

Attachment-5 Proposed Amendments to Conditions of Draft Plan Approval

Existing condition 2:

Prior to the development of Blocks 7, 12, 14, 15, 16, 19, 20, 22, 23, 25, 28, 31, 37, 38, the developers shall enter into a Site Servicing Agreement and Subdivision Agreement and a Cost Sharing or Front-ending Agreement with the City to the satisfaction of the City in order to ensure that all benefiting lands to the draft plan are serviced with full municipal services and all associated costs are paid to the City, as calculated by the City and to the satisfaction of the City, prior to the development of these Blocks in the plan.

Proposed condition 2:

Prior to the development of Blocks 7, 12, 14, 15, 16, 19, 20, 22, 23, 25, 28, 31, 33, 37, 38, the developers shall enter into a Site Servicing Agreement and Subdivision Agreement and a Cost Sharing or Front-ending Agreement with the City to the satisfaction of the City in order to ensure that all benefiting lands to the draft plan are serviced with full municipal services and all associated costs are paid to the City, as calculated by the City and to the satisfaction of the City, prior to the development of these Blocks in the plan.

Existing Condition 3:

That the Developer complete a tree inventory and conservation plan, satisfactory to the City Engineer in accordance with City of Guelph By-law (2010)-19058 prior to any grading or construction on the site. Unless recommended for removal, due to health, condition and/or hazard potential by a Certified arborist, in good standing with the International Society of Arboriculture, the three existing maple trees located in proximity to the Crawley heritage house on Block 33, as well as the lilac shrubs surrounding the farm house will be preserved as part of the tree conservation plan immediately to the north of Forestell Road, comprise approximately 19 trees. The single hop hornbeam tree (*Ostrya virginiana*) will be preserved with a tree protection zone that will extend one metre past the dripline of the tree. To the extent that the approved tree inventory and conservation plan provides for the removal of any of the remaining trees other than the hop hornbeam tree, replacement trees shall be planted at appropriate locations.

Proposed condition 3:

That the Developer complete a tree inventory and conservation plan, satisfactory to the City Engineer in accordance with City of Guelph By-law (2010)-19058 prior to any grading or construction on the site. Unless recommended for removal, due to health, condition and/or hazard potential by a Certified arborist, in good standing with the International Society of Arboriculture, the three existing maple trees located in proximity to the Crawley heritage house on Block 33a, as well as the lilac shrubs surrounding the farm house will be preserved as part of the tree conservation plan immediately to the north of Forestell Road, comprise approximately 19 trees. The single hop hornbeam tree (*Ostrya virginiana*) will be preserved with a tree protection zone that will extend one metre past the dripline of the tree. To the extent that the approved tree inventory and conservation plan provides for the removal of any of the remaining trees other than the hop hornbeam tree, replacement trees shall be planted at appropriate locations.

Proposed Conditions of Draft Plan Approval

1. That this approval applies only to the draft plan of subdivision dated May 15, 2006, prepared by Astrid J. Clos Planning Consultants (Project No. 0581).

Conditions to be met prior to rezoning of specific Blocks

2. Prior to the development of Blocks 7, 12, 14, 15, 16, 19, 20, 22, 23, 25, 28, 31, 33, 37, 38, the developers shall enter into a Site Servicing Agreement and Subdivision Agreement and a Cost Sharing or Front-ending Agreement with the City to the satisfaction of the City in order to ensure that all benefiting lands to the draft plan are serviced with full municipal services and all associated costs are paid to the City, as calculated by the City and to the satisfaction of the City, prior to the development of these Blocks in the plan.

