” means the costs of eligible services, except fire, police and engineered services, that are subject to 90% cost recovery of growth-related net capital costs for purposes of funding from development charges. The 10% discounted portion, for applicable services, must be financed from non-development charge revenue sources.

“Non-discounted portion” means the costs of eligible services, fire, police and engineered services, that are subject to 100% cost recovery of growth-related net capital costs for purposes of funding from development charges.

Survey Requirements

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|-----|--|--------------------|
| 78. | The Owner shall provide the final plan intended for registration in a digital format that is compatible with the City's computerized system. | OTTAWA
Planning |
| 79. | The Plan of Subdivision shall be referenced to the Horizontal Control Network in accordance with the City requirements and guidelines for referencing legal surveys. | OTTAWA
Surveys |
| 80. | The distance from the travelled Centreline of all existing adjacent roads to the subdivision boundary should be set out in the Plan of Subdivision. | OTTAWA
Surveys |

Closing Conditions

- | | | |
|-----|---|--------------------|
| 81. | The City Subdivision Agreement shall state that the conditions run with the land and are binding on the Owner's, heirs, successors and assigns. | OTTAWA
Legal |
| 82. | At any time prior to final approval of this plan for registration, the City may, in accordance with Section 51 (44) of the <i>Planning Act</i> , amend, delete or add to the conditions and this may include the need for amended or new studies. | OTTAWA
Legal |
| 83. | Prior to registration of the Plan of Subdivision, the City is to be satisfied that conditions 1 through to 86 have been fulfilled. | OTTAWA
Planning |
| 84. | The Owner covenants and agrees that should damage be caused to any of the Works in this Subdivision by any action or lack of any action whatsoever on its part, the General Manager, Planning, Development and Building Services Department may serve notice to the Owner to have the damage repaired and if such notification is without effect for a period of two full days after such notice, the General Manager, Planning, Development and Building Services Department may cause the damage to be repaired and shall recover the costs of the repair plus the Management Fees under Section 427, of the <i>Municipal Act, 2001</i> , like manner as municipal taxes. | OTTAWA
Planning |
| 85. | If the Plan(s) of Subdivision, including all phases within the draft approved plan of subdivision, has not been registered by November 9, 2028, the draft approval shall lapse pursuant to Section 51 (32) of the <i>Planning Act</i> . Extensions may only be granted under the provisions of Section 51 (33) of said <i>Planning Act</i> prior to the lapsing date. | OTTAWA
Planning |

- 86.** The owner shall pay any outstanding taxes owing to the City of Ottawa prior to registration.

**OTTAWA
Planning
Revenue**