Conditions to be met prior to grading and site alteration

3. That the Developer complete a tree inventory and conservation plan, satisfactory to the City Engineer in accordance with City of Guelph By-law (2010)-19058 prior to any grading or construction on the site. Unless recommended for removal, due to health, condition and/or hazard potential by a Certified arborist, in good standing with the International Society of Arboriculture, the three existing maple trees located in proximity to the Crawley heritage house on Block 33a, as well as the lilac shrubs surrounding the farm house will be preserved as part of the tree conservation plan immediately to the north of Forestell Road, comprise approximately 19 trees. The single hop hornbeam tree (*Ostrya virginiana*) will be preserved with a tree protection zone that will extend one metre past the dripline of the tree. To the extent that the approved tree inventory and conservation plan provides for the removal of any of the remaining trees other than the hop hornbeam tree, replacement trees shall be planted at appropriate locations.
4. That the Developer agrees to stabilize all disturbed soil within 90 days of being disturbed, control all noxious weeds and keep ground cover to a maximum height of 150 mm (6 inches) until the release of the subdivision agreement on the block/lot so disturbed.
5. That the Developer agrees to prepare a construction traffic access and control plan for all phases of servicing and building construction to the satisfaction of the City Engineer. Any costs related to the implementation of such a plan shall be borne by the Developer. Any repair of damage or maintenance required to surrounding streets as a result of such traffic shall be at the Developers cost. Also, the use of Teal Drive and Downey Road shall be specifically excluded in the approved construction traffic access and control plan.
6. That the Developer agrees that no work, including, but not limited to tree cutting, grading or filling, will occur on the lands until such time as the Developer has obtained written permission from the City Engineer or has entered into a Subdivision Agreement with the City.
7. That Developer shall enter into an Engineering Services Agreement with the City, satisfactory to the City, if required by the City Engineer.
8. That the Developer prepare an overall site drainage and grading plan, satisfactory to the City Engineer, for the entire subdivision, prior to any grading or construction on the site. Such a plan will be used as the basis for a detailed lot grading plan to be submitted prior to the issuance of any building permit within the subdivision.
9. That the Developer constructs, installs and maintains erosion and sediment control facilities, satisfactory to the City Engineer, prior to any grading or construction on the subdivision lands in accordance with a plan that has been submitted to and approved by the City Engineer.

10. That the Developer shall provide a qualified environmental inspector, satisfactory to the General Manager of Planning and Building Services, to inspect the site during all phases of development and construction including grading, servicing and building construction. The environmental inspector shall monitor and inspect the erosion and sediment control measures and procedures, compliance with the Environmental Impact Study and the Environmental Implementation Report on a weekly or more frequent basis if required. The environmental inspector shall report on their findings to the City on a monthly or more frequent basis.

Conditions to be met prior to grading and site alteration

11. That the Developer shall submit a Storm Water Management Report and Plan to the satisfaction of the City Engineer which shows how storm water will be controlled and conveyed to the receiving water body. The report and plan shall address the issue of water quantity and quality in accordance with recognized best management practices, Provincial Guidelines and the Storm Water Management Design Report for the Hanlon Creek Watershed. Maintenance and operational requirements for any control and/or conveyance facilities must be described in a format to be made available to the City of Guelph's Operations Public Works Division.
12. That the Developer shall prepare an Environmental Implementation Report (EIR) based on terms of reference approved by the City and Grand River Conservation Authority (GRCA). The EIR shall confirm the recharge targets to be met and the developers' responsibilities to demonstrate how the recharge targets will be met through the site plan approval process. Such a report will include a monitoring program to assess the performance of the storm water management facilities and to assess seasonal trends in water levels in the core wetland through monitoring of water levels in the wetland. The monitoring program for stormwater facilities will include temperature and stream flow monitoring of Tributary A between Laird and Road A. Modeling of summer stream temperatures on a continuous-in-time model basis shall be undertaken to demonstrate that SWM Ponds 4 and 5 have no significant negative impact on cold water habitats in Tributary A from temperature increases to the satisfaction of GRCA. The following factors are to be considered in the modeling: (1) magnitude of temperature difference, (2) duration of discharge, and (3) characteristics of fish species. The EIR shall establish post-development recharge infiltration rate targets that set target infiltration rates on a block-by-block basis through a block-by-block groundwater infiltration reassessment taking into account the spatial distribution of infiltration with special attention to the effects of depressional topography. The Developer shall implement all recommendations of the EIR and establish an appropriate monitoring period to satisfaction of the City and GRCA. Further, the Developer shall address all items and recommendations expressed in the Hydrogeological Report, the Environmental Advisory Committee comments including the detailed comments from the City's former Environmental Planner and the Guelph Field Naturalists comments and include consideration of the Hanlon Creek State of the Watershed Study, to the satisfaction of the City and the GRCA, prior to the registration of the plan.
13. That any domestic wells located within the lands be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the City Engineer. Any boreholes drilled for hydrogeological or geotechnical investigations must also be properly abandoned.
14. That the developer shall carry out an archaeological assessment of the subject property and mitigate, through preservation or resource removal, adverse impacts to any significant archaeological resources found. No demolition, grading or any soil disturbances shall take place on the subject property, prior to the issuance of a letter from the Ministry of Citizenship, Culture and Recreation to the City indicating that all

archaeological assessment and/or mitigation activities undertaken have met licensing and resource conservation requirements.

15. Prior to any development or grading of the site, the developer shall submit to the City a report indicating how regular dust suppression will be accomplished during the construction phase of the subdivision.
16. That the Developer construct minimum 2-metre-high landscaped berms abutting Blocks 2, 3, 9, 10, 31, 32, 36 and 37 to the satisfaction of the General Manager of Planning, Urban Design and Building Services, prior to the registration of any phase of the development including the blocks abutting the berm.

Conditions to be met prior to execution of the subdivision agreement

17. That the Developer is responsible for the total cost of the design and construction of all municipal services required to service the lands including sidewalks, boulevards and curbs within and external to the limits of the plan of subdivision including roadworks, and sanitary, storm and water facilities unless otherwise funded under the provisions of a legal and binding agreement with another party. The distance and alignment of such services will be determined by the City of Guelph. In addition, the Developer will be required to pay the cost of the design, construction, and removal of any works of a temporary nature including temporary cul-de-sacs, sewers, stormwater management facilities, watermains and emergency accesses.
18. That the Developer pay a share of the cost of all existing municipal services within and abutting the proposed subdivision, as determined by the City Engineer.
19. That the Developer pays the cost of supplying and erecting street name and traffic control signs and traffic signals in the subdivision, to the satisfaction of the City.
20. That the Developer pays to the City the cost of installing bus stop pads at locations to be determined by Guelph Transit.
21. The Developer shall have engineering servicing drawings and final reports prepared for the approval of the City Engineer. These drawings must reflect the recommendations of all approved reports and studies prepared in support of this application. Such recommendations will be implemented at the cost of the Developer.
22. That the Developer shall submit a Geotechnical Report to the satisfaction of the City Engineer which describes the potential impacts of groundwater and provides recommendations for pavement design and pipe bedding.
23. That the Developer shall submit a Traffic Impact Study to the satisfaction of the City Engineer addressing vehicular site access, the potential impact of the development on the existing road network, and the design of traffic calming measures within existing and proposed roads.
24. That the Developer agrees to provide three second order, second level Geodetic Benchmarks in locations within the proposed subdivision to the satisfaction of the City Engineer.
25. That the Developer shall submit a Monitoring Plan to the satisfaction of the City Engineer for the existing sanitary sewer on Downey Road that will determine actual flows in this sewer as each phase of development is completed. At such time as actual flows reach a critical amount, as determined by the City Engineer, the Developer agrees to reconstruct the Downey Road sewer to provide additional capacity for subsequent phases of development.
26. That the Developer agrees that Street 'F' will not be constructed to connect to Forestell Road unless it is required to service future development south of Forestell Road. This condition, however, will not prevent Street 'F' from being partially constructed to allow local road access to Blocks 32 and 36. (Engineering)

27. That the Developer makes arrangements, satisfactory to the City Engineer, concerning the scheduling of the development and the developer's payment of cost for services for the subdivision.
28. That the Developer shall prepare a street tree planting plan to the satisfaction of the City and implement such plan to the satisfaction of the City.

Conditions to be met prior to the execution of the subdivision agreement

29. That the Developer shall be responsible for the design and development of the entire Pedestrian Open Space Trail System in-lieu of Parkland Dedication for the entire development, in accordance with the City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545, or any successor thereof, prior to the issuance of any building permits and to the satisfaction of the Deputy CAO of Public Services. The Developer's financial contribution toward this trail construction shall not exceed the cash-in-lieu of parkland dedication as required by the Planning Act.
30. Prior to the release of building permits, the Developer shall demarcate the boundary of all SWM Blocks and Open Space Blocks, in accordance with the City of "Guelph Property Demarcation Policy". This shall include submitting drawings for approval, identifying the living fence and/or chain link fence, to the satisfaction of the Deputy CAO of Public Services and the City Engineer. The Developer shall be responsible for the cost of design and development of the living fence and/or chain link fence for the SWM and Open Space Blocks.

Conditions to be met prior to registration of the plan

31. That prior to the registration of the plan, or any part thereof, the approval of the City must be obtained with respect to the availability of adequate water supply and sewage treatment capacity and capacity within the Downey Road sanitary sewer.
32. The Developer agrees that, in the event that development of the property is to be phased, a phasing plan must be submitted prior to final approval and registration of the first phase. The phasing plan shall indicate the sequence of development, the land areas in hectares, the number of lots and blocks in each phase, the proposed use of each block, the specific lots to be developed, site access to each phase, grading and the construction of public services, all to the satisfaction of the City of Guelph.
33. That the Developer acknowledges that the suitability of the land for the proposed uses is the responsibility of the landowner. The owner of any lands to be conveyed to the City of Guelph shall retain a properly qualified consultant to prepare a Phase 1 Environmental Site Assessment (and any other subsequent phases required), to assess any real property to be conveyed to the City to ensure that such property is free of contamination. If contamination is found, the consultant will determine its nature and the requirements for its removal and disposal at the landowner's expense. Prior to the registration of the plan, the consultant shall certify that all properties to be conveyed to the City are free of contamination.
34. That prior to final approval of the plan, the Developer enters into a Subdivision Agreement, to be registered on title, satisfactory to the City Solicitor, which includes all requirements, financial and otherwise to the satisfaction of the City of Guelph.
35. That the following warning clause shall be included in the subdivision agreement which will be registered on title with the proviso that the portion of the subdivision agreement containing the warning clause shall not be released or removed from title as long as the realigned Laird Road provides access to the Hanlon Expressway (Highway 6) for the aggregate resources in the mineral aggregate resource area located to the west of the Hanlon Creek Business Park in the Township of Puslinch: "When completed, realigned Laird Road (Road D) will be used as a Permissive Truck Route which includes the haulage of mineral aggregate from licensed pit operations located in the Township of

Puslinch to Highway 6 (Hanlon Expressway). In addition, a mineral aggregate resource area is identified in the County of Wellington Official Plan to the west of the Hanlon Creek Business Park located in the Township of Puslinch.”

Conditions to be met prior to registration of the plan

36. That the Traffic By-law of the City of Guelph be amended to include the realigned Laird Road (Road D) from Downey Road to the Highway 6 (Hanlon Expressway) as a Permissive Truck Route.
37. That the Developer deeds to the City all lands or provides an easement over any lands required for Storm Water Management facilities.
38. That all easements, blocks, reserves and rights-of-way required within or adjacent to the proposed subdivision be granted free and clear of encumbrance to the satisfaction of the City of Guelph, Alectra and other Guelph utilities.
39. That the Developer shall pay any outstanding debts owed to the City, prior to the registration of the proposed plan of subdivision.
40. That the Developer shall pay Development Charges to the City in accordance with By-law Number (2014) - 19692, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and The Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereto.
41. That street lighting shall be provided throughout the subdivision at the Developer's expense and in accordance with the policies of the City of Guelph and Alectra.
42. That all telephone service and Cable TV service in the plan be underground and the developer shall enter into a servicing agreement with Bell Canada or another authorized and licenced service provider providing for the installation of underground telephone service, prior to the registration of the plan.
43. That the road allowances included in the draft plan be shown and dedicated as public highway's and that prior to the registration of any phase of the subdivision, the City shall receive a letter from the O.L.S. preparing the plan that certifies that the layout of the roads in the plan conforms to the City's "Geometric Design Criteria-July 23, 1993", with the exception of the road widths which shall comply with the widths shown on the approved draft plan of subdivision.
44. That the Developer shall erect signs at the entrances to the subdivision showing the proposed land uses and zoning of all lots and blocks within the proposed subdivision and predominantly place on such signs the wording "For the zoning of all lands abutting the subdivision, inquiries should be directed to Planning Services, City Hall".
45. Prior to the registration of the subdivision plan or any part thereof, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future businesses within the plan, with such payment based on a cost of one handbook per business unit, as determined by the City.
46. The Developer agrees to meet all the requirements of Alectra, including the relocation of existing hydro services and the installation of new hydro services and shall enter into any agreements required by Alectra in order to fully service the said lands with hydro facilities to the satisfaction of Alectra, prior to the registration of the plan.
47. The Developer shall meet all Canada Post requirements to the satisfaction of Canada Post.
48. That all non-developable lands ultimately rezoned to the P.1 Zone and the WL Zone shall be dedicated to the City free of any encumbrance and in a form that is satisfactory to the City Solicitor.
49. That the small triangle of land on the west side of Downey Road at the southwest corner of the intersection of Laird Rd. and Downey Rd. that is currently outside of the

subdivision plan be dedicated as a road widening, prior to the registration of any phase that includes the intersection of Road D with Downey Road, in order to secure the complete road allowance for the realigned right-of way for Laird Road.

Conditions to be met prior to granting of site plan approval

50. The Developer shall submit to the City for approval, noise and vibration assessment reports for development on the northerly Blocks 2,3,9,10 and the portion of Block 11 north of Road A, and on the southerly half of Blocks 20, Block 31,32,36 and 37, and the southerly half of Block 38 in order to confirm that the proposed use, activity and development, in hand with the proposed zoning restrictions and regulations, meets the Ministry of Environment noise and separation distance guidelines, prior to the granting of site plan approval by the City. At minimum, all proposed development shall be subject to the Ministry of Environment noise/vibration guidelines, standards and requirements in force at the time of execution of this agreement.
51. The Developer shall submit to the City, for approval, a water-balance analysis that demonstrates that target infiltration rates set out in the EIR for the property covered by the site plan approval will be met. Approval of the analysis is required prior to the granting of site plan approval by the City.

Conditions to be met prior to issuance of a building permit

52. The Developer shall demarcate and fence (living and/or chain link), the boundaries of all lands conveyed to the City in accordance with the policies of the City to the satisfaction of the Deputy CAO of Public Services.
53. That all existing roads to be closed and/or used for emergency access be constructed to a standard acceptable to the City Engineer at the expense of the Developer.
54. The Developer shall submit a report prepared by a Professional Engineer to the satisfaction of the Chief Building Official certifying all fill placed below proposed building locations. All fill placed within the allowable zoning by-law envelope for building construction shall be certified to a maximum distance of 30 metres from the street line. This report shall include the following information: lot number, depth of fill, top elevation of fill and the area approved for building construction from the street line.
55. The Developer shall submit a report prepared by a Professional Engineer to the satisfaction of the Chief Building Official providing an opinion on the presence of soil gases (radon and methane) in the plan of subdivision in accordance with applicable provisions contained in the Ontario Building Code.
56. That the subdivision agreement between the Owners and the City contain provisions that Laird Road shall remain as an open and travelled road in its present location and alignment until both new Street D and the MTO grade-separated interchange is constructed and operating in order to directly accommodate the aggregate haul routes to the Hanlon Expressway. Further, the final engineering and design of Road D shall emphasize a thoroughfare route and efficiency of travel and Staff shall encourage businesses to locate driveways on to local streets rather than directly on to Street D, to accommodate the aggregate contractors operating haul routes along Laird Road to and from the Hanlon Expressway. The City shall, require 0.3 metre (1 foot) reserves along Road D in certain locations to control the location of driveway entrances located on Road D. Further, access points to Street D (realigned Laird) from Blocks 34 and 35 shall be required to align with the roads C, E, F, and I, wherever possible.
57. That the subdivision agreement between the Owners and the City contain provisions requiring the Developer to build the realigned Laird Road initially as a three-lane roadway with a centre turn lane to provide refuge for left turning vehicles without impeding through traffic.

58. That the subdivision agreement between the Owners and the City contain provisions that the Developer shall notify future landowners and tenants that trucks entering/leaving their properties shall use only the Hanlon Expressway and/or Downey Road south of Road A.

Agency Conditions

59. Prior to registration, the City of Guelph shall submit to the Ministry of Transportation for their approval, a final Traffic Impact Study (TIS) indicating the anticipated traffic volumes generated by the subdivision development and their impact upon the intersection of Highway 6 and Laird Road.
60. Prior to registration, the City of Guelph shall enter into a legal agreement with the ministry regarding responsibilities for the highway improvements identified in the TIS, including intersection improvements and a future interchange at Laird Road.
61. Prior to registration, the City of Guelph shall submit to the Ministry of Transportation for their review and approval, a copy of a Stormwater Management Report/Plan indicating the intended treatment of the calculated stormwater runoff for the entire plan of subdivision.
62. Prior to registration, the City of Guelph shall submit to the Ministry of Transportation for their review and approval a copy of the final plan identifying the road and lot layouts for the proposed subdivision.
63. No development will be permitted until the interim improvements covered in the legal agreement have been constructed.
64. Prior to permit approval for Blocks 10, 11, 12, 16, 17 and 19, arrangements shall be made to the satisfaction of the ministry for the installation of a security fence (chain link six feet high, or equivalent) along the Highway 6 boundary of the plan, should a noise barrier not be required.
65. Prior to permit approval, each Developer shall submit to the Ministry of Transportation for their review and approval, a copy of a Stormwater Management Report/Plan indicating how the intended treatment of the calculated stormwater runoff from their site complies with the overall stormwater plan for the subdivision.
66. Prior to permit approval, each developer shall submit to the Ministry of Transportation for their review and approval, Site Plans, Grading Plans and Site Servicing Plans.
67. Prior to permit approval on Blocks 10, 11, 12, 16, 17 and 19, each Developer of lands adjacent to Highway 6 shall submit to the Ministry of Transportation for their review and approval an illumination plan, prepared by a qualified consultant, indicating the intended treatment of the site lighting glare.
68. Prior to any grading or construction on the site and prior to the registration of the plan, the Developer or 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 MOE Planning and Design Manual, 2003.
 - b. A final Hydrogeological Assessment Report to show how infiltration will be maintained throughout all phases of the development.
 - c. An erosion and siltation control plan in accordance with the Grand River Conservation Authority 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. Detailed lot grading and drainage plans.
69. Prior to any grading or construction on the site, that appropriate Fill Construction Alteration to Waterways permits be obtained.

70. That the subdivision agreement between the Owners and the municipality contain provisions for the completion and maintenance of the works in accordance with the approved plans and reports.
71. That prior to the registration of all or any portion of the plan, Alectra shall advise the City in writing how their condition has been satisfied.
72. That prior to the registration of all or any portion of the plan, the MTO shall advise the City in writing how their conditions have been satisfied.
73. That prior to the registration of all or any portion of the plan, the GRCA shall advise the City in writing how their conditions have been satisfied.
74. That prior to the registration of all or any portion of the plan, Canada Post shall advise the City in writing how their condition has been satisfied.
75. That prior to the registration of all or any portion of the plan, Bell Canada shall advise the City in writing how their condition has been satisfied.

Note: Draft Plan Approval shall lapse on November 8, 2029.